

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 1198

By: Representatives Cook, D. Evans, Edwards
By: Senator Miller

For An Act To Be Entitled

AN ACT AMENDING THE PROVISIONS OF THE ARKANSAS
TEACHER RETIREMENT SYSTEM EARNINGS LIMITATION;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT AMENDING THE PROVISIONS OF THE
ARKANSAS TEACHER RETIREMENT SYSTEM
EARNINGS LIMITATION.

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

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

~~(a)(1) Except for a waiver as provided for in subsection (f) of this~~
~~section, if~~ If a retirant is an employee of a public employer whose employees
~~are covered by the Arkansas Teacher Retirement System~~ is an employee of the
public employer he or she was employed by at the time of retirement, then,
for each twelve-month period ending June 30, the amount of his or her system
annuity shall be subject to the limitations equivalent to twice the
limitations imposed by the social security retirement test.

~~(b)(2)~~ (2) For each year ending June 30, the social security
retirement test to be considered shall be the test in effect for the calendar
year beginning the January 1 immediately preceding June 30. The retirant's
earnings shall be his or her remuneration for the employment for the year
ending June 30.

~~(c)(3)~~ (3) The Board of Trustees of the Arkansas Teacher Retirement



1 System shall establish equivalent limitations by appropriate rules and
2 regulations.

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

5 (b) If a retirant is an employee of a public employer whose employees
6 are covered by the Arkansas Teacher Retirement System, other than the public
7 employer he or she was employed by at the time of retirement, the amount of
8 his or her system annuity shall not be subject to the limitations under
9 subsection (a) of this section.

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

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

18 ~~(2) A waiver of the conditions subjecting annuities to~~
19 ~~limitations may be requested if the retirant is hired by a public school~~
20 ~~district due to a shortage of certified teachers in a critical academic area~~
21 ~~in which the retirant is certified.~~

22 ~~(3) The critical academic areas in which there is a shortage of~~
23 ~~certified teachers shall be determined annually by the State Board of~~
24 ~~Education.~~

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

27 ~~(5)(d) Beginning July 1, 2005, for~~ For any retired member retirant
28 employed in a position covered by the system pursuant to a waiver, the
29 employer and employee contribution rate to the system on behalf of the member
30 shall recommence at the rate in effect at the time of the employment and
31 shall be remitted by the employer.

32 (e) Receiving remuneration as an employee of a private employer or as
33 a member of the General Assembly shall not affect payment of an annuity.
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