

1 State of Arkansas As Engrossed: H2/18/13 H3/14/13

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1135

4

5 By: Representative Lenderman

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For An Act To Be Entitled

8 AN ACT TO ALLOW ELIGIBLE SURVIVORS TO RECEIVE
9 BENEFITS FROM THE ARKANSAS TEACHER RETIREMENT SYSTEM
10 FROM THE DATE THAT AN APPLICATION FOR SURVIVOR
11 BENEFITS IS FILED WITH THE SYSTEM; TO CLARIFY THE
12 DATE ON WHICH A SURVIVING SPOUSE MAY BEGIN RECEIVING
13 BENEFITS; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES.

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Subtitle

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

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SECTION 1. Arkansas Code § 24-7-710(a), concerning survivor annuity benefits, is amended to read as follows:

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(a)(1) If an active member with five (5) or more years of actual ~~and~~ reciprocal service, including credited service for the year immediately preceding his or her death, dies before the receipt of retirement benefits from the Arkansas Teacher Retirement System, then the benefits provided in this section shall be paid to eligible survivors.

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(2) An immediately eligible survivor is entitled to receive monthly benefits beginning the month after the death of the member if the survivor application is filed with the system within three (3) months of the death of

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1 the member, otherwise the monthly benefits shall begin the month that the
2 survivor application is filed with the system.

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4 SECTION 2. Arkansas Code § 24-7-710(b)(1)(B) and (C), concerning
5 survivor annuity benefits, is amended to read as follows:

6 (B) ~~The surviving spouse's benefits shall begin in the~~
7 ~~month following the month of the member's death~~ If a surviving spouse is
8 immediately eligible to receive a monthly benefit immediately after the death
9 of a member, the immediately eligible surviving spouse is entitled to receive
10 monthly benefits beginning the month after the death of the member if the
11 survivor application is filed with the system within three (3) months of the
12 death of the member, otherwise the monthly benefits shall begin the month
13 that the survivor application is filed with the system if at the time of the
14 member's death the member had:

15 (i) Accumulated twenty-five (25) years or more of
16 credited service and qualified as eligible to receive a retirement annuity
17 under §§ 24-7-701 and 24-7-702; or

18 (ii) Reached sixty (60) years of age and qualified
19 as eligible to receive a retirement annuity under § 24-7-707.

20 (C) ~~If the surviving spouse is not immediately eligible to~~
21 ~~receive monthly~~ benefits under subdivision (b)(1)(B) of this section, the
22 surviving spouse's benefits shall begin ~~in~~ the later of either the month
23 following the date the member would have been eligible to receive benefits
24 had the member survived or the date that an application for a surviving
25 spouse's benefits is filed with the system.

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27 SECTION 3. Arkansas Code § 24-7-710(e), concerning survivor annuity
28 benefits, is repealed.

29 ~~(e) Annuities payable under this section shall begin the first day of~~
30 ~~the calendar month following the date the survivor annuity is payable as~~
31 ~~provided in this section.~~

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33 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that provisions of the Arkansas
35 Teacher Retirement System Act are in need of revision and updating to
36 maintain the act in conformance with sound public pension policy; that the

1 Arkansas Teacher Retirement System operates on a July 1 to June 30 fiscal
2 year; and that these provisions are necessary to provide proper
3 administration to benefits to begin on the first day of the fiscal year; that
4 such revisions and updating are of great importance for actuarial purposes
5 and to protect the benefits for members of the Arkansas Teacher Retirement
6 System. Therefore, an emergency is declared to exist, and this act being
7 necessary for the preservation of the public peace, health, and safety shall
8 become effective on July 1, 2013.

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10 */s/Lenderman*

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13 **APPROVED: 04/02/2013**
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