

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1290

By: Representative Tosh

For An Act To Be Entitled

AN ACT TO REQUIRE THE ARKANSAS TEACHER RETIREMENT SYSTEM TO CORRECT AN ERROR IN ITS RECORDS AT ANY TIME THAT UNDERSTATES THE SERVICE CREDIT OF A MEMBER; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THE ARKANSAS TEACHER RETIREMENT SYSTEM TO CORRECT AN ERROR THAT UNDERSTATES THE SERVICE CREDIT OF A MEMBER; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 24-7-205(c), concerning correction of errors contained in the records of the Arkansas Teacher Retirement System, is amended to read as follows:

(c) A determination, review, administrative action, cause of action, request to enforce, change, or modify an obligation, duty, benefit calculation, designation, refund, contribution, service credit, or other right arising under this subchapter shall not be valid unless commenced within the look-back period unless the system determines that the justification to commence the process is due to intentional nondisclosure, fraud, misrepresentation, ~~or~~ criminal act, or an obvious or documented error by an employer or the system that understated the service credit of a member upon which all required contributions have been paid.



SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that an error in the records of the Arkansas Teacher Retirement System concerning a member's service credit may be detrimental to a member; that the ability to correct certain types of errors within the Arkansas Teacher Retirement System provides justice to a member; and that this act is immediately necessary to provide a remedy to a member of the Arkansas Teacher Retirement System. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 02/21/2017