

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.  
Act 487 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 140

4  
5 By: Senator J. Jeffress  
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## For An Act To Be Entitled

8  
9 AN ACT CONCERNING DISABILITY RETIREMENT UNDER THE  
10 ARKANSAS TEACHER RETIREMENT SYSTEM; AND FOR OTHER  
11 PURPOSES.  
12

## Subtitle

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14 AN ACT CONCERNING DISABILITY RETIREMENT  
15 UNDER THE ARKANSAS TEACHER RETIREMENT  
16 SYSTEM.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 24-7-704 is amended to read as follows:

22 24-7-704. Disability retirement.

23 (a)(1)(A) Except as provided under subdivision (a)(1)(B) of this  
24 section, any member in employer service with five (5) or more years of actual  
25 and reciprocal service who becomes totally and permanently physically or  
26 mentally incapacitated for his or her ~~duty~~ job duties as the result of a  
27 personal injury or disease may be retired by the Board of Trustees of the  
28 Arkansas Teacher Retirement System upon written application filed with the  
29 board by or on behalf of the member.

30 (B)(i) An active member who has met the ~~age and service~~  
31 eligibility requirement of subdivision (a)(1)(A) of this section shall  
32 terminate covered employment to be eligible for disability retirement  
33 benefits.

34 (ii) If a member returns to work in a position  
35 covered by the Arkansas Teacher Retirement System within thirty (30) days of



1 the person's effective date of disability retirement, then the member shall  
 2 not be considered terminated from employment for retirement purposes and  
 3 shall forfeit disability retirement benefits until the termination  
 4 requirements are met.

5 (C) The member may be retired only if after a medical  
 6 examination of the member made by or under the direction of the medical  
 7 committee the medical committee reports to the board by majority opinion in  
 8 writing that:

9 (i) ~~the~~ The member is physically or mentally  
 10 incapacitated;

11 (ii) ~~totally incapacitated~~ The member is unable to  
 12 ~~for the further performance of duty~~ perform his or her current work duties;

13 (iii) ~~that the~~ The incapacity will ~~probably~~ most  
 14 likely be permanent; and

15 (iv) ~~that the~~ The member should be retired.

16 (2) The disability retirement shall be effective the first day of  
 17 the calendar month next following the later of:

18 (A) The member's termination of active membership; or

19 (B) Six (6) months before the date the written application  
 20 is filed with the board.

21 (b) Upon disability retirement as provided in subsection (a) of this  
 22 section, a member shall receive an annuity provided for in § 24-7-705 and  
 23 shall have the right to elect an option provided for in § 24-7-706. His or  
 24 her disability retirement shall be subject to the provisions of subsections  
 25 (c) and (d) of this section and to the provisions of § 24-7-708.

26 (c)(1) At least one (1) time each year during the first five (5) years  
 27 following a member's retirement on account of disability, and at least one  
 28 (1) time in each three-year period thereafter, the board may require any  
 29 disability retirant who has not attained sixty (60) years of age to undergo a  
 30 medical examination to be made by or under the direction of the medical  
 31 committee.

32 (2) If the retirant refuses to submit to the medical examination  
 33 in any period, his or her disability annuity may be suspended by the board  
 34 until his or her withdrawal of his or her refusal.

35 (3) If his or her refusal continues for one (1) year, all his or  
 36 her rights in and to a disability annuity may be revoked by the board.

1 (4) If upon the medical examination of the retirant the medical  
 2 committee reports to the board that the retirant is physically and mentally  
 3 able and capable of resuming his or her duty in the position held by him or  
 4 her at the time of disability retirement, then his or her disability  
 5 retirement shall terminate.

6 (5)(A) ~~Upon~~ If a disability retirant's retirant return returns to  
 7 full-time service as defined by rules ~~and regulations~~ determined by the  
 8 board, prior to attaining sixty (60) years of age, his or her disability  
 9 retirement shall terminate.

10 (B) If a disability retirant returns to full-time service  
 11 as defined by rules promulgated by the board after attaining sixty (60) years  
 12 of age, the retirant shall be treated as if he or she retired under § 24-7-  
 13 701 and is subject to the limitations applicable to age and service  
 14 retirants.

15 (6)(A) ~~Upon~~ If a disability retirant's retirant under sixty (60)  
 16 years of age return returns to full-time service, he or she shall immediately  
 17 again become a an active member of the system, and his or her credited  
 18 service at the time of his or her disability retirement shall be restored to  
 19 his or her credit in the members' deposit account.

20 (B) The retirant's disability retirement and his or her  
 21 accumulated contributions shall be treated as if he or she had returned to  
 22 service on the date of the full-time employment.

23 (7) In no event shall ~~he or she~~ a disability retirant be given  
 24 service credit for the period he or she was ~~in receipt of the~~ receiving a  
 25 disability retirement annuity.

26 ~~(d) Should a disability retirant who has not attained sixty (60) years~~  
 27 ~~of age be a full time employee, as defined by rules and regulations~~  
 28 ~~determined by the board, of a public employer whose employees are covered by~~  
 29 ~~a retirement plan supported wholly or in part by state contributions, the~~  
 30 ~~retirant's disability retirement and his or her accumulated contributions~~  
 31 ~~shall be treated as if he or she had returned to service, effective on the~~  
 32 ~~date of the full time employment.~~

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 34 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 35 General Assembly of the State of Arkansas that the current laws applicable to  
 36 the Arkansas Teacher Retirement System regarding disability retirement

1 require revision; that revisions are necessary to ensure the effective and  
2 efficient operation of the system; and that the most effective time to make  
3 changes to the retirement system is at the beginning of the state's fiscal  
4 year. Therefore, an emergency is declared to exist and this act being  
5 immediately necessary for the preservation of the public peace, health, and  
6 safety shall become effective on July 1, 2007.

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9 **APPROVED: 3/26/2007**  
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