

As Engrossed: 1/29/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representatives Hunton and Maddox**

A BILL ACT 388 OF 1991
HOUSE BILL 1277

For An Act To Be Entitled

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8 "AN ACT TO AMEND TITLE 24, CHAPTER 7, SUBCHAPTER 6 OF THE
9 ARKANSAS CODE OF 1987, TO PERMIT THE PURCHASE OF CREDIT IN
10 THE ARKANSAS TEACHERS RETIREMENT SYSTEM FOR SERVICE IN
11 CERTAIN PRIVATE SCHOOLS OR AGENCIES; AND FOR OTHER
12 PURPOSES."

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

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16 SECTION 1. Title 24, Chapter 7, Subchapter 6 of the Arkansas Code of
17 1987 is hereby amended by adding a new section to read as follows:

18 "24-7-607. Private school service.

19 (a) As used in this section, 'private school service' means service
20 rendered in any private school or agency which is recognized by the State
21 Department of Education for the issuance of teaching certificates.

22 (b) From and after January 1, 1990, an active member may contract with
23 the board for private school service to be credited as service hereunder in
24 accordance with the following conditions:

25 (1) The private school service credit to be granted shall be
26 limited to service for which no benefit could be paid by another system
27 similar in purpose to this system, except social security, if the member left
28 on deposit his contributions to the other system and shall be limited to three
29 (3) years;

30 (2) The member shall pay to the system for each year of service
31 credit being granted nineteen and one-half percent (19.5%) of the annual
32 salary received by him for his first full year of state teaching service,
33 together with regular annual interest from the end of that year of state
34 teaching service to the date of payment. If the payment is not made in a
35 single sum at the time the contract is made, regular interest shall be added
36 from the date of the contract to the date of payment. The payment shall be

1 credited to the member's account in the member's deposit account and shall be
2 in addition to regular member contributions thereto;

3 (3) The private school service shall not become credited service
4 under this system until:

5 (A) The member payments specified in subdivision (b) (2)
6 have been paid in full; and

7 (B) The member has established ten (10) or more years of
8 credited service exclusive of private school service. Should a member cease
9 to be an active member before the private school service has been established
10 as system credited service, the member payments contributed as specified in
11 subdivision (b) (2) shall be refundable, together with regular interest
12 thereon;

13 (4) The benefit program to be applied to each year of service
14 credit being granted shall be the benefit program in effect at the time of
15 retirement;

16 (5) Such other rules and regulations consistent herewith as the
17 board may from time to time adopt.

18 (c) An active member who had both public and private school service in
19 one (1) school year may contract with the board for one (1) year of service to
20 be credited as service under this subchapter in the same manner as provided
21 for private school service under subsection (c) of this section, if the
22 service meets the following additional requirements:

23 (1) The combination of public and private school service rendered
24 in the fiscal school year was not fewer than one hundred twenty (120) days;
25 and

26 (2) The person had not less than thirty (30) days of private
27 school teaching service in the school year and not less than thirty (30) days
28 public teaching service in the fiscal school year."

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30 SECTION 2. All provisions of this act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 3. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 5. EMERGENCY. It is hereby found and determined by the General
9 Assembly of the State of Arkansas that a shortage exists for public school
10 teachers in this state; that this act is necessary to encourage certified
11 teachers who may have left the public school system to teach in certain
12 private schools to return to public school teaching; that it is in the best
13 interest and welfare of the people of the State of Arkansas that this act
14 become effective immediately upon passage. Therefore, an emergency is hereby
15 declared to exist and this act being necessary for the preservation of the
16 public peace, health and safety shall be in full force and effect from and
17 after its passage and approval.

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/s/J. Hunton and O. Maddox

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APPROVED: 3-7-91

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