

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/25/21

A Bill

HOUSE BILL 1352

5 By: Representative Warren
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE COLLECTION OF DEBTS AND
9 OVERPAYMENTS BY THE ARKANSAS PUBLIC EMPLOYEES'
10 RETIREMENT SYSTEM; TO AMEND THE DEFINITION OF
11 "CLAIMANT AGENCY" AND "DEBT"; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES.
13

Subtitle

14 CONCERNING THE COLLECTION OF DEBTS AND
15 OVERPAYMENTS BY THE ARKANSAS PUBLIC
16 EMPLOYEES' RETIREMENT SYSTEM; TO AMEND
17 THE DEFINITION OF "CLAIMANT AGENCY" AND
18 "DEBT"; AND TO DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 26-36-303(1)(A), concerning the definition
26 of "claimant agency" as applicable to setoffs against state tax refunds, is
27 amended to add an additional subdivision to read as follows:

28 (xx) Arkansas Public Employees' Retirement System.
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30 SECTION 2. Arkansas Code § 26-36-303(2), concerning the
31 definition of "debt" as applicable to setoffs against state tax refunds, is
32 amended to add an additional subdivision to read as follows:

33 (H) Any overpayment of a monthly benefit or lump sum from
34 the Arkansas Public Employees' Retirement System.
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36 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the



1 General Assembly of the State of Arkansas that the Arkansas Public Employees'
 2 Retirement System holds system funds in trust for the benefit of all members;
 3 that the Board of Trustees of the Arkansas Public Employees' Retirement
 4 System has a fiduciary duty to manage funds held in trust by the system,
 5 including the recoupment of debts to the system; that the law does not allow
 6 the system to waive debts or overpayments; that the system expends time and
 7 effort in the recoupment of debts and overpayment; that unrecovered debts or
 8 overpayments are ultimately borne by members of the system; that the system
 9 currently has recorded debts or overpayments that are in immediate need of
 10 collection; that time is of the essence in collecting debts or overpayments;
 11 that this act is of great importance to members of the system and to other
 12 citizens of this state in general; and that this act is immediately necessary
 13 in order to protect and maintain an orderly system of accounting for the
 14 members of the system. Therefore, an emergency is declared to exist, and this
 15 act being immediately necessary for the preservation of the public peace,
 16 health, and safety shall become effective on:

- 17 (1) The date of its approval by the Governor;
- 18 (2) If the bill is neither approved nor vetoed by the Governor,
 19 the expiration of the period of time during which the Governor may veto the
 20 bill; or
- 21 (3) If the bill is vetoed by the Governor and the veto is
 22 overridden, the date the last house overrides the veto.

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24 /s/Warren
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