

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 210

By: Senator L. Chesterfield

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE CORRECTION OF
ERRORS UNDER THE ARKANSAS TEACHER RETIREMENT SYSTEM;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
CORRECTION OF ERRORS UNDER THE ARKANSAS
TEACHER RETIREMENT SYSTEM.

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

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

(b)(1) If a benefit participant has a balance due to the system or receives any benefit or other distribution by the system to which the benefit participant is not entitled or the benefit participant or employer has an unpaid obligation to the system, the system or its designee, under rules adopted by the Board of Trustees of the Arkansas Teacher Retirement System, may:

(A) Withhold the amount due from any benefit or payment due the benefit participant;

(B) Collect the amount in any other manner provided by law; or

(C)(i) Cancel any contributory service credit for the fiscal year for which there is a member contribution balance due to the system, if the member that owes the member contribution balance elects to



have the system cancel the contributory service rather than pay the balance due.

(ii) If contributory service credit is canceled under subdivision (b)(1)(C)(i) of this section, the system shall return any member contributions for the affected portion of that fiscal year without interest.

(2) Withheld amounts shall be used to effect repayment until the total amount withheld equals all amounts payable by the benefit participant to the system.

(3)(A) Before making an adjustment of benefits or pursuing any other collection action under this section, the system or its designee shall provide notice to the benefit participant or employer.

(B) The notice shall describe the process for disputing an adjustment of benefits.

(4) ~~Except for member contributions, the~~ The board or its designee may waive adjustment or repayment due to the system, including interest, if:

(A) The error was not the result of the benefit participant's or employer's intentional nondisclosure, fraud, misrepresentation, or other fault; and

(B) The board or its designee finds in his or her or its sole discretion that recovery of the amount owed to the system will result in a manifest injustice.

APPROVED: 2/11/19