

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Hopkins**

# A Bill

**ACT 1031 OF 1995**  
**SENATE BILL 347**

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 24-10 RELATING TO LOPFI  
DEATH IN SERVICE PROVISIONS; AND FOR OTHER PURPOSES."

### Subtitle

"AN ACT TO AMEND ARKANSAS CODE 24-10  
RELATING TO LOPFI DEATH IN SERVICE  
PROVISIONS."

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

SECTION 1. Arkansas Code 24-10-608 is amended to read as follows:

§ 24-10-608. Death of member in paid service.

(a) (1) If an active member with five (5) or more years of credited paid service, including credited service for the year immediately preceding his death, dies in employer-paid service before retirement, the applicable benefits provided in this subsection and subsections (c), (d), and (e) of this section shall be paid, subject to § 24-10-610.

(2) His surviving spouse, who was married to the member at least one (1) year immediately preceding his death, shall receive an annuity computed in the same manner in all respects as if the member had:

(A) Retired the date of his death with entitlement to an annuity provided for in § 24-10-602;

(B) Elected Option B50 survivor beneficiary annuity provided for in § 24-10-603; and

(C) Nominated the spouse as joint beneficiary.

(3) The spouse annuity shall not be less than twenty percent (20%) of the deceased member's final average pay at the time of death, or one hundred twenty-five dollars (\$125) monthly, whichever is greater.

(b) (1) If an active member dies in employer-paid service before

1 retirement as a result of a personal injury or disease which the board finds  
2 to have arisen out of and in the course of his actual performance of duty as  
3 an employee, the applicable benefits provided in this subsection and  
4 subsections (c), (d), and (e) of this section shall be paid, subject to §  
5 24-10-610.

6 (2) His surviving spouse, who was married to the member at least  
7 one (1) year immediately preceding his death, shall receive an annuity  
8 computed in the same manner in all respects as if the member had:

9 (A) Retired the date of his death with entitlement to an  
10 annuity provided for in § 24-10-602;

11 (B) Elected Option B50 survivor beneficiary annuity  
12 provided for in § 24-10-603; and

13 (C) Nominated the spouse as joint beneficiary.

14 (3) For the sole purpose of computing the amount of the annuity  
15 on account of any member who does not have twenty-five (25) years of credited  
16 service in force at time of death, credited service shall be granted for the  
17 period from the date of his death to the date he would have completed twenty-  
18 five (25) years of credited service.

19 (4) The spouse annuity shall not be less than twenty percent  
20 (20%) of the deceased member's final average pay at the time of death, or one  
21 hundred twenty-five dollars (\$125) monthly, whichever is greater.

22 (c)(1) If a spouse annuity is payable as a result of a member's death  
23 while in paid service, his dependent children shall each receive an annuity of  
24 the greater of ten percent (10%) of the member's final average pay at the time  
25 of death or twenty-five dollars (\$25.00) monthly; however, while there are  
26 four (4) or more dependent children, each dependent child shall receive an  
27 annuity of an equal share of the greater of thirty percent (30%) of the final  
28 average pay or one hundred twenty-five dollars (\$125) monthly.

29 (2) Upon a child's ceasing to be a dependent child, his annuity  
30 shall terminate, and there shall be a redetermination of the amounts payable  
31 to any remaining dependent children.

32 (d)(1) If no spouse annuity is payable as a result of a member's death  
33 while in paid service, his dependent children shall each receive an annuity of  
34 the greater of twenty percent (20%) of the member's final average pay at the  
35 time of death or twenty-five dollars (\$25.00) monthly; however, while there

1 are three (3) or more dependent children, each dependent child shall receive  
2 an annuity of an equal share of the greater of fifty percent (50%) of the  
3 final average pay or one hundred twenty-five dollars (\$125) monthly.

4 (2) Upon a child's ceasing to be a dependent child, his annuity  
5 shall terminate, and there shall be a redetermination of the amounts payable  
6 to any remaining dependent children.

7 (e) If, at the time of the member's death while in paid service, there  
8 is neither a spouse nor a dependent child, each dependent parent shall receive  
9 an annuity of the greater of twenty percent (20%) of the final average pay or  
10 fifty dollars (\$50.00) monthly, but only if the plan finds that the parent was  
11 dependent upon the member for at least fifty percent (50%) of his financial  
12 support at the time of death.

13 (f) Annuities payable under the provisions of this section shall  
14 commence the first day of the calendar month next following the date of the  
15 member's death or a later date specified for the commencement of annuity  
16 payments."

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18 SECTION 2. Arkansas Code 24-10-609 is amended to read as follows:

19 "§ 24-10-609. Death of member in volunteer service.

20 (a) (1) If an active member who has accrued twenty (20) or more years of  
21 credited service, including credited service for the year immediately  
22 preceding his death, or who has attained his normal retirement age, dies in  
23 employer volunteer service before retirement, the applicable benefits provided  
24 in this subsection and subsection (c) of this section shall be paid, subject  
25 to § 24-10-610.

26 (2) His surviving spouse, who was married to the member at least  
27 one (1) year immediately preceding his death, shall receive an annuity  
28 computed in the same manner in all respects as if the member had:

29 (A) Retired the date of his death with entitlement to an  
30 annuity provided for in § 24-10-602;

31 (B) Elected Option B50 survivor beneficiary annuity  
32 provided for in § 24-10-603; and

33 (C) Nominated the spouse as joint beneficiary.

34 (b) (1) If an active member dies in employer volunteer service before  
35 retirement as a result of a personal injury or disease which the board finds

1 to have arisen out of and in the course of his actual performance of duty as  
2 an employee, the applicable benefits provided in this subsection and  
3 subsection (c) of this section shall be paid, subject to § 24-10-610.

4 (2) His surviving spouse, who was married to the member at least  
5 one (1) year immediately preceding his death, shall receive an annuity  
6 computed in the same manner in all respects as if the member had:

7 (A) Retired the date of his death with entitlement to an  
8 annuity provided for in § 24-10-602;

9 (B) Elected Option B50 survivor beneficiary annuity  
10 provided for in § 24-10-603; and

11 (C) Nominated the spouse as joint beneficiary.

12 (3) For the sole purpose of computing the amount of the annuity on  
13 account of any member who does not have twenty-five (25) years of credited  
14 volunteer service in force at time of death, credited volunteer service shall  
15 be granted for the period from the date of his death to the date he would have  
16 completed twenty-five (25) years of credited volunteer service.

17 (c)(1) Upon a member's death while in volunteer service and in  
18 qualifying circumstances provided in subsections (a) and (b) of this section,  
19 his dependent children shall each receive an annuity of fifteen dollars  
20 (\$15.00) monthly; however, while there are three (3) or more dependent  
21 children, each dependent child shall receive an annuity of an equal share of  
22 forty dollars (\$40.00) monthly.

23 (2) Upon a child's ceasing to be a dependent child, his annuity  
24 shall terminate, and there shall be a redetermination of the amounts payable  
25 to any remaining dependent children.

26 (d) Annuities payable under the provisions of this section shall  
27 commence the first day of the calendar month next following the date of the  
28 member's death or a later date specified for the commencement of annuity  
29 payments."

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

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35 SECTION 4. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 act are declared to be severable.

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

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APPROVED: 4-10-95

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