

**§17105. Chief executive officer**

**1. Duties.** In addition to other duties set out in this Part, the chief executive officer, as appointed under section 17103, subsection 8, shall have the following duties.

A. The chief executive officer shall have administrative responsibility for the retirement system, including responsibility for the approval of the payment of all benefits under this Part. [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

B. The chief executive officer shall obtain whatever services are required to transact the business of the retirement system. [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

C. The chief executive officer shall keep in convenient form whatever data are necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of each of the programs of the retirement system. [PL 2007, c. 491, §78 (AMD); PL 2021, c. 548, §45 (REV).]

D. Whenever the chief executive officer determines that a fraud, attempted fraud or a violation of law in connection with funds administered by the retirement system may have occurred, the chief executive officer shall:

(1) Report in writing all information concerning the fraud or violation to the Attorney General or the Attorney General's designee for such action as he may deem appropriate, including civil action for recovery of funds and criminal prosecution by the Attorney General; and

(2) Upon request of the Attorney General and in such a manner as the Attorney General deems appropriate, assist in the recovery of funds. [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

E. The chief executive officer shall cause to be delivered to each participating local district a written notice setting forth the amendments or additions to this Part and shall require from each participating local district an acknowledgment of receipt of that notice. [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

F. Upon discovery of any error in any record of the retirement system, the chief executive officer shall, to the extent practicable, correct the record. [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

G. [PL 2007, c. 249, §11 (RP).]

[PL 2007, c. 491, §78 (AMD); PL 2021, c. 548, §45 (REV).]

**2. Powers.** In addition to other powers granted to the chief executive officer by this Part, the chief executive officer shall have the following powers.

A. The chief executive officer may request from the head of any department information required to administer this Part and, upon such a request, the head of the department shall promptly furnish the information requested. [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

B. Whenever the chief executive officer finds it impossible or impracticable to consult an original record to determine the date of birth, length of service, amount of regular compensation or other pertinent fact with regard to any member, the chief executive officer may, subject to the approval of the actuary, use estimates on any basis which, in the chief executive officer's judgment, is fair and just. [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

C. The chief executive officer, with the approval of the board, may delegate the duties and powers given to the chief executive officer by this Part to the retirement system staff. [PL 1993, c. 387, Pt. A, §5 (NEW); PL 2021, c. 548, §45 (REV).]

[PL 1993, c. 387, Pt. A, §5 (AMD); PL 2021, c. 548, §45 (REV).]

**3. Staff.** The chief executive officer shall employ personnel as necessary and in accordance with board policy to transact the business of the system, which may include a general counsel. Additional attorneys may be employed to assist the general counsel with the approval of the Attorney General. The duties of the general counsel and any assistant counsel must be consistent with the terms of a memorandum of understanding between the chief executive officer and the Attorney General. [PL 2005, c. 238, §1 (AMD); PL 2021, c. 548, §45 (REV).]

**4. Expenses.** The necessary expenses incurred by the chief executive officer in the operation of the retirement system shall be paid from the funds so allocated. [PL 1985, c. 801, §§5, 7 (NEW); PL 2021, c. 548, §45 (REV).]

**5. Reporting; simplification and enforcement.** The chief executive officer may:

A. Review the retirement system's payroll and other reporting requirements and implement changes that simplify reporting methods or require less frequent filing of reports, provided that a change must not impair the completeness and accuracy of the records necessary for the retirement system's operations or compromise the integrity of the retirement system's funds or operations; and [PL 1993, c. 387, Pt. A, §6 (NEW).]

B. Recommend to the board for adoption under its rule-making authority a schedule of administrative penalties and interest intended to:

- (1) Ensure compliance with payroll and other reporting requirements, including, but not limited to, the timely filing of reports and the accuracy of reports and of back-up records of the employer;
- (2) Deter actions or omissions by the employer that impair the retirement system's ability to process accurately and in a timely manner membership and retirement applications, requests for refunds, group life insurance premium payments and claims and to conduct its other functions; and
- (3) Deter actions or omissions by the employer that impede or delay the retirement system's efforts to resolve issues related to these matters. [PL 1993, c. 387, Pt. A, §6 (NEW).]

For purposes of this subsection, "employer" means a department or agency of State Government, a school administrative unit or a participating local district.

[PL 1993, c. 387, Pt. A, §6 (NEW); PL 2021, c. 548, §45 (REV).]

#### SECTION HISTORY

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 402, §§A66,A67 (AMD). PL 1993, c. 387, §§A5,6 (AMD). PL 1993, c. 410, §L23 (AMD). PL 1995, c. 368, §G5 (AMD). PL 2005, c. 238, §1 (AMD). PL 2007, c. 249, §11 (AMD). PL 2007, c. 491, §78 (AMD). PL 2021, c. 548, §45 (REV).

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