

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator Jewell**

# A Bill

**SENATE BILL 356**

## For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 24, CHAPTER 3, SUBCHAPTER 2 OF THE  
9 ARKANSAS CODE OF 1987, AS AMENDED, TO PROVIDE BENEFITS TO  
10 SURVIVORS OF RETIRANTS OF THE ARKANSAS STATE POLICE  
11 RETIREMENT SYSTEM; TO PERMIT THE DIRECTOR OF THE ARKANSAS  
12 STATE POLICE TO PARTICIPATE IN STATE-SUPPORTED RETIREMENT  
13 SYSTEM; AND FOR OTHER PURPOSES."

14  
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Arkansas Code §24-3-203 is hereby amended by adding a new  
18 subsection to read as follows:

19 "(d) (1) If a member of the Arkansas State Police Retirement System  
20 fails to elect an option, his annuity shall be paid him as a straight life  
21 annuity.

22 (2) (A) In the event the retirant dies and leaves a spouse to whom  
23 the retirant was married at least three (3) years prior to the date of his  
24 retirement, the surviving spouse shall receive an annuity equal to seventy-  
25 five percent (75%) of the retirant's annuity, but only if the spouse has under  
26 care the retirant's dependent children whose dates of birth are prior to the  
27 retirant's date of retirement.

28 (i) When the spouse no longer has under care such a  
29 dependent child, the annuity shall be reduced to fifty percent (50%) of the  
30 retirant's annuity.

31 (ii) Upon the spouse's remarriage or death, the  
32 annuity provided for in this subsection shall terminate.

33 (B) In the event the retirant dies and leaves a spouse to  
34 whom he was married at least three (3) years prior to the date of his  
35 retirement and who does not have under care the retirant's dependent children,

1 the surviving spouse shall receive an annuity equal to fifty percent (50%) of  
2 the retirant's annuity. Upon the spouse's remarriage or death, the annuity  
3 provided for in this subsection shall terminate.

4 (C) In the event the retirant dies and does not leave a  
5 spouse eligible for an annuity as provided for in this subsection, or in the  
6 event the surviving spouse dies or remarries and the annuity provided for in  
7 this subsection is terminated, and there is surviving the retirant a dependent  
8 child, or children, each such child shall receive an annuity of an equal share  
9 of seventy-five percent (75%) of the retirant's annuity. In no case shall the  
10 annuity payable to any such child exceed twenty-five percent (25%) of the  
11 retirant's annuity.

12 (3) (A) A child shall be a dependent child until his death, his  
13 marriage, or his attainment of age eighteen (18) years, whichever occurs  
14 first; however, the age of eighteen (18) years maximum shall be extended as  
15 long as the child is continuously enrolled as a full-time student at an  
16 accredited secondary school or accredited postsecondary institution of higher  
17 education, but in no event beyond his attainment of the age of twenty-three  
18 (23) years; the eighteen (18) year maximum shall also be extended for any  
19 child who has been deemed physically or mentally incompetent by a court with  
20 jurisdiction over the individuals or by the board, for as long as the  
21 incompetency exists.

22 (B) Once a child ceases to be dependent, his annuity shall  
23 terminate and there shall be a redetermination of the amount payable to any  
24 remaining dependent children.

25 (C) The Board of Trustees is hereby authorized to establish  
26 through rules and regulations a means of verification of enrollment in a  
27 secondary school or postsecondary institution of higher education by a  
28 surviving dependent child under this subsection for purposes of annuity  
29 benefits.

30 (4) (A) If a surviving spouse who is receiving survivor's benefits  
31 under this subsection remarries and the benefits are discontinued and the  
32 surviving spouse again becomes unmarried, benefits provided in this section  
33 for the spouse shall be resumed.

34 (5) (A) Effective July 1, 1991, benefits shall be resumed for any  
35 surviving spouse who had remarried but is unmarried on that date, but no such

1 benefit will be paid the surviving spouse for any period prior to July 1,  
2 1991.

3 (B) (i) The provisions of subsection (d) (2) herein shall be  
4 retroactive to June 1, 1990.

5 (ii) Any surviving beneficiary of a state police  
6 officer retirant shall apply with the system for benefits set forth in  
7 subsection (d) (2) herein on the form approved by the system.

8 (iii) Such application must be received by the system  
9 within sixty (60) days after the effective date of this act, or within sixty  
10 (60) days of the death of the retirant, whichever is later.

11 (iv) The benefits provided in this act shall become  
12 effective the first day of the month following receipt of the application form  
13 by the system."  
14

15 SECTION 2. (a) Any person who is eligible for benefits under the  
16 Arkansas State Police Retirement System, and who, on January 1, 1991, serves  
17 as Director of the Arkansas State Police, shall be given credit for time  
18 served under the noncontributory retirement system. Any such person who shall  
19 have a minimum of ten (10) years service which may be cumulative from both  
20 systems, shall be included in the term "member" as it applies to membership in  
21 the present noncontributory retirement system of the Arkansas State Police as  
22 set out in A.C.A. §24-6-201 et seq.

23 (b) The retirement credit earned shall be supplemental to those  
24 benefits earned under the contributory retirement system of the Arkansas State  
25 Police.

26 (c) Any additional costs to the system as a result of this  
27 section shall be paid from the operations appropriation of the Arkansas State  
28 Police.  
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30 SECTION 3. All provisions of this act of a general and permanent nature  
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
32 Revision Commission shall incorporate the same in the Code.  
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34 SECTION 4. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without  
2 the invalid provision or application, and to this end the provisions of this  
3 act are declared to be severable.

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5 SECTION 5. All laws and parts of laws in conflict with this act are  
6 hereby repealed.

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8 SECTION 6. EMERGENCY. That inequities between the contributory state  
9 police retirement system and the non-contributory system have resulted in  
10 inequities occurring between surviving spouses and minor children of retirants  
11 of the two systems; that such inequities are not easily understood when both  
12 former members honorably served this state as members of the Arkansas State  
13 Police; that in order to remedy this circumstance, it is necessary that this  
14 bill become effective immediately upon its passage and approval. Therefore,  
15 an emergency is hereby declared to exist and this act being necessary for the  
16 immediate preservation of the public peace, health and safety shall be in full  
17 force and effect from and after its passage and approval.

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*/s/Jewell*

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