

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 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H2/10/05

# A Bill

HOUSE BILL 1207

5 By: Representative Mahony  
6  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE TEACHER DEFERRED RETIREMENT  
10 OPTION PLAN; AND FOR OTHER PURPOSES.  
11

### Subtitle

12 AN ACT CONCERNING THE TEACHER DEFERRED  
13 RETIREMENT OPTION PLAN.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 *SECTION 1. Arkansas Code § 24-7-1306 is amended to read as follows:*  
20 *24-7-1306. Amount of ~~contributions~~ deposits.*

21 *(a)(1) Teacher Deferred Retirement Option Plan ~~contributions~~ deposits*  
22 *shall be a percentage of the plan benefit.*

23 *(2)(A) The percentage is one hundred percent (100%) reduced by*  
24 *the product of one percent (1%) multiplied by the number of years of*  
25 *contributory service credit and fractions thereof, and further reduced by the*  
26 *product of six-tenths percent (0.6%) multiplied by the number of years of*  
27 *noncontributory service credit and fractions thereof.*

28 *(B)(i) When a participant whose effective date in the plan*  
29 *is before September 1, 2003, reaches normal retirement age, the plan*  
30 *contributions shall be one hundred percent (100%) with no reduction.*

31 *(ii) For any member whose effective date in the plan*  
32 *is September 1, 2003, or after, the plan contributions for a participant who*  
33 *reaches normal retirement age shall continue as reduced under subdivision*  
34 *(a)(2)(A) of this section.*

35 *(3)(A) In the event a member whose effective date in the plan is*  
36 *before September 1, 2003, has more than thirty (30) years of service, the*



1 years of service above thirty (30) years shall be reduced by one-half percent  
 2 (0.5%) for contributory years and three-tenths percent (0.3%) for  
 3 noncontributory years.

4 (B) For any member whose effective date in the plan is  
 5 September 1, 2003, or after and who has more than thirty (30) years of  
 6 service, the plan contributions for the years of service above thirty (30)  
 7 years shall be reduced under subdivision (a)(2)(A) of this section.

8 (4) Furthermore, the Board of Trustees of the Arkansas Teacher  
 9 Retirement System is authorized to make further adjustments on the plan to  
 10 make it cost-neutral to the Arkansas Teacher Retirement System.

11 (5) As used in this section, "effective date" means the date  
 12 determined to be the member's plan date under the policies, rules, and  
 13 regulations of the board.

14 (b) For the purpose of § 24-7-709 related to disposition of residue,  
 15 ~~plan contributions shall be considered to be annuity payments~~ any amounts  
 16 received from the Teacher Deferred Retirement Option Plan account either in  
 17 the form of a lump sum or annuity payments shall be considered to be annuity  
 18 payments received by the member or his or her designated beneficiary and  
 19 shall act to reduce or eliminate the disposition of residue that, except for  
 20 the provisions of this subsection, would have been paid under § 24-7-709.

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 22 SECTION 2. Arkansas Code § 24-7-1307 is amended to read as follows:

23 (a) The member's Teacher Deferred Retirement Option Plan account shall  
 24 be the account in which shall be accumulated ~~at plan interest~~ ~~the member's~~  
 25 ~~plan contributions~~ Teacher Deferred Retirement Option Plan deposits made on  
 26 behalf of the member and plan interest.

27 (b) At the end of each fiscal year, the Board of Trustees of the  
 28 Arkansas Teacher Retirement System shall credit each plan participant's plan  
 29 account with plan interest on the mean balance in the account for the fiscal  
 30 year.

31 (c) For the purposes of this section, "plan interest" shall be at the  
 32 rate determined by the Board from time to time.

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 34 SECTION 3. Arkansas Code § 24-7-1310 is amended to read as follows:

35 24-7-1310. Death of participant.

36 In the event that a Teacher Deferred Retirement Option Plan participant

1 dies, the benefits payable from the plan shall be determined according to §  
2 24-7-710(b)(1)(A) and (B), provided, however, the plan participant's  
3 surviving spouse may choose to receive the plan benefit in a lump sum without  
4 affecting ~~options on~~ the monthly retirement benefit payable from the Arkansas  
5 Teacher Retirement System.

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7 SECTION 4. Arkansas Code § 24-7-1314(b), concerning early  
8 participation in the Teacher Deferred Retirement Option Plan, is amended to  
9 read as follows:

10 (b) If the board authorizes early participation, the plan ~~contribution~~  
11 deposit under § 24-7-1306 shall be based upon the ~~contribution~~ deposit  
12 percent payable for a participant with thirty (30) years of service, reduced  
13 by at least an additional one-half of one percent (0.5%) of the plan benefit  
14 for each month the member begins participating in the plan prior to having  
15 thirty (30) years of credited service. The board may increase the percentage  
16 required as an early participation reduction in order to provide a fair and  
17 just and reasonable benefit for all members of the Arkansas Teacher  
18 Retirement System and to provide for appropriate actuary considerations.  
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20 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
21 General Assembly of the State of Arkansas that current Arkansas laws  
22 concerning the Teacher Retirement Deferred Option plan require clarity; that  
23 the nature of existing laws concerning the Teacher Retirement Deferred Option  
24 Plan complicates the operation of the Arkansas Teacher Retirement System and  
25 hinders the system in its efforts to serve its members; and that the most  
26 effective time to make change to the system is at the beginning of the  
27 state's fiscal year. Therefore, an emergency is declared to exist and this  
28 act being necessary for the preservation of the public peace, health, and  
29 safety shall become effective on July 1, 2005.

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31 /s/ Mahony

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