

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H2/21/97 H3/7/97

## A Bill

ACT 1241 OF 1997  
HOUSE BILL 1705

5 By: Representative Courtway  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 24-11-425 TO ELIMINATE THE  
10 MARRIAGE PENALTY FOR SURVIVING SPOUSES AND CHILDREN OF  
11 DECEASED POLICE OFFICERS *KILLED WHILE ON DUTY* UNDER  
12 MUNICIPAL POLICE PENSION AND RELIEF FUNDS; AND FOR OTHER  
13 PURPOSES."

### Subtitle

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15 "TO ELIMINATE THE MARRIAGE PENALTY FOR  
16 SURVIVING SPOUSES AND CHILDREN OF DEAD  
17 POLICE OFFICERS UNDER THE POLICE PENSION  
18 AND RELIEF FUNDS."  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 24-11-425 is amended to read as follows:

24 "24-11-425. Benefits - Death of active or retired member.

25 (a) If any active police officer or any retired member dies from any  
26 cause, leaving a surviving spouse or a child under the age of eighteen (18)  
27 years, then the board of trustees shall direct a monthly pension during the  
28 surviving spouse's life in an amount equal to the pension attached to the rank  
29 of the deceased police officer at the time of his death, but in no event shall  
30 the benefit of the surviving spouse be less than three hundred fifty dollars  
31 (\$350) per month.

32 (b) Should the police officer leave no surviving spouse or children,  
33 but does leave a dependent parent, the board shall pay the dependent parent  
34 the sum of one hundred twenty-five dollars (\$125) monthly, as long as the  
35 dependent parent remains unmarried.

36 (c) The minimum benefit provided in this section shall be paid to all

1 qualified survivors regardless of whether they were already receiving benefits  
2 or become eligible for the first time after June 17, 1981.

3 (d)(1) If any police officer marries after retirement, that surviving  
4 spouse shall be entitled to a pension under this subchapter if he or she has  
5 been married to the police officer for a period of at least ten (10) years and  
6 if the actuarial soundness of the fund will not be adversely affected.

7 (2) If any police officer who retired after June 12, 1964, and  
8 before June 20, 1964, marries after retirement, that surviving spouse shall be  
9 entitled to a pension under this subchapter if he or she has been married to  
10 the police officer for a period of at least two (2) years and if the actuarial  
11 soundness of the fund will not be adversely affected.

12 (e) In addition to the monthly pension provided in subsections (a) and  
13 (b) of this section, the board of trustees shall order and direct the payment  
14 of the sum of one hundred twenty-five dollars (\$125) per month to each child  
15 under eighteen (18) years of age who has not completed high school. However,  
16 if the child enrolls in an institution of higher learning after completing  
17 high school, the payment shall continue as long as the child is a full-time  
18 student, but in no instance beyond the child's twenty-third birthday.

19 (f) The sum total of the pension to be paid the surviving spouse or the  
20 qualifying child of the deceased police officer shall not exceed one-half  
21 (1/2) of the salary attached to the rank the police officer held at the time  
22 of his death.

23 (g) If any surviving spouse or child shall marry, he shall thereafter  
24 receive no further pension under this subchapter, except if he is a surviving  
25 spouse of a police officer who is killed while in the official performance of  
26 his duties.

27 (h)(1) When entitled to a pension, as provided by this subchapter, a  
28 surviving spouse, child, or dependent parent shall make application to the  
29 board of trustees through the secretary of the board on a form to be provided  
30 by the board.

31 (2) Accompanying the application shall be proof of the marriage  
32 of the decedent to the surviving spouse claimant.

33 (3) Proof of the birth of children shall be shown by the  
34 baptismal or board of health certificate.

35 (4) All applications and proof shall be retained in the custody  
36 of the board, and due notice of that action shall be registered by the

1 secretary in his office.

2 (i) Every member of the department must file with the secretary the  
3 names of those persons to whom death benefits are to be paid and the  
4 relationship of the beneficiary to the decedent."

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6 SECTION 2. All provisions of this act of general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 3. If any provisions of this act or the application thereof to  
11 any person or circumstance is held invalid, the invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provisions or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 4. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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*/s/Rep. Courtway*

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APPROVED:4-09-97

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