

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

HOUSE BILL 1136

5 By: Representative Ormond
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 24-5-113 TO APPLY THE
10 PROVISIONS OF PRIOR LAW RETROACTIVELY TO DISABLED
11 RETIRANTS UNDER THE STATE HIGHWAY EMPLOYEES'
12 RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15 TO ALLOW THE PROVISIONS OF PRIOR LAW TO
16 APPLY RETROACTIVELY TO DISABLED
17 RETIRANTS UNDER THE HIGHWAY EMPLOYEES'
18 RETIREMENT SYSTEM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 24-5-113(f), concerning the disability
25 retirement provisions for the State Highway Employees' Retirement System, is
26 amended to read as follows:

27 (f)(1) ~~If~~ Beginning July 1, 1998 for members who become disabled on and
28 after that date, if a disability retiree secures employment with an employer
29 not considered a public employer, as defined by § 24-2-401, for the purpose of
30 determining whether he or she is capable of returning to employment, then the
31 disability retiree shall be allowed to earn compensation from the employment
32 for a period of time not to exceed nine (9) months, during which period of
33 time the retiree shall receive no monthly benefits from the system.

34 (2) If the retiree becomes unable to continue his or her
35 employment before the nine-month period expires, then his or her disability
36 retirement benefits from the system shall be reinstated and be effective the

1 first day of the month after terminating employment.

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

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

7 (5)(A) If, at the end of the nine-month trial work period, the
8 retiree wishes to continue his or her employment outside the system, then the
9 disability retirement status shall terminate.

10 (B) For the purpose of determining eligibility for any
11 other benefit, the retiree shall be considered to have terminated active
12 membership as of the time of disability retirement but for a reason other than
13 disability or death.

14 (6)(A) If the former disability retiree again becomes an
15 employee of a public employer as defined by § 24-2-401, he or she shall
16 immediately again become a member of the system, and his or her credited
17 service at the time of disability retirement shall be restored.

18 (B) The amount of the accumulated contributions at the time
19 of his or her disability retirement shall be restored to the member's deposit
20 account, but in no event shall he or she be given service credit for the
21 period he or she was in receipt of his or her disability annuity.

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23 SECTION 2. Arkansas Code 24-5-113 is amended to add a new subsection to
24 read as follows:

25 (i)(1) Subsections (f) - (h) of this section shall apply only to
26 members who become disabled beginning July 1, 1998 and after.

27 (2) Retirees disabled prior to July 1, 1998 shall be governed by
28 the provisions of law and regulations in effect before that date.

29

30 SECTION 3. This act shall apply retroactively to allow the law prior to
31 Act 1053 of 1997 to apply to the retirees who were disabled prior to July 1,
32 1998 so certain individuals who were determined disabled prior to July 1, 1998
33 under the prior law can have the benefit provisions of prior law applied to
34 them and to have disability benefits restored to them upon this act becoming
35 effective.

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1 SECTION 4. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO
 2 CODIFY THIS SECTION.] No benefit enhancement provided for by this act shall
 3 be implemented if it would cause the publicly supported retirement system's
 4 unfunded actuarial accrued liabilities to exceed a thirty (30) year
 5 amortization. No benefit enhancement provided for by this act shall be
 6 implemented by any publicly supported system which has unfunded actuarial
 7 accrued liabilities being amortized over a period exceeding thirty (30) years
 8 until the unfunded actuarial accrued liability is reduced to a level less than
 9 the standards prescribed by Arkansas Code, Title 24.

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 11 SECTION 5. Emergency Clause. It is found and determined by the
 12 Eighty-third General Assembly of the State of Arkansas that certain disabled
 13 individuals under the Highway Employees' Retirement System were subjected to
 14 new requirements for disabilities by Act 1053 of 1997; that this has worked a
 15 financial hardship and an inequity on individuals who are the least able to
 16 absorb the loss of their disability benefits; and that certain individuals who
 17 lost benefits under the State Highway Employees' Retirement System should have
 18 those benefits restored as soon as possible and to have this act applied
 19 retroactively to grandfather in those individuals under the law in effect
 20 prior to Act 1053 of 1997. Therefore an emergency is declared to exist and
 21 this act being immediately necessary for the preservation of the public peace,
 22 health and safety shall become effective on the date of its approval by the
 23 Governor. If the bill is neither approved nor vetoed by the Governor, it
 24 shall become effective on the expiration of the period of time during which
 25 the Governor may veto the bill. If the bill is vetoed by the Governor and the
 26 veto is overridden, it shall become effective on the date the last house
 27 overrides the veto.