

Act 446 of the 1989 Regular Session.

Act 446

HB1289

By: Representatives Maddox and Sanson

"AN ACT TO AUTHORIZE THE PUBLIC EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES TO APPROVE THE RETIREMENT OF AN ELIGIBLE MEMBER UNDER THE PROVISIONS OF ACT 187 OR ACT 717 OF 1987; AND FOR OTHER PURPOSES.

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

SECTION 1. (a) The Public Employees Retirement System Board of Trustees is authorized to approve the retirement of an eligible member after the effective date of this act under the provisions of Act 187 or Act 717 of 1987 if the Board determines that all of the following conditions have been met:

(1) As of January 1, 1988, the member was eligible to receive retirement benefits and retirement incentives authorized by Act 187 or Act 717 of 1987;

(2) The eligible member thought his benefits would be less than he was actually entitled to due to an incorrect benefit estimate supplied him by the Public Employees Retirement System, provided that the correct benefit must represent an increase of at least 40% over the incorrect estimate;

(3) Based on the incorrect benefit estimate supplied to him by the Public Employees Retirement System, the eligible member failed to apply for early retirement under the provisions of Act 187 or Act 717 of 1987.

(4) The eligible member applies to the Public Employees Retirement System for retirement benefits and retirement incentives under Act 187 or Act 717 of 1987 prior to July 1, 1989.

(b) The Public Employees Retirement System Board of Trustees is authorized by this act to approve an increase in benefits for an eligible member who retired under Act 187 or Act 717 of 1987 and who mistakenly relied on an incorrect benefit estimate supplied to him if the Board determines that all of the following conditions have been met:

(1) The member thought his benefit would be more than he or she was actually entitled to due to an incorrect benefit estimate supplied to him by the Public Employees Retirement System, provided that the incorrect benefit estimate must represent an increase of at least fifteen percent (15%) over his or her actual benefit;

(2) The member retired under Act 187 or Act 717 of 1987 and relied on the incorrect benefit estimate as the basis for his or her retirement decision;

(3) The member applies to the Public Employees Retirement System for the increase in benefits prior to July 1, 1989.

SECTION 2. Any eligible member retiring under the provisions of Act 187 or Act 717 of 1987 pursuant to this act will be entitled to the retirement benefits and retirement incentives they would have been eligible to receive had they retired effective January 1, 1988.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are

hereby repealed.

APPROVED: March 9, 1989

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