

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 106

5 By: Senator B. Sample  
6 By: Representative Warren  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ELIGIBILITY TO  
10 RECEIVE INCREASED BENEFITS, THE HEALTHCARE OFFSET,  
11 AND DEFERRED OPTION ACCOUNTS UNDER THE ARKANSAS STATE  
12 HIGHWAY EMPLOYEES' RETIREMENT SYSTEM; TO DECLARE AN  
13 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

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17 TO AMEND THE LAW CONCERNING ELIGIBILITY  
18 TO RECEIVE INCREASED BENEFITS, THE  
19 HEALTHCARE OFFSET, AND DEFERRED OPTION  
20 ACCOUNTS UNDER THE ARKANSAS STATE HIGHWAY  
21 EMPLOYEES' RETIREMENT SYSTEM; AND TO  
22 DECLARE AN EMERGENCY.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 24-5-125(a), concerning eligibility  
28 requirements for receiving an increase in benefits, is amended to add an  
29 additional subdivision to read as follows:

30 (3)(A) A member beginning participation in the Arkansas State  
31 Highway Employees' Deferred Retirement Option Plan after June 30, 2021, shall  
32 be ineligible to receive the amount described in subdivision (a)(1) of this  
33 section added to his or her annuity to offset the cost of health insurance  
34 and health care.

35 (B) A member participating in the Arkansas State Highway  
36 Employees' Deferred Retirement Option Plan shall be eligible to receive the



1 amount described in subdivision (a)(1) of this section added to his or her  
 2 annuity to offset the cost of health insurance and health care if:

3 (i) The member ceases participation in Arkansas  
 4 State Highway Employees' Deferred Retirement Option Plan;

5 (ii) The member terminates his or her employment  
 6 with the Arkansas Department of Transportation; and

7 (iii) Annuity benefit payments to the member begin.

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 9 SECTION 2. Arkansas Code § 24-5-202(a), concerning required provisions  
 10 of the Arkansas State Highway Employees' Deferred Retirement Option Plan, is  
 11 amended to add an additional subdivision to read as follows:

12 (7)(A) The service retirement benefit for a member beginning  
 13 participation in the Arkansas State Highway Employees' Deferred Retirement  
 14 Option Plan after June 30, 2021, shall not include an amount added to the  
 15 member's annuity to offset the cost of health insurance and health care as  
 16 provided in § 24-5-125(a)(1).

17 (B) A member beginning participation in the Arkansas State  
 18 Highway Employees' Deferred Retirement Option Plan after June 30, 2021, shall  
 19 be eligible to receive an amount added to his or her annuity to offset the  
 20 cost of health insurance and health care as provided in § 24-5-125(a)(1) if:

21 (i) The member ceases participation in Arkansas  
 22 State Highway Employees' Deferred Retirement Option Plan;

23 (ii) The member terminates his or her employment  
 24 with the Arkansas Department of Transportation; and

25 (iii) Annuity benefit payments to the member begin.

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 27 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
 28 General Assembly of the State of Arkansas that certain provisions of the law  
 29 applicable to the Arkansas State Highway Employees' Retirement System are in  
 30 urgent need of revision to bring the operations of the system into  
 31 conformance with sound public pension policy; that amendments to the law in  
 32 this act are of great importance to the citizens of this state; that a July  
 33 1, 2021 effective date is necessary to allow the provisions within this act  
 34 to begin on the first day of the fiscal year to provide for the proper  
 35 administration of the procedures referenced in this act; and that this act is  
 36 necessary to maintain an orderly system of benefits for the members of the

1 system. Therefore, an emergency is declared to exist, and this act being  
2 necessary for the preservation of the public peace, health, and safety shall  
3 become effective on July 1, 2021.

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6 **APPROVED: 2/24/21**  
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