

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1488

4
5 By: Representative Broadway
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For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE § 24-5-113 PERTAINING
10 TO THE DISABILITY RETIREMENT UNDER THE HIGHWAY
11 EMPLOYEES' RETIREMENT SYSTEM BY REMOVING CERTAIN
12 PROVISIONS ADDED BY ACT 1053 OF 1997; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

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16 "TO AMEND PROVISIONS PERTAINING TO
17 DISABILITY RETIREMENT UNDER THE HIGHWAY
18 EMPLOYEES' RETIREMENT SYSTEM BY REMOVING
19 CERTAIN PROVISIONS ADDED BY ACT 1053 OF
20 1997."

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code § 24-5-113 is amended to read as follows:

26 "24-5-113. Eligibility for benefits - Disability retirement. ~~[Effective~~
27 ~~July 1, 1998.]~~

28 (a) A member shall be eligible for disability retirement benefits after
29 five (5) or more years of creditable service in the Arkansas State Highway and
30 Transportation Department, but no member shall be eligible to receive benefits
31 for a disability incurred prior to his becoming a member of the Arkansas State
32 Highway Employees' Retirement System.

33 (b) No member may be retired on account of disability until conclusive
34 evidence, based on a proper medical examination, has been submitted to the
35 Board of Trustees of the Arkansas State Highway Employees' Retirement System
36 that the member is disabled to the extent that he can no longer perform his

1 assigned duties.

2 (c) A member who is retired because of disability shall be required to
3 undergo periodic medical examinations at the discretion of the board.

4 (d) If and when a medical examination shows that the disability has
5 been removed, disability retirement benefits shall cease.

6 (e) A disability allowance shall not be granted unless there is
7 conclusive evidence that the disability will be permanent or of long duration.

8 ~~(f)(1) If a disability retirant secures employment with an employer not
9 considered a public employer, as defined by § 24-2-401, for the purpose of
10 determining whether he or she is capable of returning to employment, then the
11 disability retirant shall be allowed to earn compensation from the employment
12 for a period of time not to exceed nine (9) months, during which period of
13 time the retirant shall receive no monthly benefits from the system.~~

14 ~~(2) If the retirant becomes unable to continue his or her
15 employment before the nine-month period expires, then his or her disability
16 retirement benefits from the system shall be reinstated and be effective the
17 first day of the month after terminating employment.~~

18 ~~(3) Only one (1) trial work period is allowed any disability
19 retirant, but the nine (9) months need not be consecutive.~~

20 ~~(4) The trial work period does not prevent the consideration of
21 any medical evidence which may demonstrate recovery before the ninth month of
22 trial work.~~

23 ~~(5)(A) If, at the end of the nine-month trial work period, the
24 retirant wishes to continue their employment outside the system, then the
25 disability retirement status shall terminate.~~

26 ~~(B) For the purpose of determining eligibility for any
27 other benefit, they shall be considered to have terminated active membership
28 as of the time of disability retirement but for a reason other than disability
29 or death.~~

30 ~~(6)(A) If the former disability retirant again becomes an
31 employee of a public employer as defined by § 24-2-401, he or she shall
32 immediately again become a member of the system, and their credited service at
33 the time of disability retirement shall be restored.~~

34 ~~(B) The amount of the accumulated contributions at the time
35 of his or her disability retirement shall be restored to the member's deposit
36 account but in no event shall he or she be given service credit for the period~~

1 ~~they were in receipt of their disability annuity.~~

2 ~~(g)(1) As used in this section, "suitable job or position" means a job~~
 3 ~~or position the requirements of which can be physically or mentally performed,~~
 4 ~~as determined by a physician, and for which the remuneration would be~~
 5 ~~substantially gainful, as defined by the Social Security Administration as the~~
 6 ~~maximum amount that a person under sixty-five (65) may earn.~~

7 ~~(h)(1) At least once each year, the board may require any disability~~
 8 ~~retirant to submit a form attesting to their current work status.~~

9 ~~(2) If such a retirant refuses to submit the form, his disability~~
 10 ~~annuity may be suspended by the board until the form is properly submitted to~~
 11 ~~the board.~~

12 ~~(3) If their refusal continues for one (1) year, all his rights~~
 13 ~~in and to a disability annuity may be revoked by the board."~~

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 15 SECTION 2. No benefit enhancement provided for by this act shall be
 16 implemented if it would cause the publicly supported retirement system's
 17 unfunded actuarial accrued liabilities to exceed a thirty (30) year
 18 amortization. No benefit enhancement provided for by this act shall be
 19 implemented by any publicly supported system which has unfunded actuarial
 20 accrued liabilities being amortized over a period exceeding thirty (30) years
 21 until the unfunded actuarial accrued liability is reduced to a level less than
 22 the standards prescribed by Arkansas Code, Title 24.

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 24 SECTION 3. All provisions of this act of a general and permanent nature
 25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 26 Revision Commission shall incorporate the same in the Code.

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 28 SECTION 4. If any provision of this act or the application thereof to
 29 any person or circumstance is held invalid, such invalidity shall not affect
 30 other provisions or applications of the act which can be given effect without
 31 the invalid provision or application, and to this end the provisions of this
 32 act are declared to be severable.

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 34 SECTION 5. All laws and parts of laws in conflict with this act are
 35 hereby repealed.

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