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 S2/28/07 S3/1/07	
By: Senator J. Jeffress System EarNings THE ARKANSAS TEACHER RETIREMENT System EarNings THE ARKANSAS TEACHER Section 1. Section 1. NOT TO BE CODIFIED. Legislative findings. Section 1. Inte State of Arkansas suffers from a shortage of qualified classroom teachers; (1) The State of Arkansas suffers from a shortage of qualified classroom teachers; (2) Many retired classroom teachers would return to the classroom but for an earnings limitation that makes their return cost prohibitive; and (3) Adjustment to the earnings limitation is necessary to increase the pool of highly qualified teachers available to public school districts throughout the state. (3) Section 2. Arkansas Code § 24-7-708 is amended to read as follows:	2	86th General Assembly	A Bill	
5 By: Senator J. Jeffress 6 For An Act To Be Entitled 7 AN ACT CONCERNING THE ARKANSAS TEACHER RETIREMENT 10 SYSTEM EARNINGS LIMITATION; AND FOR OTHER 11 PURPOSES. 12 Subtitle 13 Subtitle 14 AN ACT CONCERNING THE ARKANSAS TEACHER 15 RETIREMENT SYSTEM EARNINGS LIMITATION. 16 SECTION 1. NOT TO DE CODIFIED. Legislative findings. 17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 19 SECTION 1. NOT TO BE CODIFIED. Legislative findings. 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 that makes their return cost 26 increase the pool of highly qualified teachers available to public school 27 (3) Adjustment to the earnings limitation is necessary to 28 incr	3	Regular Session, 2007		SENATE BILL 115
6 For An Act To Be Entitled 9 AN ACT CONCERNING THE ARKANSAS TEACHER RETIREMENT 10 SYSTEM EARNINGS LIMITATION; AND FOR OTHER 11 PURPOSES. 12 Subtitle 13 Subtitle 14 AN ACT CONCERNING THE ARKANSAS TEACHER 15 RETIREMENT SYSTEM EARNINGS LIMITATION. 16 BE IT ENACTED BY THE GENERAL ASSEMELY OF THE STATE OF ARKANSAS: 17 BE IT ENACTED BY THE GENERAL ASSEMELY OF THE STATE OF ARKANSAS: 18 BE IT ENACTED BY THE GENERAL ASSEMELY OF THE STATE OF ARKANSAS: 19 SECTION 1. NOT TO BE CODIFIED. Legislative findings. 11 The General Assembly finds: 12 (1) The State of Arkansas suffers from a shortage of qualified 13 Classroom teachers; 14 (2) Many retired classroom teachers would return to the 15 classroom but for an earnings limitation that makes their return cost 16 (3) Adjustment to the earnings limitation is necessary to 17 (3) Adjustment to the earnings limitation is necessary to 18 SECTION 2. Arkansas Code § 24-7-708 is amended to read as follows:	4			
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52 24-7-708. Conditions subjecting annuities to inmitations.				
22 (a)(1) If a notinent with logg then twenty sight (20) wears of convice				
 33 (a)(1) If a retirant with less than twenty-eight (28) years of service 34 is an employee of a public employer whose employees are covered by the 				
Arkansas Teacher Retirement System, then for each twelve-month period ending				
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	(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) Contributions to the system under this section shall
31	be nonrefundable.
32	(c)(1) A retirant employed by the following shall be exempt from the
33	provisions of this section:
34	(A) The Department of Education; or
35	(B) Any one (1) of the state-supported universities, colleges,
36	or junior colleges within the State of Arkansas if the employees of the

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1	state-supported university, college, or junior college are covered by the
2	Arkansas Teacher Retirement System.
3	(2)(A) For any retired member employed in a position covered by
4	the system pursuant to an exemption under subdivision (c)(l) of this section,
5	the employer and employee contribution rate to the system on behalf of the
6	member shall recommence at the rate in effect at the time of the employment.
7	(B)(i) Except as provided in subdivision (c)(2)(B)(ii) of
8	this section, the employer contribution shall be remitted by the employer and
9	the employee contribution shall be remitted by the employee.
10	(ii) The employer may elect to remit both the
11	employer and employee contribution.
12	(C) Contributions to the system under this section shall
13	be nonrefundable.
14	(b) For each year ending June 30, the social security retirement test
15	to be considered shall be the test in effect for the calendar year beginning
16	the January 1 immediately preceding June 30. The retirant's earnings shall be
17	his or her remuneration for the employment for the year ending June 30.
18	(c)<u>(</u>d) The Board of Trustees of the Arkansas Teacher Retirement System
19	shall establish equivalent limitations by appropriate rules and regulations.
20	(d)<u>(</u>e) Receiving remuneration as an employee from any private employer
21	or as a member of the General Assembly shall not affect payment of an
22	annuity.
23	(e)<u>(f)</u> During any period of employment in a position covered by the
24	system, a retirant shall not accrue additional credited service.
25	(f)(1) In accordance with rules and regulations adopted by the State
26	Board of Education, the Department of Education may request of the board of
27	trustees or its designee a waiver of the conditions subjecting annuities to
28	limitations. If approved by the board of trustees or its designee, the waiver
29	shall be effective for a one-year period, with the option to renew annually
30	for up to a total of three (3) years as requested by the department.
31	(2) A waiver of the conditions subjecting annuities to
32	limitations may be requested if the retirant is hired by a public school
33	district due to a shortage of certified teachers in a critical academic area
34	in which the retirant is certified.
35	(3) The critical academic areas in which there is a shortage of
36	certified teachers shall be determined annually by the State Board of

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1	Education.
2	(4) School districts shall maintain audit files identifying
3	personnel granted a waiver and documenting the reasons for the waiver.
4	(5) Beginning July 1, 2005, for any retired member employed in a
5	position covered by the system pursuant to a waiver, the employer and
6	employee contribution rate to the system on behalf of the member shall
7	recommence at the rate in effect at the time of the employment and shall be
8	remitted by the employer.
9	(g) The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., shall
10	not apply to a retirant returning to work for a public employer under this
11	section.
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13	/s/ J. Jeffress
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