

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

6

7

## 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.

15

16

17

## Subtitle

18

TO ALLOW ELIGIBLE SURVIVORS TO RECEIVE

19

BENEFITS FROM THE DATE AN APPLICATION FOR

20

SURVIVOR BENEFITS IS FILED; TO CLARIFY

21

SURVIVING SPOUSE BENEFITS; AND TO DECLARE

22

AN EMERGENCY.

23

24

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

26

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

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

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



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

3  
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.

26  
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.~~

32  
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.

9  
10 */s/Lenderman*  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36