

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Todd

A Bill

SENATE BILL 453

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 24-2-302 AND 24-7-202 (8)
9 TO REMOVE EMPLOYEES OF THE ARKANSAS ACTIVITIES ASSOCIATION
10 FROM THE TEACHER RETIREMENT SYSTEM; AND FOR OTHER
11 PURPOSES."

Subtitle

15 "AN ACT TO REMOVE EMPLOYEES OF THE
16 ARKANSAS ACTIVITIES ASSOCIATION FROM THE
17 TEACHER RETIREMENT SYSTEM."

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

21 SECTION 1. Arkansas Code 24-2-302 is amended to read as follows:

22 "24-2-302. Classification of members.

23 Except as otherwise specifically provided in this subchapter, all
24 employees of the State of Arkansas or any of its political subdivisions who
25 are members or become members of a state retirement system shall be members
26 of the retirement system indicated in this section as follows:

27 (1) All eligible employees of the Arkansas State Highway and
28 Transportation Department shall be members of the Highway Employees'
29 Retirement System;

30 (2) All eligible employees of the Department of Arkansas State
31 Police shall be members of the Arkansas State Police Retirement System;

32 (3) The following persons shall be members of the Teacher
33 Retirement System:

34 (A) Any person employed by a school for the purpose of
35 giving instruction and whose employment requires state certification;

1 (B) Any other person employed by a school in a regular or
2 special position, but specifically excluding employment as a janitor, bus
3 driver, or cafeteria worker;

4 (C) Any person employed by any of the following
5 organizations or agencies, except janitors, bus drivers, and cafeteria
6 workers:

7 (i) Arkansas School for the Blind;

8 (ii) Arkansas School for the Deaf;

9

10 (iii) A local school board;

11 (iv) Chief county school officers;

12 (v) State Board of Education;

13 (vi) Regional educational cooperatives;

14 (vii) State Surplus Property Program; and

15 (viii) Teacher Retirement System;

16 (D) Any person employed in a position requiring
17 professional training or certification with an area vocational-technical
18 school or employed by the Arkansas Educational Television Commission, except
19 that employees of area vocational-technical schools and the Vocational
20 Division of the State Department of Education who have elected to participate
21 in an alternate retirement plan established by §§ 24-7-901 - 24-7-908 shall
22 be active members of the alternate retirement plan;

23 (E) Any person employed in a position requiring
24 professional training or certification with the Division of Rehabilitation
25 Services of the Department of Human Services, the Division of State Services
26 for the Blind of the Department of Human Services, or the Division of
27 Children and Family Services of the Department of Human Services except those
28 employees who have elected coverage under §§ 24-3-101 - 24-3-105, 24-3-201 -
29 24-3-214, 24-3-301 - 24-3-303, 24-3-401 - 24-3-414, and 24-3-416. Membership
30 of employees of the Division of Rehabilitation Services and the Division of
31 State Services for the Blind shall be subject to the following conditions:

32 (i) Those employees who were employed before January
33 1, 1985, and who were members of the Teacher Retirement System on that date
34 shall continue to be members of the Teacher Retirement System, except that in
35 the event the time limit for those employees to change to the noncontributory

1 plan of the Public Employees' Retirement System under § 24-3-214 is extended
2 beyond January 1, 1985, those employees shall have the maximum time allowed
3 by law to elect to make the change.

4 (ii) Those employees who were employed before
5 January 1, 1985, and are members of the noncontributory plan of the Arkansas
6 Public Employees' Retirement System on that date shall continue to be members
7 of the Arkansas Public Employees' Retirement System.

8 (iii) Persons whose initial employment by either the
9 Division of Rehabilitation Services of the Department of Human Services or
10 the Division of State Services for the Blind of the Department of Human
11 Services is on or after January 1, 1985, shall be members of the
12 noncontributory plan of the Arkansas Public Employees' Retirement System.

13 (4) All eligible employees of the State of Arkansas or any of
14 its political subdivisions except those who are members of or are eligible
15 for membership in another legally established state retirement plan shall be
16 members of the Arkansas Public Employees' Retirement System."

17

18 SECTION 2. Arkansas Code 24-7-202(8) is amended to read as follows:

19 "(8) Employment with a school means, beginning July 1, 1993:

20 (A) Employment with any of the following institutions or
21 agencies: Arkansas School for the Blind; Arkansas School for the Deaf; a
22 local school board; chief county school officers; State Board of Education;
23 regional education cooperatives; State Surplus Property Program; and the
24 Arkansas Teacher Retirement System;

25 (B) Employment in a position with any of the following
26 organizations: juvenile training schools, Arkansas Educational Television
27 Commission, and area vocational-technical schools, except those employees of
28 area vocational schools and the Vocational and Technical Education Division
29 of the State Department of Education who have elected to participate in an
30 alternate retirement plan established by §§ 24-7-901 - 24-7-908;

31 (C) Employment by the Arkansas Rehabilitation Services or the
32 Division of State Services for the Blind, except those employees who have
33 elected to participate in the noncontributory plan of the Arkansas Public
34 Employees' Retirement System;

35 (D) Employment in a position with an educationally related

1 agency if the employee is or has been a member of the Arkansas Teacher
2 Retirement System for a minimum of five (5) years and elects to become or
3 remain a member of the system. The employment shall be related to the
4 training of public school employees or school board members, or teaching
5 public school students, or in adult education programs. The employment shall
6 not be related in any manner to private schools. Such agency shall be
7 approved according to rules and regulations established by the board of
8 trustees, shall be considered an employer under § 24-7-202(6), and shall be
9 responsible for all required employer contributions."

10

11 SECTION 3. Nothing in this act shall effect credited service
12 accumulated before the effective date of this act by an employee of the
13 Arkansas Activities Association in the Teacher Retirement System.

14

15 SECTION 4. All provisions of this act of a general and permanent
16 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
17 Code Revision Commission shall incorporate the same in the Code.

18

19 SECTION 5. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

24

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

27

28

29

30

31

32

33

34

35

1
2
3