

Stricken language would be deleted from and underlined language would be added to present law.  
Act 281 of the Regular Session

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: H2/25/21

# A Bill

HOUSE BILL 1352

By: Representative Warren

## For An Act To Be Entitled

*AN ACT CONCERNING THE COLLECTION OF DEBTS AND OVERPAYMENTS BY THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO AMEND THE DEFINITION OF "CLAIMANT AGENCY" AND "DEBT"; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

## Subtitle

*CONCERNING THE COLLECTION OF DEBTS AND OVERPAYMENTS BY THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO AMEND THE DEFINITION OF "CLAIMANT AGENCY" AND "DEBT"; AND TO DECLARE AN EMERGENCY.*

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

SECTION 1. Arkansas Code § 26-36-303(1)(A), concerning the definition of "claimant agency" as applicable to setoffs against state tax refunds, is amended to add an additional subdivision to read as follows:

(xx) Arkansas Public Employees' Retirement System.

SECTION 2. Arkansas Code § 26-36-303(2), concerning the definition of "debt" as applicable to setoffs against state tax refunds, is amended to add an additional subdivision to read as follows:

(H) Any overpayment of a monthly benefit or lump sum from the Arkansas Public Employees' Retirement System.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the



General Assembly of the State of Arkansas that the Arkansas Public Employees' Retirement System holds system funds in trust for the benefit of all members; that the Board of Trustees of the Arkansas Public Employees' Retirement System has a fiduciary duty to manage funds held in trust by the system, including the recoupment of debts to the system; that the law does not allow the system to waive debts or overpayments; that the system expends time and effort in the recoupment of debts and overpayment; that unrecovered debts or overpayments are ultimately borne by members of the system; that the system currently has recorded debts or overpayments that are in immediate need of collection; that time is of the essence in collecting debts or overpayments; that this act is of great importance to members of the system and to other citizens of this state in general; and that this act is immediately necessary in order to protect and maintain an orderly system of accounting for the members of the 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.

*/s/Warren*

**APPROVED: 3/8/21**