

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H2/18/13 H3/14/13

A Bill

HOUSE BILL 1135

By: Representative Lenderman

For An Act To Be Entitled

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

Subtitle

TO ALLOW ELIGIBLE SURVIVORS TO RECEIVE BENEFITS FROM THE DATE AN APPLICATION FOR SURVIVOR BENEFITS IS FILED; TO CLARIFY SURVIVING SPOUSE BENEFITS; AND TO DECLARE AN EMERGENCY.

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

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

(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.

(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



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

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

~~(B) The surviving spouse's benefits shall begin in the month following the month of the member's death~~ If a surviving spouse is immediately eligible to receive a monthly benefit immediately after the death of a member, the immediately eligible surviving spouse 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 the member, otherwise the monthly benefits shall begin the month that the survivor application is filed with the system if at the time of the member's death the member had:

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

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

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

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 Arkansas Code § 24-7-710(e), concerning survivor annuity benefits, is repealed.

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

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

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

/s/Lenderman

APPROVED: 04/02/2013