

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 115

4  
5 By: Senator J. Jeffress  
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## For An Act To Be Entitled

8  
9 AN ACT CONCERNING THE ARKANSAS TEACHER RETIREMENT  
10 SYSTEM EARNINGS LIMITATION; AND FOR OTHER  
11 PURPOSES.  
12

## Subtitle

13  
14 AN ACT CONCERNING THE ARKANSAS TEACHER  
15 RETIREMENT SYSTEM EARNINGS LIMITATION.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. NOT TO BE CODIFIED. Legislative findings.

21 The General Assembly finds:

22 (1) The State of Arkansas suffers from a shortage of qualified  
23 classroom teachers;

24 (2) Many retired classroom teachers would return to the  
25 classroom but for an earnings limitation which that makes their return cost  
26 prohibitive; and

27 (3) Adjustment to the earnings limitation is necessary to  
28 increase the pool of highly qualified teachers available to public school  
29 districts throughout the state.  
30

31 SECTION 2. Arkansas Code § 24-7-708 is amended to read as follows:

32 24-7-708. Conditions subjecting annuities to limitations.

33 (a) ~~(1) Except for a waiver as provided for in subsection (f) of this~~  
34 ~~section, if~~ If a retirant with at least twenty-eight (28) years of service is  
35 an employee of a public employer whose employees are covered by the Arkansas  
36 Teacher Retirement System, then, for each the first twelve-month period



1 ending June 30, the amount of his or her system annuity shall be subject to  
 2 the limitations equivalent to twice the limitations imposed by the social  
 3 security retirement test.

4 (2) No limitation shall be in effect for any employment with a  
 5 public employer entered into after the first twelve-month period.

6 (3)(A) A retirant shall not enter into an agreement with a  
 7 public employer for more than one (1) year.

8 (B) A retirant may not be employed by the same public  
 9 employer, for two (2) successive employment periods.

10 (4) The salary of any retired member employed under this section  
 11 shall not exceed that of the highest-paid certified classroom teacher in the  
 12 employing school district.

13 (5)(A) For any retired member employed under this section, the  
 14 employer and employee contribution rate to the system on behalf of the member  
 15 shall recommence at the rate in effect at the time of the employment and  
 16 shall be remitted by the employer.

17 (B) The employer contribution shall be remitted by the  
 18 employer and the employee contribution shall be remitted by the employee.

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

23 (c) The Board of Trustees of the Arkansas Teacher Retirement System  
 24 shall establish equivalent limitations by appropriate rules and regulations.

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

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

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

35 ~~(2) A waiver of the conditions subjecting annuities to~~  
 36 ~~limitations may be requested if the retirant is hired by a public school~~

1 ~~district due to a shortage of certified teachers in a critical academic area~~  
2 ~~in which the retirant is certified.~~

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

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

8 ~~(5) Beginning July 1, 2005, for For any retired member employed~~  
9 ~~in a position covered by the system pursuant to a waiver, the employer and~~  
10 ~~employee contribution rate to the system on behalf of the member shall~~  
11 ~~recommence at the rate in effect at the time of the employment and shall be~~  
12 ~~remitted by the employer.~~

13 ~~(f) "The Teacher Fair Dismissal Act of 1983", § 6-17-1501 et seq.,~~  
14 ~~shall not apply to a retirant returning to work for a public employer under~~  
15 ~~this section.~~

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