

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

A Bill ACT 387 OF 1991

HOUSE BILL 1184

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 24, CHAPTER 6, SUBCHAPTER 2 OF THE
9 ARKANSAS CODE OF 1987 TO CLARIFY THE BENEFIT ELIGIBILITY
10 OF A SURVIVING DEPENDENT CHILD; TO CLARIFY WHEN BENEFITS
11 MAY BE REINSTATED FOR AN ELIGIBLE SPOUSE; AND FOR OTHER
12 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 §24-6-216 is hereby amended to read as
17 follows:

18 "24-6-216. Benefits - Survivor's pension upon death of retirant.

19 (a) (1) In the event a retirant dies and leaves a spouse to whom the
20 retirant was married at least three (3) years prior to the date of his
21 retirement, the surviving spouse shall receive a pension equal to seventy-five
22 percent (75%) of the retirant's pension, but only if the spouse has under care
23 the retirant's dependent children whose dates of birth are prior to the
24 retirant's date of retirement.

25 (2) When the spouse no longer has under care such a dependent
26 child , the pension shall be reduced to fifty percent (50%) of the retirant's
27 pension.

28 (3) Upon the spouse's remarriage or death, the pension provided
29 for in this subsection shall terminate.

30 (b) (1) In the event a retirant dies and leaves a spouse to whom he was
31 married at least three (3) years prior to the date of his retirement and who
32 does not have under care the retirant's dependent children , the surviving
33 spouse shall receive a pension equal to fifty percent (50%) of the retirant's
34 pension.

35 (2) Upon the spouse's remarriage or death, the pension provided
36 for in this subsection shall terminate.

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

9 (d) (1) A child shall be a dependent child until his death, his
10 marriage, or his attainment of age eighteen (18) years, whichever occurs
11 first; however, the age of eighteen (18) years maximum shall be extended as
12 long as the child is continuously enrolled as a full-time student at an
13 accredited secondary school or accredited postsecondary institution of higher
14 education, but in no event beyond his attainment of the age of twenty-three
15 (23) years; the eighteen (18) year maximum shall also be extended for any
16 child who has been deemed physically or mentally incompetent by a court with
17 jurisdiction over the individual or by the board, for as long as the
18 incompetency exists.

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

22 (3) The Board of Trustees is hereby authorized to establish
23 through rules and regulations a means of verification of enrollment in a
24 secondary school or postsecondary institution of higher education by a
25 surviving dependent child under this section for purposes of pension benefits.

26 (e) (1) If a surviving spouse who is receiving survivor's benefits under
27 this section remarries and the benefits are discontinued and the surviving
28 spouse again becomes unmarried, benefits provided in this section for the
29 spouse shall be resumed.

30 (2) Effective July 1, 1991, benefits shall be resumed for any
31 surviving spouse who had remarried but is unmarried on that date, but no such
32 benefits will be paid the surviving spouse for any period prior to July 1,
33 1991."

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35 SECTION 2. Arkansas Code §24-6-217 is hereby amended to read as

1 follows:

2 "24-6-217. Benefits - Survivor's pension upon death of member.

3 (a) (1) In the case of a member who dies on or after January 1, 1956,
4 and leaves a spouse who has the care of the member's dependent child or
5 children , the surviving spouse shall receive a pension equal to the greater
6 of one thousand eight hundred dollars (\$1,800) per annum or seventy-five
7 percent (75%) of the pension to which the member would have been entitled had
8 he retired the day preceding the date of his death, notwithstanding that the
9 member might not have been eligible to retire.

10 (2) When the surviving spouse no longer has the care of such
11 dependent child , the pension shall be reduced to the greater of one thousand
12 two hundred dollars (\$1,200) per annum or fifty percent (50%) of the pension
13 to which the member would have been entitled had he retired the day preceding
14 the date of his death, notwithstanding that the member might not have been
15 eligible to retire.

16 (3) Upon the surviving spouse's remarriage or death, the pension
17 provided for in this subsection shall terminate.

18 (b) (1) In the case of a member who dies on or after January 1, 1956,
19 and leaves a spouse who does not have in his care the member's dependent
20 child or children , the surviving spouse shall receive a pension equal to the
21 greater of one thousand two hundred dollars (\$1,200) per annum or fifty
22 percent (50%) of the pension to which the member would have been entitled had
23 he retired the day preceding the date of his death, notwithstanding that the
24 member might not have been eligible to retire.

25 (2) Upon the surviving spouse's remarriage or death, the pension
26 provided for in this subsection shall terminate.

27 (c) In the event a member dies and does not leave a spouse, or in the
28 event the surviving spouse remarries or dies, and there is surviving the
29 member a dependent child or children , each such child shall receive a
30 pension of an equal share of the greater of one thousand eight hundred dollars
31 (\$1,800) per annum or seventy-five percent (75%) of the pension to which the
32 member would have been entitled had he retired the day preceding the date of
33 his death, notwithstanding that he might not have been eligible to retire. In
34 no case shall the annual pension payable to any such child exceed fifteen
35 percent (15%) of the final average annual salary of the deceased member.

1 (d)(1) In the event a member who has five (5) or more years of credited
2 service dies and leaves neither a spouse nor children eligible for pensions
3 provided for in subsections (a), (b), and (c) of this section, and there is
4 surviving the member his parents, whom the board finds to be dependent upon
5 the member for at least fifty percent (50%) of their support due to lack of
6 financial means, each dependent parent shall receive a pension of an equal
7 share of fifty percent (50%) of the pension to which the member would have
8 been entitled had he retired the day preceding the date of his death,
9 notwithstanding that the member might not have been eligible to retire.

10 (2) Upon the remarriage or death of the parent, his pension shall
11 terminate.

12 (e)(1) 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 individual or by the board, for as long as the
21 incompetency exists.

22 (2) 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 (3) 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 section for purposes of pension benefits.

29 (f)(1) If a surviving spouse who is receiving survivor's benefits under
30 this section remarries and the benefits are discontinued and the surviving
31 spouse again becomes unmarried, benefits provided in this section for the
32 spouse shall be resumed.

33 (2) 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 benefits will be paid the surviving spouse for any period prior to July 1,

1 1991."

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

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7 SECTION 4. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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

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16 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
17 Seventy-Eighth General Assembly that the effectiveness of this act on July 1,
18 1991 is essential to the operation of the State Police Retirement System and
19 that in the event of an extension of the Regular Session, the delay in the
20 effective date of this act beyond July 1, 1991 could work irreparable harm
21 upon the proper administration and provision of essential governmental
22 programs. Therefore, an emergency is hereby declared to exist and this act
23 being necessary for the immediate preservation of the public peace, health and
24 safety shall be in full force and effect from and after July 1, 1991.

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27 APPROVED: 3-7-91

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