

"AN ACT TO AMEND SECTION 4 OF ACT 427 OF 1973, AS AMENDED [ARK. STAT. 80-1439] TO REQUIRE THAT TEACHER AIDES BECOME COMPULSORY MEMBERS OF THE TEACHER RETIREMENT SYSTEM; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection 4.01 of Section 4 of Act 427 of 1973, as amended, the same being Arkansas Statutes 80-1439 (4.01) is hereby amended to read as follows:

"4.01. The membership of the System shall include the following persons:

(a) All teachers who last began teaching service before July 1, 1971, in accordance with provisions in force before July 1, 1971; and

(b) All teachers who last began teaching service on or after July 1, 1971, and whose teaching service is not covered by another retirement plan similar in purpose to this System, except social security; except

(c) Effective July 1, 1987, any part-time teacher or foreign exchange teacher, as defined by the Board from time to time may exclude himself from membership by filing with the employer a written exclusion on a form furnished by the Board. The employer shall certify annually those employees who chose to exclude themselves from membership in the System during that year.

(d) Effective July 1, 1984, a person who has excluded himself from membership as provided in paragraph (c) may rescind such exclusion by filing with the employer a written rescission on a form furnished by the Board. Such rescission shall be effective July 1 of the fiscal year in which it is exercised. At the direction of such person, such membership may be prospective only, or both prospective and retroactive. For such membership to be retroactive, the member must pay to the System both the member contributions and the employer contributions which would have been paid to the System had there been no exclusion, plus regular interest from the dates the contributions would normally have been received by the System to the date of such actual payment.

(e) In no event shall a teacher become a member if continuous employment to the end of the fiscal school year in which the teacher attains age seventy-two (72) years will leave the teacher with less than the minimum number of years of credited service specified in subsection 9.02. (Act 549 of 1975)

(f) In any case of question as to the System membership status of any person, the Board shall have final power to decide the question. (Act 549 of 1975)

(g) Membership in the System shall be a condition of employment in accordance with (a) through (e) of this section and shall not be subject to election by individual teachers except as provided in subparagraph (c) above. (Act 541 of 1977)"

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: 3/19/87

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