

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: S2/3/11*  
**A Bill**

SENATE BILL 85

5 By: Senator J. Key  
6

7 **For An Act To Be Entitled**

8 AN ACT TO CLARIFY THAT THE ONSET OF A DISABILITY MUST  
9 OCCUR WHILE EMPLOYED AS AN ACTIVE MEMBER IN ORDER TO  
10 QUALIFY FOR DISABILITY RETIREMENT UNDER THE ARKANSAS  
11 TEACHER RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY;  
12 AND FOR OTHER PURPOSES.  
13  
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15 **Subtitle**

16 TO CLARIFY THAT THE ONSET OF A DISABILITY  
17 MUST OCCUR WHILE EMPLOYED AS AN ACTIVE  
18 MEMBER IN ORDER TO QUALIFY FOR DISABILITY  
19 RETIREMENT UNDER THE ARKANSAS TEACHER  
20 RETIREMENT SYSTEM; TO DECLARE AN  
21 EMERGENCY.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 24-7-704(a)(1)(C), concerning disability  
27 retirement requirements and findings by the medical committee under the  
28 Arkansas Teacher Retirement System, is amended to read as follows:

29 (C) The member ~~may be retired~~ is qualified to receive  
30 disability retirement benefits if ~~a review of the member's application and~~  
31 ~~accompanying documentation is conducted by the medical committee and by~~  
32 majority opinion the medical committee reports to the board ~~by majority~~  
33 ~~opinion~~ in writing that its review of the member's application and  
34 accompanying documentation finds:

35 (i) The member is physically or mentally  
36 incapacitated;



1                                   (ii) The member exhibits symptoms of physical or  
2 mental incapacitation while the member is employed by a system employer as an  
3 active member;

4                                   (iii) The member is unable to perform his or her  
5 current work duties;

6                                   ~~(iii)~~(iv) The incapacity will most likely be  
7 permanent; and

8                                   ~~(iv)~~(v) The member should be retired.

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10           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
11 General Assembly of the State of Arkansas that certain provisions of the  
12 Arkansas Teacher Retirement System statutes are badly in need of revision and  
13 updating to bring them into conformance with sound public pension policy;  
14 that this revision and updating is of great importance to members of the  
15 Arkansas Teacher Retirement System and to other citizens of the State of  
16 Arkansas; that the Arkansas Teacher Retirement System operates on a July 1 to  
17 June 30 fiscal year so most changes to the Arkansas Teacher Retirement System  
18 plan work best if the changes are made at the beginning of a fiscal year; and  
19 that this act is necessary to maintain an orderly system of benefits for the  
20 members of the Arkansas Teacher Retirement System. Therefore, an emergency  
21 is declared to exist and this act being necessary for the preservation of the  
22 public peace, health, and safety shall become effective on July 1, 2011.

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24                                   /s/J. Key  
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