

State of Arkansas

*As Engrossed: H3/12/99*

82nd General Assembly

# A Bill

Regular Session, 1999

HOUSE BILL 1460

By: Representatives Simon, Courtway, Parks

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 24-11-425 TO ALLOW SURVIVING SPOUSES OF DECEASED POLICE OFFICERS KILLED WHILE ON DUTY TO APPLY RETROACTIVELY TO RESTORE BENEFITS PREVIOUSLY TERMINATED UNDER THE POLICEMEN'S PENSION AND RELIEF FUND LAW; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES. "

## Subtitle

"TO ALLOW SURVIVING SPOUSES OF DECEASED POLICE OFFICERS KILLED WHILE ON DUTY TO APPLY RETROACTIVELY TO RESTORE PRIOR BENEFITS UNDER A POLICE PENSION FUND. "

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

SECTION 1. Arkansas Code § 24-11-425(g), regarding the marriage of a surviving spouse or a child receiving a death benefit from a policemen's pension and relief fund, is amended to read as follows:

"(g) If any surviving spouse or child shall marry, he shall thereafter receive no further pension under this subchapter, except if he is a surviving spouse of a police officer who is killed while in the official performance of his duties, then any such surviving spouse's benefits may, upon his or her application to and approval by the board of trustees, be restored to the spouse whose benefits had been terminated prior to or after August 1, 1997."

SECTION 2. The provisions of this act shall apply retroactively to allow certain surviving spouses who lost benefits because of re-marriage to

1 have those benefits restored if their member spouses were killed while in  
2 performance of his or her official duties before Act 1241 of 1997 became  
3 effective.

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5 SECTION 3. No benefit enhancement provided for by this act shall be  
6 implemented if it would cause the publicly supported retirement system's  
7 unfunded actuarial accrued liabilities to exceed a thirty (30) year  
8 amortization. No benefit enhancement provided for by this act shall be  
9 implemented by any publicly supported system which has unfunded actuarial  
10 accrued liabilities being amortized over a period exceeding thirty (30) years  
11 until the unfunded actuarial accrued liability is reduced to a level less than  
12 the standards prescribed by Arkansas Code, Title 24.

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

17  
18 SECTION 5. If any provisions of this act or the application thereof to  
19 any person or circumstance is held invalid, the invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provisions or application, and to this end the provisions of this  
22 act are declared to be severable.

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

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27 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the  
28 Eighty-second General Assembly that Act 1241 of 1997 allowed the surviving  
29 spouses of police officers killed while in the official performance of his  
30 duties to continue to receive benefits if they remarried, that Act 1241 of  
31 1997 became effective on August 1, 1997, and that surviving spouses of police  
32 officers killed while on duty prior to the effective date of Act 1241 lost  
33 retirement benefits upon any remarriage and should be able to benefit from  
34 this subsequent change in the law by making it retroactive. Therefore, an  
35 emergency is declared to exist and this act being immediately necessary for  
36 the preservation of the public peace, health and safety shall become effective

1 on the date of its approval by the Governor. If the bill is neither approved  
2 nor vetoed by the Governor, it shall become effective on the expiration of the  
3 period of time during which the Governor may veto the bill. If the bill is  
4 vetoed by the Governor and the veto is overridden, it shall become effective  
5 on the date the last house overrides the veto.

6 */s/ Simon, et al*