## 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	As Engrossed: S2/12/07	
2	86th General Assembly	A Bill	
3	Regular Session, 2007		SENATE BILL 115
4			
5	By: Senator J. Jeffress		
6			
7			
8		For An Act To Be Entitled	
9	AN ACT (	CONCERNING THE ARKANSAS TEACHER RET	CIREMENT
10	SYSTEM E	EARNINGS LIMITATION; AND FOR OTHER	
11	PURPOSES	3.	
12			
13		Subtitle	
14	AN AC	CT CONCERNING THE ARKANSAS TEACHER	
15	RETIE	REMENT SYSTEM EARNINGS LIMITATION.	
16			
17			
18	BE IT ENACTED BY THE G	GENERAL ASSEMBLY OF THE STATE OF AR	KANSAS:
19			
20	SECTION 1. NOT TO BE CODIFIED. <u>Legislative findings</u> .		
21	<u>The General Asse</u>	embly finds:	
22	<u>(1) The S</u>	State of Arkansas suffers from a sh	ortage of qualified
23	classroom teachers;		
24		retired classroom teachers would r	
25		earnings limitation that makes thei	r return cost
26	prohibitive; and		
27		stment to the earnings limitation i	
28		nighly qualified teachers available	to public school
29	districts throughout t	:he state.	
30			
31		nnsas Code § 24-7-708 is amended to	
32		itions subjecting annuities to limi	
33		rirant with less than twenty-eight	
34		ablic employer whose employees are	
35		rement System, then for each twelve	
36	June 30 the amount of	his or her system annuity shall be	subject to the

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1	limitations equivalent to twice the limitations imposed by the social
2	security retirement test.
3	(2) For each year ending June 30, the social security retirement
4	test to be considered shall be the test in effect for the calendar year
5	beginning the January 1 immediately preceding June 30. The retirant's
6	earnings shall be his or her remuneration for the employment for the year
7	ending June 30.
8	$\frac{(a)}{(b)(1)}$ -Except for a waiver as provided for in subsection (f) of
9	this section, if <u>If</u> a retirant <u>with at least twenty-eight (28) years of</u>
10	service is an employee of a public employer whose employees are covered by
11	the Arkansas Teacher Retirement System, then, for each twelve-month period
12	ending June 30, the amount of his or her system annuity shall <u>not</u> be subject
13	to the limitations equivalent to twice the limitations imposed by the social
14	security retirement test.
15	(2) A retirant employed under subsection (b)(1) of this section
16	may be employed by the same public employer for two (2) or more successive
17	employment periods.
18	(3) The salary of any retirant employed under subsection $(b)(1)$
19	of this section shall not exceed that of the highest-paid certified classroom
20	teacher in the employing school district.
21	(4)(A) For any retired member employed under subsection (b)(1)
22	of this section, the employer and employee contribution rate to the system on
23	behalf of the member shall recommence at the rate in effect at the time of
24	the employment.
25	(B)(i) Except as provided in subdivision (b)(4)(B)(ii) of
26	this section, the employer contribution shall be remitted by the employer and
27	the employee contribution shall be remitted by the employee.
28	(ii) The employer may elect to remit both the
29	employer and employee contribution.
30	(c) A retirant employed by the following shall be exempt from the
31	provisions of this section:
32	(1) The Department of Education; or
33	(2) Any one (1) of the state-supported universities, colleges,
34	or junior colleges within the State of Arkansas if the employees of the
35	state-supported university, college, or junior college are covered by the
36	Arkansas Teacher Retirement System

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1	(b) For each year ending June 30, the social security retirement test
2	to be considered shall be the test in effect for the calendar year beginning
3	the January 1 immediately preceding June 30. The retirant's earnings shall be
4	his or her remuneration for the employment for the year ending June 30.
5	(c)(d) The Board of Trustees of the Arkansas Teacher Retirement System
6	shall establish equivalent limitations by appropriate rules and regulations.
7	(d)(e) Receiving remuneration as an employee from any private employer
8	or as a member of the General Assembly shall not affect payment of an
9	annuity.
10	$\frac{(e)}{(f)}$ 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 waiver
16	shall be effective for a one-year period, with the option to renew annually
17	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) Beginning July 1, 2005, for any retired member employed in a
28	position covered by the system pursuant to a waiver, the employer and
29	employee contribution rate to the system on behalf of the member shall
30	recommence at the rate in effect at the time of the employment and shall be
31	remitted by the employer.
32	(g) The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., shall
33	not apply to a retirant returning to work for a public employer under this
34	section.
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/s/ J. Jeffress