

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.

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

# A Bill

SENATE BILL 123

4  
5 By: Senator Broadway  
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## For An Act To Be Entitled

8  
9 AN ACT CONCERNING THE ARKANSAS TEACHER RETIREMENT  
10 SYSTEM EARNINGS LIMITATION AND RETIRED MEMBERS  
11 EMPLOYED BY CERTAIN STATE-SUPPORTED INSTITUTIONS  
12 OF HIGHER LEARNING; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 AN ACT CONCERNING THE ARKANSAS TEACHER  
16 RETIREMENT SYSTEM EARNINGS LIMITATION  
17 AND RETIRED MEMBERS EMPLOYED BY CERTAIN  
18 STATE-SUPPORTED INSTITUTIONS OF HIGHER  
19 LEARNING.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 24-7-708 is amended to read as follows:  
25 24-7-708. Conditions subjecting annuities to limitations.

26 (a) Except for a waiver as provided for in ~~subsection (f)~~ subsections  
27 (f) and (g) of this section, if a retirant is an employee of a public  
28 employer whose employees are covered by the Arkansas Teacher Retirement  
29 System, then, for each twelve-month period ending June 30, the amount of his  
30 or her system annuity shall be subject to the limitations equivalent to twice  
31 the limitations imposed by the social security retirement test.

32 (b) For each year ending June 30, the social security retirement test to  
33 be considered shall be the test in effect for the calendar year beginning the  
34 January 1 immediately preceding June 30. The retirant's earnings shall be his  
35 or her remuneration for the employment for the year ending June 30.

36 (c) The Board of Trustees of the Arkansas Teacher Retirement System



1 shall establish equivalent limitations by appropriate rules and regulations.

2 (d) Receiving remuneration as an employee from any private employer or  
3 as a member of the General Assembly shall not affect payment of an annuity.

4 (e) During any period of employment in a position covered by the  
5 system, a retirant shall not accrue additional credited service.

6 (f)(1) In accordance with rules ~~and regulations~~ adopted by the State  
7 Board of Education, the Department of Education may request of the board of  
8 trustees or its designee a waiver of the conditions subjecting annuities to  
9 limitations. If approved by the board of trustees or its designee, the waiver  
10 shall be effective for a one-year period, with the option to renew annually  
11 for up to a total of three (3) years as requested by the department.

12 (2) A waiver of the conditions subjecting annuities to  
13 limitations may be requested if the retirant is hired by a public school  
14 district due to a shortage of certified teachers in a critical academic area  
15 in which the retirant is certified.

16 (3) The critical academic areas in which there is a shortage of  
17 certified teachers shall be determined annually by the State Board of  
18 Education.

19 (4) School districts shall maintain audit files identifying  
20 personnel granted a waiver and documenting the reasons for the waiver.

21 (5) Beginning July 1, 2005, for any retired member employed in a  
22 position covered by the system pursuant to a waiver, the employer and  
23 employee contribution rate to the system on behalf of the member shall  
24 recommence at the rate in effect at the time of the employment and shall be  
25 remitted by the employer.

26 (g)(1)(A)(i) In accordance with rules adopted by the Arkansas Higher  
27 Education Coordinating Board, the Department of Higher Education may request  
28 of the board of trustees or its designee a waiver of the conditions  
29 subjecting annuities to limitations. If approved by the board of trustees or  
30 its designee, the waiver shall be effective for a one-year period.

31 (ii) The waiver may be renewed annually for up to a  
32 total of three (3) years as requested by the Department of Higher Education.

33 (B) A waiver of the conditions subjecting annuities to  
34 limitations may be requested if:

35 (i) The retiree is employed by a state college; and

36 (ii) The retiree enrolls in an alternate retirement

1 plan offered by the state college.

2 (C) A state college shall maintain audit files identifying  
3 personnel granted a waiver under this subsection (g) and document the reasons  
4 for the waiver.

5 (2) For purposes of this subsection (g), "state college" means  
6 any one (1) of the state-supported universities, colleges, and junior  
7 colleges within the State of Arkansas.

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