

Stricken language would be deleted from and underlined language would be added to present law.
Act 364 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S3/12/25

A Bill

HOUSE BILL 1348

By: Representatives Warren, K. Moore

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING SURVIVOR BENEFITS FOR THE DEPENDENT CHILD OF A MEMBER OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM OR A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING SURVIVOR BENEFITS FOR THE DEPENDENT CHILD OF A MEMBER OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM OR A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 24-4-608(d)(2), regarding benefits for a deceased member's surviving child in the Arkansas Public Employees' Retirement System, is amended to read as follows:

(2)(A) A child is considered a dependent child as used in subdivision (d)(1) of this section and for purposes of receiving a child survivor's annuity until the child's death, marriage, or attainment of ~~eighteen (18)~~ twenty-three (23) years of age, whichever occurs first.

~~(B)(i) However, the age eighteen maximum shall be extended as long as the child continues uninterruptedly being a full-time student at an accredited secondary school, college, or university, but in no event beyond his or her attainment of twenty-three (23) years of age.~~



~~(ii)~~ ~~In addition, the age eighteen~~ The twenty-three maximum age shall be extended for any child who has been deemed physically or mentally incompetent by an Arkansas court of competent jurisdiction or by the Board of Trustees of the Arkansas Public Employees' Retirement System, for as long as the incompetency exists.

SECTION 2. Arkansas Code § 24-6-216(d), regarding benefits for a deceased retiree's surviving child in the State Police Retirement System Tier One benefit plan, is amended to read as follows:

(d)(1)(A) A child shall be a dependent child until his or her death, his or her marriage, or his or her attainment of ~~eighteen (18)~~ twenty-three (23) years of age, whichever occurs first.

~~(B)(i) However, the age eighteen maximum shall be extended as long as the child is continuously enrolled as a full-time student at an accredited secondary school or accredited postsecondary institution of higher education, but in no event beyond his or her attainment of twenty-three (23) years of age.~~

~~(ii)~~ The ~~eighteen-year~~ twenty-three-year maximum age shall also be extended for any child who has been deemed physically or mentally incompetent by a court with jurisdiction over the individual or by the Board of Trustees of the State Police Retirement System, for as long as the incompetency exists.

(2) Once a child ceases to be dependent, his or her annuity shall terminate and there shall be a redetermination of the amount payable to any remaining dependent children.

~~(3) The board is authorized to establish through rules a means of verification of enrollment in a secondary school or postsecondary institution of higher education by a surviving dependent child under this section for purposes of pension benefits.~~

SECTION 3. Arkansas Code § 24-6-217(e)(1)(A) and (B), regarding benefits for a deceased member's surviving child before retirement in the State Police Retirement System, are amended to read as follows:

(e)(1)(A) A child is a dependent child for purposes of receiving a survivor's annuity until the child's death, marriage, or attainment of ~~eighteen (18)~~ twenty-three (23) years of age, whichever occurs first.

~~(B)(i) However, the age eighteen maximum shall be extended as long as the child is continuously enrolled as a full-time student at an accredited secondary school or accredited postsecondary institution of higher education, but in no event beyond his or her attainment of twenty-three (23) years of age.~~

~~(ii) The age eighteen~~ The twenty-three maximum age shall also be extended for any child who has been deemed physically or mentally incompetent by a court with jurisdiction over the individual or by the Board of Trustees of the State Police Retirement System, for as long as the incompetency exists.

SECTION 4. Arkansas Code § 24-6-411(d)(3), regarding benefits for a deceased member's surviving child in the State Police Retirement System Tier Two Benefit Plan, is amended to read as follows:

(d)(3)(A) A child is considered a dependent child as used in subdivision (d)(1) of this section and for purposes of receiving a survivor's annuity until the child's death, marriage, or attainment of ~~eighteen (18)~~ twenty-three (23) years of age, whichever occurs first.

~~(B)(i) However, the age eighteen maximum shall be extended as long as the child continues uninterruptedly being a full-time student at an accredited secondary school, college, or university but in no event beyond his or her attainment of twenty-three (23) years of age.~~

~~(ii) The age eighteen~~ twenty-three maximum age shall be extended for any child who has been deemed physically or mentally incompetent by an Arkansas court of competent jurisdiction or by the Board of Trustees of the State Police Retirement System for as long as the incompetency exists.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain provisions of the law related to the extension of benefits to surviving children of members of the Arkansas Public Employees' Retirement System and the State Police Retirement System are in need of revision and updating to streamline the provision of support for beneficiaries; that the respective retirement systems operate on a fiscal calendar year of July 1 to June 30; that having a July 1, 2025, effective date is necessary to allow the provisions within this act to begin

on the first day of the fiscal year to provide proper administration of the procedures herein; that such revisions and updating are of great importance for actuarial purposes and to protect the benefits to members of the Arkansas Public Employees' Retirement System and the State Police Retirement System; and that this act is immediately necessary in order to maintain an orderly system of benefits for the members of the Arkansas Public Employees' Retirement System and the State Police 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, 2025.

/s/Warren

APPROVED: 3/20/25