

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

# A Bill

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.

1 (b)(1) If an active member dies in employer-paid service before  
2 retirement as a result of a personal injury or disease which the board finds  
3 to have arisen out of and in the course of his actual performance of duty as  
4 an employee, the applicable benefits provided in this subsection and  
5 subsections (c), (d), and (e) of this section shall be paid, subject to §  
6 24-10-610.

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

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

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

14 (C) Nominated the spouse as joint beneficiary.

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

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

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

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

33 (d)(1) If no spouse annuity is payable as a result of a member's death  
34 while in paid service, his dependent children shall each receive an annuity  
35 of the greater of twenty percent (20%) of the member's final average pay at

1 the time of death or twenty-five dollars (\$25.00) monthly; however, while  
 2 there are three (3) or more dependent children, each dependent child shall  
 3 receive an annuity of an equal share of the greater of fifty percent (50%) of  
 4 the final average pay or one hundred twenty-five dollars (\$125) monthly.

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

8 (e) If, at the time of the member's death while in paid service, there  
 9 is neither a spouse nor a dependent child, each dependent parent shall  
 10 receive an annuity of the greater of twenty percent (20%) of the final  
 11 average pay or fifty dollars (\$50.00) monthly, but only if the plan finds  
 12 that the parent was dependent upon the member for at least fifty percent  
 13 (50%) of his financial support at the time of death.

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

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

20 "§ 24-10-609. Death of member in volunteer service.

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

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

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

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

34 (C) Nominated the spouse as joint beneficiary.

35 (b)(1) If an active member dies in employer volunteer 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 subsection (c) of this section shall be paid, subject to § 24-10-610.

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

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

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

12 (C) Nominated the spouse as joint beneficiary.

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

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

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

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

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

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

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

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