Stricken language would be deleted from and underlined language would be added to present law. Act 493 of the Regular Session

1	State of Arkansas	As Engrossed: H2/4/13 $ m A~Bill$	
2	89th General Assembly	A Bill	
3	Regular Session, 2013		HOUSE BILL 1136
4			
5	By: Representative Lenderman	n	
6			
7	For An Act To Be Entitled		
8	AN ACT TO CLARIFY DISABILITY RETIREMENT REQUIREMENTS		
9	AND ELIGIBILITY FOR ADMINISTRATION IN THE ARKANSAS		
10	TEACHER RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY;		
11	AND FOR OT	HER PURPOSES.	
12			
13			
14	Subtitle		
15		LARIFY DISABILITY RETIREMENT	
16	·	REMENTS AND ELIGIBILITY FOR	
17		VISTRATION IN THE ARKANSAS TEACHE	R
18		REMENT SYSTEM AND TO DECLARE AN	
19	EMERG	GENCY.	
20			
21			
22	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF A	ARKANSAS:
23	anama ay 1		
24		nsas Code § 24-7-704(a), concerni	ing disability
25	retirement, is amended		() (1) (D)
26 27	•	t as provided under subdivision	
27		member in employer service with f	•
28	-	al service who becomes totally ar	-
29	physically or mentally incapacitated for his or her job duties as the result		
30	of a personal injury or disease may be retired by the Board of Trustees of		
31	the Arkansas Teacher Retirement System upon a determination of disability		
32 33	consistent with this section and approval of a written application filed with the Arkansas Teacher Retirement System.		
33 34	(B)	An active member who is eligible	for retirement under
35	` ,	ible for disability retirement.	tor recriement under
36	_	i) An active member who has met	the eligibility

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2 termination of covered employment requirements under § 24-7-502 to be 3 eligible for disability retirement benefits. 4 (ii) For eligibility under this section, a member is 5 considered active for an additional fiscal year following the last fiscal 6 year that the member renders actual service to a covered employer and obtains 7 at least one-fourth (1/4) year of service credit. 8 (iii) Service credit used in calculating any 9 benefits paid under this section means days of service, including paid sick 10 leave covered by the employer. 11 (C)(D) The member is qualified to receive disability retirement benefits if by majority opinion the medical committee reports to 12 the board in writing that its review of the member's application and 13 14 accompanying documentation finds: 15 The member is physically or mentally 16 incapacitated; 17 The member exhibits symptoms of physical or (ii) 18 mental incapacitation while the member is employed by a system employer as an 19 active member; 20 The member is unable to perform his or her (iii) 21 current work duties; 22 The incapacity will most likely be permanent; (iv) 23 and 24 (v) The member should be retired. 25 (2) The disability retirement shall be is effective the calendar month following the member's termination of active membership from the date 26 27 the written application is filed with the system and the member is no longer employed by an employer. 28 29 (3) To receive disability retirement, a member shall not: 30 (A) Be employed by a system-covered employer; or (B) Be indirectly employed by or through an independent 31 32 contractor, limited liability company, partnership, corporation, or legal 33 entity that is employed by a system-covered employer if the member has substantial control of the employer-employee relationship, including without 34 limitation the ability to negotiate rates of pay with the system-covered 35 36 employer or assign work and work hours to the member.

requirement of subdivision (a)(1)(A) of this section shall meet the

As Engrossed: H2/4/13 HB1136

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2	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the		
3	General Assembly of the State of Arkansas that provisions of the Arkansas		
4	Teacher Retirement System Act addressing the administration of disability		
5	retirement are in need of revision to maintain the teacher retirement laws in		
6	conformance with sound public pension policy and proper administration; that		
7	the Arkansas Teacher Retirement System operates on a July 1 to June 30 fiscal		
8	year; and that this act is necessary to allow the provisions impacting		
9	disability retirement to begin on the first day of the fiscal year.		
10	Therefore, an emergency is declared to exist, and this act being necessary		
11	for the preservation of the public peace, health, and safety shall become		
12	effective on July 1, 2013.		
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14	/s/Lenderman		
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17	APPROVED: 03/22/2013		
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