

As Engrossed: 2/20/91, 3/7/91

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

A BILL ACT 661 OF 1991
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."

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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,
36 the surviving spouse shall receive an annuity equal to fifty percent (50%) of

1 the retirant's annuity. Upon the spouse's remarriage or death, the annuity
2 provided for in this subsection shall terminate.

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

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

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

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

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

33 (5) (A) Effective July 1, 1991, benefits shall be resumed for any
34 surviving spouse who had remarried but is unmarried on that date, but no such
35 benefit will be paid the surviving spouse for any period prior to July 1,

1 1991.

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

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

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

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

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

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

25 (c) Any additional costs to the system as a result of this
26 section shall be paid from the operations appropriation of the Arkansas State
27 Police.

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29 SECTION 3. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 4. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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

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

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/s/Jewell

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APPROVED: 3-20-91

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