

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

# A Bill

**SENATE BILL**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND TITLE 24, CHAPTERS 3 AND 4, OF THE  
9 ARKANSAS CODE OF 1987, AS AMENDED, TO PERMIT RETIREMENT  
10 BENEFITS TO BE REINSTATED FOR A SURVIVING SPOUSE OF  
11 CERTAIN MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
12 UNDER CERTAIN CONDITIONS; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. Arkansas Code §24-3-209 is hereby amended by adding a new  
17 subsection to read as follows:

18 "(j) In the case of a surviving spouse of a deceased member who had  
19 benefits terminated due to remarriage under the provisions of this section,  
20 the surviving spouse of the member shall be entitled to a reinstatement of  
21 benefits upon the death of any subsequent spouse. The benefits shall cease  
22 immediately upon the death or remarriage of the surviving spouse."

23

24 SECTION 2. Arkansas Code §24-4-711 is hereby amended to read as  
25 follows:

26 "24-4-711. Survivor benefits for spouses of General Assembly members  
27 and state constitutional officers dying in office.

28 (a) (1) If any member of the General Assembly who has served in the  
29 House of Representatives or the Senate for at least ten (10) years, or an  
30 elected state constitutional officer who has served as an elected state  
31 constitutional officer for at least ten (10) years, dies while serving a term  
32 in the General Assembly, or while serving a term as an elected state  
33 constitutional officer, and while a member of the Arkansas Public Employees'  
34 Retirement System, or dies while drawing benefits under the system, or after  
35 having established a deferred annuity under the system, and leaves a surviving

1 spouse, the surviving spouse of the member shall be entitled to receive an  
2 annuity equal to the amount of the full annuity which the member was receiving  
3 or would have been entitled to receive had he been of retirement age.

4           (2) The spouse shall begin to receive the survivor benefits  
5 provided in this section upon reaching the age at which the member would have  
6 been eligible to receive benefits under the system with the years of service  
7 he had under the system.

8           (3) The benefits shall cease immediately upon the death or  
9 remarriage of the surviving spouse.

10          (b) Any person elected to and serving as a member of the House of  
11 Representatives or the Senate of the Arkansas General Assembly who dies before  
12 completing the term for which elected shall continue to accrue service credit  
13 for retirement eligibility and for determining eligibility of the spouse of  
14 the member for survivor benefits until a person is elected and qualified to  
15 fill the position vacated by the death of the member.

16          (c) The provisions of this section shall not be construed to require or  
17 authorize retroactive payments or a retroactive  
18 increase in payments to any survivor of a deceased member of the General  
19 Assembly.

20          (d) In the case of a member of the General Assembly who died prior to  
21 February 12, 1971, and who otherwise met the requirements of this section, the  
22 surviving spouse of the deceased member shall be entitled to the survivors'  
23 annuity provided in this section from and after February 12, 1971. However,  
24 if the surviving spouse has withdrawn from the system the contributions of the  
25 deceased member, the surviving spouse must, as a condition of receiving the  
26 annuity provided for in this section, repay to the system the amount so  
27 withdrawn from the system, together with regular interest thereon for the  
28 period from the date withdrawn to the date it is repaid to the system.

29          (e) In the case of a surviving spouse of a deceased member who had  
30 benefits terminated due to remarriage under the provisions of this section,  
31 the surviving spouse of the member shall be entitled to a reinstatement of  
32 benefits upon the death of any subsequent spouse. The benefits shall cease  
33 immediately upon the death or remarriage of the surviving spouse."

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35          SECTION 3. Notwithstanding the provisions of Ark. Code §24-4-711(c) or

1 any other provision to the contrary, the reinstatement of benefits provisions  
2 of this act shall apply retroactively to all surviving spouses of a deceased  
3 member of the General Assembly whose subsequent spouse died after December 31,  
4 1989. Reinstatement of benefits shall begin on the first day of the month  
5 following the month in which the death of the subsequent spouse occurred.

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7 SECTION 4. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 5. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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

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