

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  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 124

4  
5 By: Senators J. Jeffress, Faris  
6 By: Representative Sullivan

## For An Act To Be Entitled

10 AN ACT TO ALLOW THE ARKANSAS TEACHER RETIREMENT  
11 SYSTEM TO WITHHOLD BENEFITS IN CERTAIN  
12 CIRCUMSTANCES TO ASSIST IN COLLECTING ACCOUNTS  
13 RECEIVABLE; AND FOR OTHER PURPOSES.

## Subtitle

16 AN ACT TO ALLOW THE ARKANSAS TEACHER  
17 RETIREMENT SYSTEM TO WITHHOLD BENEFITS  
18 IN CERTAIN CIRCUMSTANCES TO ASSIST IN  
19 COLLECTING ACCOUNTS RECEIVABLE.

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

24 SECTION 1. Arkansas Code § 24-7-205 is amended to read as follows:

25 24-7-205. Adjustment of payment to correct error or recoup overpayment.

26 (a) Should any change or error in the records result in any person's  
27 receiving from the Arkansas Teacher Retirement System more or less than he or  
28 she would have been entitled to receive had the records been correct, the  
29 ~~Board of Trustees of the~~ Arkansas Teacher Retirement System shall correct the  
30 error and, as far as practicable, shall adjust the ~~payment~~ benefit, annuity,  
31 or refund payable to the person or his or her beneficiary in such manner that  
32 the actuarial equivalent of the benefit to which the person was correctly  
33 entitled shall be paid.

34 (b)(1) If a person who is a member, former member, contributor, former  
35 contributor, retirant, beneficiary, or alternate payee under a qualified  
36 domestic relations order pursuant to §§ 9-18-101 – 9-18-103, is paid any



1 benefit or payment by the Arkansas Teacher Retirement System to which the  
2 person is not entitled, the retirement system pursuant to rules and  
3 regulations adopted by the Board of Trustees of the Arkansas Teacher  
4 Retirement System may:

5 (A) Withhold the amount due from any benefit or payment  
6 due the person or the person's beneficiary; or

7 (B) Collect the amount in any other manner provided by  
8 law.

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

11  
12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
13 General Assembly of the State of Arkansas that the Arkansas Teacher  
14 Retirement System has no mechanism to recoup overpayment in certain  
15 circumstances; that the absence of the ability leads to the potential loss of  
16 funds from the system; and that the most effective time to make changes to  
17 the retirement system is at the beginning of the state's fiscal year.  
18 Therefore, an emergency is declared to exist and this act being immediately  
19 necessary for the preservation of the public peace, health, and safety shall  
20 become effective on July 1, 2005.