I. Definitions

A. "Administrator" shall mean a public school superintendent, assistant superintendent, principal, or vice-principal; a higher education president, chancellor or director; or a community college, vocational/technical or educational cooperative director, president, or vice president, who is employed by a participating employer, OR any employee of an education related agency participating in ATRS that is an active member employed in a position grade GS13 or above or its equivalent.

B. "Alternate Retirement Plans" refers to the retirement plan(s) of a public college or university, or the Division of Higher Education provided for under A.C.A. § 24-7-801 et seq., or for a vocational-technical school or the Department of Career Education (formerly the Division of Vocational and Technical Education) provided for under A.C.A. § 24-7-901 et seq.

C. "Contributory service" is service on which a member makes or made member contributions to ATRS.

D. A "contributory election" is a written election by a member to make member contributions to ATRS. To be valid, an election must be on an election form provided by ATRS and signed by both the member and the employer.

E. "Noncontributory service" is service on which a member does not make member contributions to the ATRS and accepts a reduced retirement annuity for the years of service for which the member does not contribute.

F. "Nonteacher" means any member that is not a teacher or administrator.

G. "Organization" means (i) any private entity providing services for a public school district and whose employees were formerly employed by the school district and had been members of ATRS, and (ii) any educational nonprofit corporation licensed and regulated by the Division of Developmental Disabilities Services of the Department of Human Services.

H. "Preceding System" is a previous reciprocal retirement system of record as defined below.

I. "Reciprocal System" means ATRS operations as of June 30, 1957, and
continued by statutes; the Arkansas State Highway Employees' Retirement System, established by A.C.A. § 24-5-103; the Arkansas Public Employees' Retirement System established by A.C.A. § 24-4-103; the Arkansas State Police Retirement System established by A.C.A. § 24-6-203; the Arkansas Judicial Retirement System established by A.C.A. § 24-8-201; the Arkansas District Judge Retirement System established by A.C.A. §§ 24-8-801–824; the Arkansas Local Police and Fire Retirement System provided for under A.C.A. § 24-10-101; or an alternate retirement plan for a public college or university, or the Arkansas, Division of Higher Education provided for under A.C.A. § 24-7-801 et seq., or for a vocational-technical school or the Department of Career Education (formerly the Division of Vocational and Technical Education) provided for under A.C.A. § 24-7-901 et seq. and agencies that may be assigned the duties under the agencies listed above through a state reorganization or transformation plan.

J. "State Employer" means the public employer whose employees are covered under ATRS, the Arkansas State Highway Employees' Retirement System (A.C.A. § 24-5-103), the Arkansas Public Employees' Retirement System (A.C.A. § 24-4-103), the Arkansas State Police Retirement System (A.C.A. § 24-6-203), the Arkansas Judicial Retirement System (A.C.A. § 24-8-201), or the Arkansas District Judge Retirement System (A.C.A. §§ 24-8-801—824). "State employer" also includes a public employer that is a college, university, or the Arkansas Division of Higher Education (A.C.A. § 24-7-801 et seq.), or a vocational-technical school or the Department of Career Education (formerly the Division of Vocational and Technical Education (A.C.A. § 24-7-901 et seq.) and agencies that may be assigned the duties under the agencies listed above through a state reorganization or transformation plan.

K. "Succeeding System" is the current reciprocal retirement system of record, following membership in a retirement system covered above.

L. "Teacher" means any person employed by a school for the purpose of giving instructions and whose employment requires state licensure.

II. Membership Rules

A. Effective July 1, 2001, those employees whose nonteaching service began before July 1, 1989, and whose nonteaching service is covered or coverable by the Arkansas Public Employees Retirement System may elect to be covered by the ATRS. The elections shall be made prior to May 31 on a form provided by ATRS and shall be effective the following July 1 as provided by A.C.A. § 24-7-501(a)(2)(C).

B. Employees who are eligible for membership in ATRS are ineligible for
MARK UP

membership in another state retirement system while employed in a position covered by ATRS, excluding service in the Arkansas General Assembly.

C. The ATRS Executive Director shall monitor, from time to time, employers that participate in ATRS to ensure that only employers that meet both the federal and state requirements for participation and continued participation remain employers in ATRS. If the Executive Director determines that an employer no longer meets the requirements for continued participation in ATRS, the Executive Director shall notify the Board of Trustees to allow appropriate review and action by the Board.

III. Contributory/Noncontributory Service Rules

A. A contributory member may not elect to become a non-contributory member.

B. Whether or not a member is considered contributory or non-contributory depends upon the year the member entered the system.

C. All service rendered before July 1, 1986, is contributory service.

D. All new members under contract for 181 or more days will make member contributions to ATRS.

E. New members under contract for 180 days or less:
   1. Until June 30, 2007, all new members under contract for 180 days or less will have one (1) year from their hire date to make an irrevocable election to make member contributions.
   2. Effective July 1, 2007, all new members under contract for 180 days or less may elect to become contributory members.

F. Change from nonteacher to teacher under contract for 181 days or more:
   1. Effective July 1, 2005, any active member whose status later changes from nonteacher status to teacher status under contract for 181 days or more shall make the member contributions regardless of an earlier election to be noncontributory.
   2. If the change of status from nonteacher to teacher occurs during a year in which service has already been reported as noncontributory, and the member is under contract for 181 days or more, the change to contributory will occur beginning with the next fiscal year.

G. New members not under contract:
   1. Until June 30, 2007, new members who are not under contract will not make member contributions.
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2. Effective July 1, 2007, all new members who are not under contract may elect to become contributory members.

H. Contributory member election:

1. Until June 30, 2007, active members who have previously elected to be noncontributory may make an irrevocable election to become contributory members.

2. Effective July 1, 2007, any noncontributory member may elect to become a contributory member.

a. If the election is made before the preparation of the first salary payment to the member in the fiscal year, the election will become effective immediately. If the election is after the preparation of the first payroll containing the first salary payment to the member in the fiscal year, the election shall become effective July 1 of the next fiscal year.

b. Any member's election to become contributory is irrevocable. All service rendered after the election is filed with ATRS shall be contributory.

c. All active members, as of July 1, 1999, were required to make an irrevocable election to be contributory or noncontributory on or before June 30, 2000. An election to become contributory remains in effect for the remainder of the member's career. If no election was made by June 30, 2000, the member remained in the plan he/she was in as of that date.

I. Noncontributory inactive members or noncontributory rescinding retirees who reenter ATRS after June 30, 2007, may elect to become contributory members. If no election is made, the member will be enrolled in the plan that he/she was in prior to reentry.

J. Employees of state agencies:

1. Full-time employees of state agencies covered by ATRS shall be contributory.

2. Part-time employees of state agencies covered by ATRS shall be noncontributory. Effective July 1, 2007, part-time employees of state agencies covered by ATRS may elect to become contributory.

K. Inactive members who had been contributory on a maximum salary of $7,800.00, return to work on or after July 1, 1995, and elect to become contributory will make contributions on their full salary.

L. If a member enters ATRS and is reported incorrectly by the employer for
MARK UP

the first year as a noncontributory member, ATRS will accept the member the first year as a noncontributory member. ATRS shall notify the employer of the member’s contributory status. Effective the next July 1, the member shall make member contributions to ATRS.

M. If an inactive member returns to covered employment as an active member after July 1, 1999, and is reported incorrectly by the employer as a noncontributory member for the first year, ATRS will accept the member the first year as a noncontributory member. ATRS shall notify the employer of the member’s contributory status. Effective the next July 1, the member shall make member contributions to ATRS.

IV. Erroneous Membership Rules

A. Employees erroneously enrolled in a state retirement system on or after January 1, 1979, may elect to remain a member of the system of record or may become a member of the eligible retirement system.

B. After July 1, 1979, ATRS will make no further effort to correct the retirement system membership of persons who were erroneously enrolled in another state retirement system before January 1, 1979. ATRS will not accept as members persons who were erroneously enrolled in another state retirement system before January 1, 1979, unless that person’s contributions were refunded prior to July 1, 1979.

C. If an employee was erroneously enrolled in the ATRS before January 1, 1979, and if his/her contributions were not refunded prior to July 1, 1979, the employee shall continue to be a member of ATRS. The member shall receive service credit for all paid membership service in ATRS and any free service creditable under Act 427 of 1973 as amended. He shall also be entitled to reciprocal service credit as provided by § 24-7-401 through 408.

D. If ATRS discovers that an employee became erroneously enrolled in a state retirement system on or after January 1, 1979, ATRS will notify both the employer and employee that the membership is erroneous and that it may be corrected as prescribed by Act 13 of 1991.

E. If a person who is employed before July 1, 1989, as a school janitor, bus driver, or cafeteria worker is enrolled in the Arkansas Public Employees Retirement System under the provision of Act 63 of 1965, and later is promoted to a position of school maintenance worker or supervisor, bus mechanic or transportation supervisor, or cafeteria manager, respectively, the employee shall continue to be a member of the Arkansas Public Employees Retirement System as long as they are employed in one of these respective capacities.
F. If ATRS discovers that an employee became erroneously enrolled in a state retirement system on and after January 1, 1979, ATRS will notify both the employer and employee that the membership is erroneous and that it should be corrected as prescribed by A.C.A. § 24-2-302 et seq.

V. Summary of Reciprocal Service

If a member leaves state employment and their position is covered by any of the retirement systems listed above and enters the employ of another state employer whose position is covered by any of these retirement systems, the member shall be entitled to a deferred annuity according to A.C.A. § 24-2-401 et seq.

A. Age and Service Retirement with Reciprocal Service Credit

1. If ATRS is the preceding system, the member’s annuity begins the first day of the month following the month the application was filed or after attainment of age 60 years, whichever is later. However, should the member have combined service of at least 25 years, the age limitation shall not apply. The deferred annuity shall not begin prior to the date of leaving the employ of the last state employer unless the member reaches age 65.

2. If ATRS is the preceding system, the member is eligible to apply for benefits without leaving the employ of the last state employer upon reaching age 65. The member’s annuity will begin the first day of the month following the month the application was filed or after attainment of age 65, whichever is later. Only service credited and salaries earned prior to the ATRS effective date of benefits will be used in the ATRS benefit calculation.

B. Disability Retirement with Reciprocal Service Credit

1. A member is eligible to apply for disability benefits under A.C.A. § 24-2-405 from each reciprocal system in which the member has credited service according to rules for eligibility promulgated by that system.

2. The member’s annuity for disability retirement payable by the preceding reciprocal system shall begin the first day of the month following the month the application was filed with the preceding system, but not prior to the date of leaving the employ of the last state employer.

VI. Reciprocal Service Rules

A. A member who leaves a position covered by the Teacher Retirement System, becomes employed by a reciprocal system, and files a reciprocal service agreement becomes an inactive member and may become eligible
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for the benefit formula in effect at the time of retirement.

B. 

1. Benefits will not be paid under reciprocity from ATRS as the preceding system until the member has ceased to be in the employ of a state employer unless the member reaches age 65.

2. If ATRS is the preceding system, the member is eligible to apply for benefits without leaving the employ of the last state employer upon reaching age 65. The member’s annuity will begin the first day of the month following the month the application was filed or after attainment of age 65, whichever is later. Only service credited and salaries earned prior to the ATRS effective date of benefits will be used in the ATRS benefit calculation.

C. Benefits will not be paid to a member under reciprocity from ATRS as the preceding system earlier than age 60 unless the member has 25 or more years of combined service.

D. No minimum benefits apply under Act 488 of 1965 [A.C.A. § 24-2-402(5)(E)], as amended, for reciprocal service unless the member has five (5) or more years of credited service in ATRS.

E. If survivor benefits are payable by more than one reciprocal system to eligible survivors of a deceased member, the survivors shall not receive more, as a percentage of the deceased member’s final pay or as a minimum dollar amount than the largest amount payable by a single reciprocal system. ATRS will prorate minimum benefits payable with other reciprocal systems that have a minimum benefit provision in their plans. Each reciprocal system shall pay a proportionate share of the minimum amount based on the ratio of service in that system to the total service in all reciprocal systems. If the reciprocal system is an alternate retirement plan, survivor benefits shall be contingent upon provisions of that benefit having been provided by the alternate retirement plan and having been selected by the member as a benefit. [A.C.A § 24-2-402 (5)]

F. If an employee of the Department of Human Services who becomes a member of the Public Employees Retirement System under the provisions of Act 793 of 1977, as amended, leaves employment with the Department of Human Services and becomes employed in another position covered by ATRS, the benefits for service, both before and after any service under Act 793, shall be subject to the benefit provisions of the Teacher Retirement law. Such member shall be eligible to establish reciprocity under the provisions of Act 488 of 1965 as amended.

G. If an ATRS member has service credited during the same fiscal year with
another reciprocal system and the combined service is greater than one year of service credit, ATRS will credit service as follows:

1. If credit by the reciprocal system is less than three (3) months, ATRS will credit service for one (1.00) year.

2. If credit by the reciprocal system is three (3) or more months but less than six (6) months, ATRS will credit service for three-fourths (3/4) year.

3. If credit by the reciprocal system is six (6) or more months but less than nine (9) months, ATRS will credit service for one-half (1/2) year.

4. If credit by the reciprocal system is for nine (9) months but less than twelve (12) months, ATRS will credit service for one-fourth (1/4) year.

H. While participating in a reciprocal system, back contributions, additional contributions, and repayment of refund payments made to ATRS shall be made according to payment methods contained in Rule 8 - Purchase Payment Rules, except employer pick-up is prohibited while working for a noncovered ATRS employer.¹

I. A member may elect to waive all or part of concurrent service credited to the member in ATRS and have the waived concurrent service credited under a reciprocal system by submitting their intention to ATRS on an ATRS approved form (A.C.A. § 24-7-601 (g)).

VII. Privatized Employers and Nonprofit Corporations Rules

A.C.A. § 24-2-202(18)(E)-(F) allows the employees of certain privatized employers performing services for public school districts and certain educational nonprofit corporations to become members of ATRS.

A. Effective July 1, 1997, under certain conditions, membership in ATRS shall include employment in an enterprise privatized by a public school district. If a public school district should privatize any of its services, any individual who is or was employed by the school district in one of those services and who is or has been a member of ATRS may elect to remain a member, provided the Board of Trustees determines by adopting rules that participation of these employees in ATRS will not in any way impair any legal status of ATRS, including, but not limited to, its status as a governmental plan, pursuant to the federal Internal Revenue Code and ERISA, or its tax-qualified status under the Internal Revenue Code; will not subject the plan to additional federal requirements and will not have a substantial adverse impact on the actuarial soundness of ATRS. In addition, the private provider must assume all responsibility for the required employer contributions and any fees for obtaining IRS rulings or

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ERISA opinions.

B. Effective July 1, 1997, under certain conditions, membership in ATRS shall include employment in positions with educational nonprofit corporations licensed and regulated by the Division of Developmental Disabilities Services of the Department of Human Services, provided the nonprofit corporation has elected to participate in ATRS, and the Board of Trustees determines by adopting rules that participation of these employees in ATRS will not in any way impair any legal status of ATRS, including, but not limited to, its status as a governmental plan, pursuant to the Internal Revenue Code and the Employee Retirement Income Security Act of 1974, or its tax-qualified status under the Internal Revenue Code; will not subject the plan to additional federal requirements; and will not have a substantial adverse impact on the actuarial soundness of ATRS. Such employment shall be related to the training of public school employees or school board members, teaching public school students, or in adult education programs. The employment shall not be related in any manner to private schools. Each educational nonprofit corporation shall be approved according to rules established by the Board of Trustees to be considered an employer, and such nonprofit corporation assumes all responsibility for the required employer contributions and any fees for obtaining IRS rulings or ERISA opinions.

C. Application for Membership.

Any organization that desires its employees to become members of ATRS shall make written application to the Executive Director of ATRS, specifying the proposed effective date for such participation.

D. Information Provided to ATRS.

Each application for membership shall contain the following information and materials:

1. A certified copy of the Articles of Incorporation, Bylaws, and other organizational documents of the organization;

2. A copy of the most recent three (3) years' annual financial statements, including balance sheet, financial statements, and statement of cash flows, or if such organization does not have audited financial statements, the year-end compilation reports or internal balance sheet and income statements for the organization;

3. A copy of the most recent three (3) years' federal and state income tax returns;

4. A description of the sources of funding of the organization, including the percentage of such funds provided by federal or state government...
and the type of such government funds;

5. A description of how the board of directors or board of trustees is selected, and whether any governmental agency has input in the selection of board members;

6. A description of the types of persons served by the organization, and which government agency or agencies would be responsible for providing such services if the organization did not do so.

E. Tax Ruling.

After counsel for ATRS has reviewed the above information provided to ATRS, such counsel shall determine whether a ruling should be requested from the Internal Revenue Service that the participation of the employees of the organization will not jeopardize the status of ATRS as a "governmental plan." If counsel determines that such a ruling should be requested, the organization shall provide any additional information and statements requested by counsel in connection with such ruling request.

F. Fees.

If counsel for ATRS determines that a ruling should be requested, the organization shall pay to ATRS not less than the sum of $3,000.00 or the actual cost for the fees and costs associated with such ruling request.

VIII. Confidentiality of Member Accounts

A. In compliance with the ATRS Code of Ethics, ATRS shall keep all members' salary, employment history, retirement account, and other personal data or information compiled by ATRS for purposes of establishing and maintaining a member's retirement account confidential. Such information shall not be disclosed to any third party without the express written consent of the member or other valid legal process.

B. Individual member's records which are kept for the purpose of compiling information for the member's retirement or social security records shall not be open to the public under A.C.A. § 24-4-1003.

IX. College Plan Rules

A. Generally, an ATRS member who became employed by a non-mandatory employer prior to July 1, 2011, may continue to participate in ATRS instead of an alternative program offered by the non-mandatory employer if the ATRS member continues providing consistent service to the non-mandatory employer. For new employees after July 1, 2011, participation is governed by A.C.A. § 24-7-1601 et seq.

B. A post-secondary or higher education employer may elect to offer ATRS
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participation to its employees by fulfilling the requirements under A.C.A. §
24-7-1605.

C. If an eligible non-mandatory employer college elects to offer ATRS
participation to its employees, then the employer must regularly report
information to ATRS on forms developed by ATRS as allowed by ATRS
law. In addition to standard ATRS reporting forms, a post-secondary or
higher education employer shall provide supplemental reports on any form
approved and adopted by the ATRS Board as a required form.

1 From July 1, 1991, until December 31, 1991, an active member of the Arkansas Public
Employees Retirement System who was an active member of ATRS prior to January 1, 1978,
and who became a member of the Arkansas Public Employees Retirement System within thirty
(30) days of departure from ATRS may establish reciprocity between the two systems and
purchase out-of-state service rendered prior to January 1, 1978, in accordance with the
provisions and conditions contained in A.C.A § 24-7-601 and § 24-7-603. Effective July 1, 1993,
for a ninety (90) day period, employees of the Arkansas Rehabilitation Services may transfer from
the Arkansas Public Employees Retirement System to ATRS under Act 574 of 1993. Any
employee making the change will establish reciprocity between the two systems, and Act 793 of
1977 shall no longer apply.
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Contributory/Non-Contributory Service Chart by Year of Entry into System
(Elections and Re-entry may affect Individual Member Service Status)

<table>
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<tr>
<th>All Members</th>
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<tbody>
<tr>
<td><strong>1937 - 1986</strong></td>
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<td><strong>1986 - 1991</strong></td>
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<td><strong>1991 - 1999</strong></td>
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<th>School District Employees</th>
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<tr>
<td><strong>1999 - 2007</strong></td>
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<th>State Agency Employees</th>
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<td><strong>1999 - 2007</strong></td>
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<td><strong>2007 -</strong></td>
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</table>
Once you are a contributory member of ATRS, your contributory status is irrevocable.

If election to be contributory is made before the preparation of the first salary payment to the member in the fiscal year, the election will become effective immediately. If the election is after the preparation of the first payroll containing the first salary payment to the member in the fiscal year, the election shall become effective July 1 of the next fiscal year.

If a member enters ATRS and is reported incorrectly by an employer for the first year, ATRS will accept the election reported by the employer the first year. ATRS shall notify the employer of the member’s correct status. Effective the next July 1, the member shall be reported with the correct status.

Inactive members who had been contributory on a maximum salary of $7,800.00, return to work on or after July 1, 1995, and elect to become contributory will make contributions on their full salary.
Stricken language would be deleted from and underlined language would be added to present law.
Act 297 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Senator E. Cheatham

For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING MEMBER
CONTRIBUTIONS UNDER THE ARKANSAS TEACHER RETIREMENT
SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle
TO AMEND THE LAW CONCERNING MEMBER
CONTRIBUTIONS UNDER THE ARKANSAS TEACHER
RETIREMENT SYSTEM; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative history, findings, and intent.
(a) The General Assembly finds that:
  (1) Member contributions as a portion of the salary of an
individual employed by a school or an educational institution has been a
historical component of the Arkansas Teacher Retirement System since 1937;
  (2) Acts 1937, No. 266 created the Arkansas Teacher Retirement
System to manage contributions made by teachers to the retirement system in
order to ensure that every teacher receives an annuity upon his or her
retirement;
  (3) The Arkansas Teacher Retirement System Act originally
required a teacher to contribute four percent (4%) of his or her salary to
fund the investment of the retirement system in the retirement of the
teacher;
  (4) When the Arkansas Teacher Retirement System Act was first
enacted, every teacher:

(A) Had to contribute to the retirement system; and
(B) Was enrolled as a contributory member of the retirement system;

(5) Throughout the eighty-one (81) year history of the retirement system, the law has been amended multiple times to either allow a member to opt-in or opt-out of his or her contributory or noncontributory status in the retirement system as follows:

(A) From the time the Arkansas Teacher Retirement System Act was first enacted until 1986, the provisions of the act did not provide an option for a member to become a noncontributory member that was consistent with the design of the retirement system;

(B) Acts 1985, No. 504 allowed a new member of the retirement system to elect whether he or she would participate as a contributory or noncontributory member of the retirement system, and if the member did not make an election, the member was enrolled as a contributory member of the retirement system;

(C) Amendments to the Arkansas Teacher Retirement System Act that occurred between 1986 and 1991 added new categories of employees from various state agencies or eligibility requirements that affected the reporting or classifications of the employees;

(D) Acts 1989, No. 821 allowed a member of the retirement system to make a one-time additional election to become a contributory or noncontributory member of the retirement system;

(E) Effective July 1, 1991, a new member of the retirement system was enrolled as a noncontributory member of the retirement system and could elect to become a contributory member of the retirement system.

(F) Additionally, effective July 1, 1991, if a member became an inactive member who later returned to the retirement system, the member was enrolled as a noncontributory member of the retirement system with the option of electing to become a contributory member of the retirement system;

(G) Similar to Acts 1985, No. 504, Acts 1991, No. 14 allowed new and returning members to the retirement system to be enrolled as noncontributory members of the retirement system with the option of electing to become a contributory member of the retirement system;
(H) Acts 1993, No. 435, effective July 1, 1993, allowed a member to annually change his or her status from a:

(i) Contributory to noncontributory member of the retirement system; or

(ii) Noncontributory to contributory member of the retirement system;

(I) Acts 1995, No. 332 added more state agency employees to the retirement system while Acts 1995, No. 542 changed the amount of service an employee was required to have before he or she could become an active member of the retirement system;

(J) Acts 1997, No. 393 amended the annual election window of a member to be effective for July 1 of the year of the election if the member made the election before October of that same year;

(K) Acts 1999, No. 81, effective July 1, 1999, eliminated the noncontributory option for a new member and allowed a current member a one-time irrevocable option to become either a contributory or noncontributory member of the retirement system;

(L) Acts 1999, No. 81 set a different requirement for an election to become either a contributory or noncontributory member of the retirement system that was based on the status of the member as an active, inactive, or new member of the retirement system;

(M) Acts 1999, No. 907 repealed Acts 1999, No. 81 and allowed certain members to retain the option to elect either contributory or noncontributory status in the retirement system;

(N) The Arkansas Teacher Retirement System notified the members of the retirement system of the election permitted under Acts 1999, No. 907, and allowed a member with service credit as of June 30, 1998 to make a final election to become a contributory or noncontributory member of the retirement system by June 30, 2000;

(O) Acts 2003, No. 23 allowed an active member who previously elected a noncontributory status to make an irrevocable election to become a contributory member of the retirement system;

(P) Additionally, Acts 2003, No. 23 required the length of a contract between a member and school to determine the:

(i) Status of a member as a contributory or noncontributory member of the retirement system; and
(ii) Right of a member to elect a contributory or noncontributory status in the retirement system;

(Q) Acts 2003, No. 23 permitted a member who transferred from employment as a nonteacher to employment as a teacher with a contract of one hundred eighty-one (181) days or more to become a contributory member of the retirement system regardless of a previous election made by the member;

(R) Effective July 1, 2005, Acts 2005, No. 385 provided an active member who previously elected to become a noncontributory member of the retirement system with the option of irrevocably electing to become a contributory member of the retirement system; and

(S) Effective July 1, 2007, Acts 2007, No. 93 provided a member with an option to elect to be a contributory member depending on whether the member was:

(i) An active, non-contributory member of the retirement system;

(ii) An inactive member or a rescinding retiree reentering the retirement system; or

(iii) A new member of the retirement system under contract for one hundred eighty (180) days or less;

(6) The right of a member to elect a contributory or noncontributory status in the retirement system has not been amended since the passage of Acts 2007, No. 93;

(7) Myriad legislative amendments have continuously changed the ability of a member of the retirement system to become a revocable or irrevocable contributory or noncontributory member of the retirement system;

(8) The classification of a member as an active, an inactive, or a new member of the retirement system affects the right of a member to elect a contributory or noncontributory status in the retirement system;

(9) The incorporation of the various legislative amendments into the Arkansas Code has created challenging subsections and subdivisions of the law through which the retirement system must determine the status of a member based on when the member first:

(A) Enrolled in the retirement system;

(B) Returned to the retirement system; or

(C) Elected a different status in the retirement system;

(10) The election of a contributory or noncontributory status in
the retirement system affects the retirement benefit calculation for a member;

(11) A restructuring of § 24-7-406(e) concerning the contributory or noncontributory status of a member of the retirement system is intended to retain existing law without impairing, broadening, or changing the applicability of § 24-7-406(e) to the current status of a member;

(12) The purpose of the amendment to § 24-7-406(e) is to simplify the current language and application of the statute to the current contributory or noncontributory status of a member of the retirement system, so that the retirement system may correctly and efficiently manage records pertaining to a member; and

(13) Therefore, a restructuring of § 24-7-406(e) is necessary to:

(A) Accurately and logically organize the language of the statute in order to prevent ambiguity of the law and allow the Arkansas Teacher Retirement System to administer vested benefits and manage the accounts of its members;

(B) Clarify the existing provisions under § 24-7-406(e) so that the provisions may be correctly interpreted and efficiently managed by the retirement system;

(C) Preserve and retain existing law regarding the vested contributory or noncontributory status of a member of the retirement system;

(D) Neither expand nor contract a current vested or nonvested contributory or noncontributory status of a member of the retirement system; and

(E) Provide a logical framework for a future amendment to § 24-7-406(e).

SECTION 2. Arkansas Code § 24-7-406(e), concerning retirement fund asset accounts, member deposit accounts, and contributions under the Arkansas Teacher Retirement System, is amended to read as follows:

(e)(1)(A) Active members as of July 1, 1999, shall elect by written election filed with the system in accordance with rules and regulations adopted by the board to eliminate future member contributions or to make member contributions, otherwise provided for in this section. Effective July 1, 1999, an active member shall:
(i) Elect to become a contributory or noncontributory member of the system as provided for in this section; and

(ii) File a written election with the system in accordance with the rules and regulations adopted by the board.

(B)(i) The election of the member:

(a) shall be Irrevocable; and

(b) shall be made on or before July 1, 2000.

(ii) If no election is made, then the member’s status on June 30, 2000, shall be in effect and shall be irrevocable. If a member does not make an election, then the status of the member on June 30, 2000:

(a) Remains in effect;

(b) Is irrevocable.

(iii) The election of a member to become a contributory or noncontributory member of the system:

(a) Applies only to the future salaries of a member of the system;

(b) Does not alter the contribution requirements of a member; and

(c) Does not alter the status of member contributions that existed before the election.

(iv) An active member who previously elected to become a noncontributory member of the system may change credited service on which a member contribution has not been paid to contributory credited service by paying the system the actuarial equivalent of the member benefits.

(v) If a member previously made contributions to only the first seven thousand eight hundred dollars ($7,800) of his or her annual salary, then the member cannot contribute on a full future salary until the member makes additional contributions to previous full salaries as provided under this section.

(C)(i) Effective July 1, 2005, an active member whose status later changes from a nonteacher status to an administrator or teacher status under contract for one hundred eighty-one (181) days or more shall become a contributory member of the system otherwise provided for in this section regardless of an earlier election to be a noncontributory member of
the system.

(ii)(a) From July 1, 2005 to June 30, 2007, an active member who has previously elected to be a noncontributory member of the system may make an irrevocable election to become a contributory member of the system.

(b) If the election is made before the preparation of the first salary payment to the member in the fiscal year, the election is effective immediately.

(c) If the election is made after the preparation of the first payroll containing the first salary payment to the member in the fiscal year, the election is effective July 1 of the next fiscal year.

(D) On and after July 1, 2007, an active member who has previously been a noncontributory member of the system, by election or otherwise, may make an irrevocable election to become a contributory member of the system under this section.

(2)(A) For an inactive member who enters the system after June 30, 1999, the election shall be made within one (1) year of the effective date the member is considered an active member. Effective July 1, 1999, an inactive member who reenters the system shall elect to become a contributory or noncontributory member of the system within one (1) year of the effective date that the member is considered an active member of the system.

(i) The election is effective the earlier of the:

(a) Preparation of the payroll containing the first salary payment upon the reentry of the member into the system; or

(b) July 1 immediately following the date the election is filed with the system.

(ii) If the member does not make an election within one (1) year, then the status of the member before the member reentered the system remains in effect.

(B)(i)(B) The election shall be effective the earlier of:

(a) The preparation of the payroll containing the first salary payment upon reentry; or

(b) The July 1 next following the date the election is filed with the system.

(ii) If no election is made within one (1) year,
then the member's status prior to reentry will remain in effect Effective
July 1, 2007, an inactive member who becomes an active member of the system
shall reenter as a contributory member of the system if the member was
contributory when he or she first entered the inactive status;

(C) Effective July 1, 2007, an inactive member or a
rescinding retiree who reenters the system may make an irrevocable election
to become contributory member of the system under this section at the time of
his or her reemployment regardless of his or her previous noncontributory
status.

(D) If the election is made:

(i) Before the preparation of the first salary
payment to the member in the fiscal year, the election is effective
immediately; and

(ii) After the preparation of the first payroll
containing the first salary payment to the member in the fiscal year, the
election is effective July 1 of the next fiscal year.

(3)(A)(i)(3) If the election is to eliminate member
contributions, then the election shall apply only to future member salaries
and shall not change the status of any member contributions made before the
election Effective July 1, 1999, a new member shall be a contributory member
of the system.

(A) From July 1, 1999 to June 30, 2007, a new member who
is under contract with a covered employer for one hundred eight (180) days or
less shall have one (1) year to make an irrevocable election to become a
contributory member of the system.

(B) From July 1, 1999 to June 30, 2007, a new member who
is not under contract with a covered employer shall not become a contributory
member of the system.

(C)(i) Effective July 1, 2007, a new member under contract
with a covered employer for one hundred eight-one (181) days or more shall be
a contributory member of the system.

(ii) A new member under contract with a covered
employer for one hundred eighty (180) days or less may make an irrevocable
election to become a contributory member of the system.

(iii) A new member not under contract with a covered
employer may make an irrevocable election to become a contributory member of
the system under this section.

(ii) Beginning July 1, 1999, an active member who has previously elected to eliminate member contributions may change credited service on which no member contributions have been paid to contributory credited service by paying the actuarial equivalent of the member’s benefits to the system.

(B)(i) If the effect of the election is to require member contributions, then the election shall apply only to future member salaries and shall not change any member contribution requirements existing before the election.

(ii) If a member has previously contributed on only the first seven thousand eight hundred dollars ($7,800) of his or her annual salary, then he or she cannot contribute on full future salaries until he or she has made added contributions on past full salaries as provided in subsection (b) of this section.

(4)(A)(i) After July 1, 1999, all new members shall make the member contributions otherwise provided for in this section. From July 1, 1999, through June 30, 2007, new members who are under contract with a covered employer for one hundred eighty (180) days or less shall have one (1) year to make an irrevocable election to make member contributions.

(ii) Effective July 1, 2005, any active member whose status later changes from nonteacher status to teacher status under contract for one hundred eighty-one (181) days or more shall make the member contributions otherwise provided for in this section regardless of an earlier election to be noncontributory.

(B) Through June 30, 2007, new members who are not under contract with a covered employer shall not make member contributions.

(5)(A)(4)(A) From July 1, 2005, and each July 1 thereafter through June 30, 2007, active members who have previously elected to eliminate member contributions may make an irrevocable election to make future contributions to the system. The board may exclude the participation of a member under this subsection if the board determines that the contributions of a member may not be treated as employer contributions under the:

(i) Internal Revenue Code, 26 U.S.C. § 1 et seq., or


(B) If the election is made:
(i) Before the preparation of the first salary payment to the member in the fiscal year, the election shall become effective immediately; and

(ii) After the preparation of the first payroll containing the first salary payment to the member in the fiscal year, the election shall become effective July 1 of the next fiscal year. The board shall interpret this subsection in a manner that is consistent with the requirements of the:

(i) Internal Revenue Code; and


(6)(A)(i) Effective July 1, 2007, new members who are under contract with a covered employer for one hundred eighty-one (181) days or more shall make member contributions under this section.

(ii) Effective July 1, 2007, persons reentering the system who left as contributory members shall reenter as contributory members and shall make member contributions under this section.

(B)(i) Effective July 1, 2007, new members who are under contract with a covered employer for one hundred eighty (180) days or less and new members who are not under contract with a covered employer may make an irrevocable election to make future member contributions under this section.

(ii) Effective July 1, 2007, and each July 1 thereafter, active members who have previously been noncontributory, whether by election or otherwise, may make an irrevocable election to make future member contributions under this section.

(iii) Effective July 1, 2007, inactive members or rescinding retirees reentering the system may make an irrevocable election to make future member contributions under this section at the time of reemployment regardless of previous noncontributory status.

(iv) If the election is made:

(a) Before the preparation of the first salary payment to the member in the fiscal year, the election shall become effective immediately; and

(b) After the preparation of the first payroll containing the first salary payment to the member in the fiscal year, the
election shall become effective July 1 of the next fiscal year.

(C) If the board determines that a member's contributions
may not be treated as employer contributions under the Internal Revenue Code,
26 U.S.C. §1 et seq., or the Income Tax Act of 1929, §26-51-101 et seq.,
the board may exclude the member's participation under this subsection.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
General Assembly of the State of Arkansas that the Arkansas Teacher
Retirement System maintains a system of member records that reflect the
contributory or noncontributory status of each member in the system according
to the laws in effect at the time and, if an election was made, the election
of a member; that numerous laws enacted over many legislative sessions have
modified, amended, or repealed the laws enacted in previous sessions
concerning the contributory or noncontributory status of members of the
Arkansas Teacher Retirement System; that accurately keeping track of these
election options requires precise administrative recordkeeping and
understanding of the laws in effect at the time a member first entered the
system or was allowed to exercise a membership option; that the laws need to
be simplified to reduce the risk of confusion of keeping track of these
election options; and that this act is necessary because the most effective
time to make changes to the retirement system is at the beginning of the
state's fiscal year. Therefore, an emergency is declared to exist, and this
act being necessary for the preservation of the public peace, health, and
safety shall become effective on July 1, 2019.

/s/E. Cheatham

APPROVED: 3/5/19
Stricken language would be deleted from and underlined language would be added to present law.  
Act 427 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Representative Maddox

For An Act To Be Entitled
AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 24 OF
THE ARKANSAS CODE CONCERNING RETIREMENT AND PENSIONS
UNDER THE ARKANSAS TEACHER RETIREMENT SYSTEM; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle
TO MAKE TECHNICAL CORRECTIONS TO TITLE 24
OF THE ARKANSAS CODE CONCERNING
RETIREMENT AND PENSIONS UNDER THE
ARKANSAS TEACHER RETIREMENT SYSTEM; AND
TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 24-2-701(c)(1), concerning employer
contribution rates to the state public employee retirement systems, is
amended to read as follows:

(1)(A) For the Arkansas Teacher Retirement System, for the
fiscal years ending June 30, 2008, and June 30, 2009, the Board of Trustees
of the Arkansas Teacher Retirement System shall establish employer
contribution rates prospectively each year.

(B) The employer contribution rates shall be based on the
actuary’s determination of the rate required to fund the plan in accordance
with the objectives as necessary to meet the general financial objective set
forth in subsection (a) of this section.

(C) The employer contribution rates shall be the rates
determined by the Board of Trustees of the Arkansas Teacher Retirement System.
under § 24-7-401(c) and based on the annual actuarial valuation of the
Arkansas Teacher Retirement System.

(D) For the fiscal years ending June 30, 2008, and June 20,
2009, the employer contribution rate shall not exceed fourteen percent (14%).

SECTION 2. Arkansas Code § 24-7-202(18), concerning the definition of
"final average salary" under the Arkansas Teacher Retirement System Act, is
amended to read as follows:

(18)(A)(i) "Final average salary" means the average of the
remuneration paid to a member by a participating employer during the fiscal
year ending June 30 of not less than three (3) years nor more than five (5)
years of credited service producing the highest annual average highest
salaries earned by a member in state fiscal years determined in accordance
with the rules and regulations of the board as is actuarially appropriate for
the Arkansas Teacher Retirement System.

(11) Before reducing the time period used to
determine final average salary, the board shall file relevant information
concerning the actuarial appropriateness of the action with the Joint Interim
Committee on Public Retirement and Social Security Programs, and the action
shall be reviewed by the Joint Interim Committee on Public Retirement and
Social Security Programs.

(B) If a member has less than the minimum of three (3)
years of credited service, "final average salary" means the annual average of
salaries paid to him or her during his or her total years of credited
service, subject to the provisions of subdivision (32) of this section.

SECTION 3. Arkansas Code § 24-7-202(25), concerning the definition of
"nonteacher" under the Arkansas Teacher Retirement System Act, is amended to
read as follows:

(25) "Nonteacher" means any member except a member who is not a
teacher;

SECTION 4. Arkansas Code § 24-7-202(30), concerning the definition of
"retirant" under the Arkansas Teacher Retirement System Act, is amended to
read as follows:

(30) "Retirant," "Retiree" or "retirant" means a member receiving
an Arkansas Teacher Retirement System annuity;

SECTION 5. Arkansas Code § 24-7-202, concerning definitions applicable to the Arkansas Teacher Retirement System Act, is amended to add an additional subdivision to read as follows:

(43) "Administrator" means:

(A) A person who is:

(i) Employed by an education related agency that participates in the Arkansas Teacher Retirement System;

(ii) An active member employed in a position that is a grade GS13, a grade above a GS13, or the equivalent of a grade GS13; or

(B) A person who is:

(i) Employed by a participating employer of the Arkansas Teacher Retirement System; and

(ii) Any one of the following:

(a) A public school superintendent, assistant superintendent, principal, or vice principal;

(b) A president, chancellor, or a director of an institution of higher education; or

(c) A president, vice president, or a director of a community college vocational, technical, or educational cooperative.

SECTION 6. Arkansas Code § 24-7-208 is amended to read as follows:

24-7-208. Benefit enhancements – Restrictions.

(a) No benefit enhancement provided for by this act shall be implemented if it would cause the publicly supported retirement system’s unfunded actuarial accrued liabilities to exceed a thirty-year eighteen-year amortization.

(b) No benefit enhancement provided for by this act shall be implemented by any publicly supported system which has unfunded actuarial accrued liabilities being amortized over a period exceeding thirty-eighteen years until the unfunded actuarial accrued liability is reduced to a level less than the standards prescribed by § 24-1-101 et seq.

SECTION 7. Arkansas Code § 24-7-301(2)(C), concerning active member trustees employed in a position requiring an administrator’s license as
members of the Board of Trustees of the Arkansas Teacher Retirement System,

is amended to read as follows:

(C)(i) Two (2) active member trustees shall be employed in

a position requiring an administrator’s license, one (1) of whom must shall

be a superintendent or an educational cooperative director an administrator.

(ii) These two (2) active member trustees shall be

elected by members employed in positions requiring administrator licensure an

administrator’s license.

SECTION 8. Arkansas Code § 24-7-406(b)(5), concerning members who left

covered employment under the Arkansas Teacher Retirement System before July

1, 1985, is amended to read as follows:

(5) Members who left leave covered employment before July 1,

1985, and who had annual compensation of seven thousand eight hundred dollars

($7,800) or less shall have, upon their return to covered employment, full

salary considered for purposes of the system.

SECTION 9. Arkansas Code § 24-7-601(c)(2)(A), concerning when days of

paid sick leave cannot be considered service under the Arkansas Teacher

Retirement System, is amended to read as follows:

(2)(A) Except as provided under subdivision (c)(2)(B) of this

section, days of paid sick leave shall not be considered service if the

payment is for unused sick leave paid or unpaid accrued, unused sick leave

shall not be credited as service in the Arkansas Teacher Retirement System.

SECTION 10. Arkansas Code § 24-7-605 is amended to read as follows:

24-7-605. Service in General Assembly.

(a)(1)(A)(i) Any member of the Senate or House of Representatives of

the General Assembly who is a member of the Arkansas Teacher Retirement

System shall be eligible, upon application, to receive credited service and

salary in the system for his or her full contract salary in the event that a

cut in pay is required by the school district during his or her attendance at

regular or extraordinary sessions of the General Assembly or during his or

her attendance at meetings of regular or special committees of the General

Assembly during the interim.
(ii) These meetings shall include, but not be limited to, the Legislative Council, the Legislative Joint Auditing Committee, the interim committees, and special legislative committees.

(B) The member shall receive credited service and salary upon payment by him or her of the necessary member contribution and upon appropriation from the Public School Fund of the necessary employer contribution for the amount of the salary reduction during periods of attending regular or extraordinary sessions of the General Assembly or sessions of legislative committees.

(2) The amount of credited service salary shall not exceed the contract salary of the member for the school year contract period.

(3)(A) Any member of the House of Representatives or the Senate currently serving in the General Assembly or the legislative committees for any year prior to July 6, 1977, not to exceed five (5) years, may make application for and receive credited service and salary in the system for his or her full contract salary as an employee with respect to any reduction therein during attendance at regular or extraordinary sessions of the General Assembly or sessions of legislative committees in which he or she served.

(B) This shall be done only if he or she pays to the system the member contribution required by law, and if appropriation is made from the Public School Fund for the necessary employer contribution required by law for that portion of his or her contract salary for any period for which he or she suffered a reduction in pay during legislative service.

(b)(1) Any member of the Senate or House of Representatives of the General Assembly who is an employee and is a member of the system shall be eligible, upon application, to receive credited service and salary in the system for his or her full contract salary in the event that either the member or the school district decides it is in the best interest of the school district for the member to take a leave of absence for up to one (1) full calendar year at a time to attend to his or her duties as a General Assembly member.

(2) Service and salary shall be credited upon payment by the member of the necessary member contribution and the necessary employer contribution for the amount of the member’s contract salary during periods of attending regular or extraordinary sessions of the General Assembly or sessions of legislative committees.
(3) The amount of credited service salary shall not exceed the member’s contract salary for the school year contract period.

SECTION 11. Arkansas Code § 24-7-608 is amended to read as follows:

24-7-608. Limitation on benefit enhancement.

(a) No benefit enhancement provided for by this act shall not be implemented if it would cause the publicly supported retirement system’s unfunded actuarial accrued liabilities to exceed a thirty-year an eighteen-year amortization.

(b) No benefit enhancement provided for by this act shall not be implemented by any publicly supported system which has unfunded actuarial accrued liabilities being amortized over a period exceeding thirty (30) eighteen (18) years until the unfunded actuarial accrued liability is reduced to a level less than the standards prescribed by § 24-1-101 et seq.

SECTION 12. Arkansas Code § 24-7-610(c), concerning the amount of purchased service credit a member receives for service in the National Guard or armed forces reserve under the Arkansas Teacher Retirement System, is amended to read as follows:

(c) Members shall receive one (1) year of purchased service credit for each one (1) year of service in the National Guard or the armed forces reserve. A member may, one (1) time each fiscal year, purchase up to one (1) year of service credit for each one (1) year of service in the National Guard or armed forces reserve.

SECTION 13. Arkansas Code § 24-7-710(d), concerning amounts received in the form of a survivor annuity from the deposit account of a member of the Arkansas Teacher Retirement System, is amended to read as follows:

(d) For the purposes of § 24-7-709 related to the disposition of a member’s residue amount, any amounts a survivor annuity received from the member’s deposit account in the form of a survivor annuity under this section shall be considered annuity payments received by the member or his or her designated beneficiary and shall offset any disposition of residue payable under § 24-7-709 to the estate of the member or to an alternate payee.

SECTION 14. Arkansas Code § 24-7-713(b), concerning a modification of
the amount of a benefit stipend by the Board of Trustees of the Arkansas Teacher Retirement System, is amended to read as follows:

(b)(1) A member with at least ten (10) years of actual service in the Arkansas Teacher Retirement System is eligible to receive a benefit stipend in addition to his or her monthly retirement benefit.

(2) Effective July 1, 2013, the Board of Trustees of the Arkansas Teacher Retirement System may modify the amount of the benefit stipend from a maximum of seventy-five dollars ($75.00) per month to not less than one dollar ($1.00) per month for eligible benefit participants as a benefit supplement in addition to the cost of living adjustment under subsection (a) of this section.

(2)(3) A benefit stipend increase or decrease adopted by the board shall apply to a complete fiscal year and shall remain in effect until adjusted by the board subject to the limitations under subdivision (b)(4) (b)(5) of this section.

(3)(4) The board may adjust the benefit stipend amount by resolution at a meeting of the board.

(4)(5) The board shall not reduce the benefit stipend unless the:

(A) Arkansas Teacher Retirement System's actuary certifies to the board that the amortization period exceeds eighteen (18) years; and

(B) Board determines that a reduction in the benefit stipend is prudent to maintain actuarial soundness.

(5)(6) The board may phase in an increase or decrease of the benefit stipend.

(7) If a member was eligible for a benefit stipend, the benefit stipend shall be applied to the monthly benefit of the member's designated survivor and option beneficiary.

SECTION 15. Arkansas Code § 24-7-718(a), concerning the requirements for an increase in benefit formulas to be effective under the Arkansas Teacher Retirement System, is amended to read as follows:

(a) For an increase in benefit formulas to be effective, the regular annual actuarial valuation for the calendar year immediately preceding the effective date of the increase shall be based upon an investment rate assumption of no more than eight percent (8%) as recommended by the system's
actuary as financially sound for the Arkansas Teacher Retirement System and
set by the Board of Trustees of the Arkansas Teacher Retirement System and
shall indicate that up to and including a fourteen percent (14%) of pay
employer contribution rate is sufficient to amortize all unfunded actuarial
accrued liabilities for members over a period of thirty (30) eighteen (18)
years or less unless the required contribution rate would exceed fourteen
percent (14%).

SECTION 16. Arkansas Code § 24-7-720(e), concerning the implementation
of a benefit enhancement under the Arkansas Teacher Retirement System, is
amended to read as follows:

(c)(1) No A benefit enhancement provided for by under this section
shall not be implemented if it would cause the publicly supported retirement
system’s unfunded actuarial accrued liabilities to exceed a thirty-year an
eighteen-year amortization.

(2) No If the system’s unfunded actuarial accrued liabilities
exceed an eighteen-year amortization, a benefit enhancement provided for by
under this section shall not be implemented by any publicly supported system
that has unfunded actuarial accrued liabilities being amortized over a period
exceeding thirty (30) years until the unfunded actuarial accrued liability is
reduced to a level less than the standards prescribed by § 24-1-101 et seq.

SECTION 17. Arkansas Code § 24-7-725 is amended to read as follows:
24-7-725. Limitation on benefit enhancement of § 24-7-702.

(a) No A benefit enhancement provided by § 24-7-702 shall not be
implemented if it would cause the publicly supported retirement system’s
unfunded actuarial accrued liabilities of the Arkansas Teacher Retirement
System to exceed a thirty-year an eighteen-year amortization.

(b) No If the system’s unfunded actuarial accrued liabilities exceed
an eighteen-year amortization, a benefit enhancement provided for by § 24-7-
702 shall not be implemented by any publicly supported system which has
unfunded actuarial accrued liabilities being amortized over a period
exceeding thirty (30) years until the unfunded actuarial accrued liability is
reduced to a level less than the standards prescribed by § 24-1-101 et seq.

SECTION 18. Arkansas Code § 24-7-736(c)(1) and (2), concerning the
computation of a final average salary for retirement benefits received under
the Arkansas Teacher Retirement System, are amended to read as follows:

(c)(1) The Board of Trustees of the Arkansas Teacher Retirement System
shall set annually the applicable number of years to be used in computing
final average salary for retirement benefits at not less than three (3) years
and not more than five (5) years.

(2)(A) Full service years that are recorded as service credit
shall be used in the calculation unless the member has a partial service year
that is higher than a full service year of the final average salary.

(B) If the member does not have full service years for the
total years of service used in the calculation of final average salary, then
the board may establish by rule a fair base year for a member's final average
salary for purposes of comparison under subdivision (c)(3) of this section.

(C) If a member has less than the minimum number of years
of credited service required for the final average salary formula, the final
average salary of the member shall be the total salary paid to the member for
his or her years of credited service divided by the member's total credited
years of service.

(D) Before reducing the number of years that is used to
determine the final average salary, the board shall file relevant information
concerning the actuarial appropriateness of the action with the Joint Interim
Committee on Public Retirement and Social Security Programs for review by the
Joint Interim Committee on Public Retirement and Social Security Programs.

SECTION 19. Arkansas Code § 24-7-736(f), concerning final average
salary calculations under the Arkansas Teacher Retirement System, is amended
to read as follows:

(f)(1) The board may adjust the final average salary calculated in
accordance with subsection (c) of this section by board resolution provided
that:

(1)(A) The percentage increase under subdivision (c)(3)(D)
of this section is adjusted no lower than one hundred five percent (105%) per
year and no higher than one hundred twenty percent (120%) per year; and

(2)(B) The salary differential permitted under subdivision
(c)(3)(D) of this section is set no lower than one thousand two hundred fifty
dollars ($1,250) per year and no higher than five thousand dollars ($5,000)
per year.

(2) A partial service year is excluded from the calculation of the final average salary under this subsection.

SECTION 20. Arkansas Code § 24-7-1307(d), concerning interest applied to the Teacher Deferred Retirement Option Plan account of a participant, is amended to read as follows:

(d) If a participant continues covered employment after completing ten (10) consecutive years in the plan, the participant’s plan account shall be credited on June 30 of each year or through the date of retirement, whichever occurs first, with ten (10) year plus plan interest as set by the board.

SECTION 21. Arkansas Code § 24-7-1313 is amended to read as follows:


(a) No A benefit enhancement provided for by § 24-7-1306 shall not be implemented if it would cause the publicly supported retirement system's Arkansas Teacher Retirement System's unfunded actuarial accrued liabilities to exceed a thirty-year an eighteen-year amortization.

(b) No A benefit enhancement provided for by § 24-7-1306 shall not be implemented by any publicly supported the system which has unfunded actuarial accrued liabilities being amortized over a period exceeding thirty (30) years until the unfunded actuarial accrued liability is reduced to a level less than the standards prescribed by § 24-1-101 et seq. an eighteen-year amortization.

SECTION 22. Arkansas Code § 24-7-1504(b), concerning the implementation of ad hoc benefits under the Retirants' Ad Hoc Increase Act, is amended to read as follows:

(b) An ad hoc benefit under this subchapter shall not be implemented if the ad hoc benefit would cause the Arkansas Teacher Retirement System's unfunded actuarial accrued liabilities to exceed a thirty-year an eighteen-year amortization.

SECTION 23. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain provisions of the Arkansas Teacher Retirement System Act, an act that created a state agency
for the purpose of providing retirement benefits to school employees of the
state, are in need of revision and updating to maintain the teacher
retirement laws in conformance with sound public pension policy; that the
Arkansas Teacher Retirement System operates on a fiscal year of July 1 to
June 30; that a July 1, 2019 effective date is necessary to allow the
provisions of this act to begin on the first day of the fiscal year and to
provide for the proper administration of the Arkansas Teacher Retirement
System; that the updates and revisions to the Arkansas Teacher Retirement
System Act are of great importance for actuarial purposes and the protection
of member benefits under the Arkansas Teacher Retirement System; and that
this act is necessary in order to maintain an orderly system of benefits for
the members of the Arkansas Teacher Retirement System. Therefore, an
emergency is declared to exist, and this act being necessary for the
preservation of the public peace, health, and safety shall become effective
on July 1, 2019.

/s/Maddox

APPROVED: 3/12/19