

RESOLUTION NO. 2002-26

RESOLUTION TO AUTHORIZE THE ADDITIONAL LINE-OF-DUTY  
DEATH BENEFITS PROVIDED BY CHAPTER 446 OF THE  
TENNESSEE PUBLIC ACTS OF 2001.

**WHEREAS**, prior to the passage of Chapter 446 of the Tennessee Public Acts of 2001, the law governing the Tennessee Consolidated Retirement System provided that if a Group 1 member dies in service as the natural and proximate result of an on-the-job accident, an annuity equal to one half (1/2) the member's average final compensation shall be paid to the member's surviving spouse or surviving minor child or children; provided, that either and no other person, persons or institution are named by the member in writing on file with the Retirement System; and

**WHEREAS**, the law further provided if the member's surviving spouse was named, this annuity would continue to such spouse until death. If the surviving spouse died, then this annuity was divided equally among the member's surviving minor children. Each child received such child's share until reaching majority status or death, whichever occurred first, at which time the annuity was redistributed equally among the remaining minor children and ended when the youngest child reached majority; and

**WHEREAS**, if a surviving minor child or children were named, then the annuity was divided equally among them. Each child received such child's share until reaching majority status or death, whichever occurs first, at which time the annuity was redistributed equally among the remaining minor children and ended when the youngest child reached majority; and

**WHEREAS**, the above line-of-duty death benefits were not available to the surviving spouse or minor children of the member if the member designated an individual or individuals other than, or in addition to, the member's surviving spouse or surviving child or children. Further, if the member designated an individual or individuals other than the member's surviving spouse or surviving child or children, no benefit was due as a result the member's line-of-duty death unless the member had an account balance or had reached the conditions for a service retirement benefit; and

**WHEREAS**, Chapter 446 of the Tennessee Public Acts of 2001 amended the above law to provide that:

- (1) If the member designated his surviving minor child or children but did not designate his surviving spouse, then the annuity would continue to the member's surviving spouse after the last child reaches majority status or death. The annuity would continue to the surviving spouse until the spouse's death.
- (2) If the member designated an individual or individuals other than, or in addition to, the member's surviving spouse or surviving child or children thereby nullifying the line-of-duty death benefits, such individuals may disclaim the death benefit otherwise payable so that the line-of-duty death benefit can be paid to the member's surviving spouse and surviving minor children.
- (3) If the individuals do not disclaim the death benefit as provided above, an annuity will nevertheless be paid the member's surviving spouse and surviving child or children. The annuity would be equal to the line-of-duty benefit that would have otherwise been payable had the member designated the member's surviving spouse or surviving minor child or children as beneficiary, minus (i) the actuarial value of the benefits payable to the non-disclaiming beneficiaries, or (ii) in the case of a lump sum payment, the amount of the lump payment made to the non-disclaiming beneficiaries. The annuity has a guaranteed minimum total value of \$50,000, minus the (i) actuarial value of the benefits payable to the non-disclaiming beneficiaries, or (ii) in the case of a lump sum payment, the amount of the lump sum payment made to the non-disclaiming beneficiaries. The guaranteed minimum value will be paid in monthly installments calculated on a sixty month basis and divided in the manner prescribed in Tennessee Code Annotated, Section 8-36-108(b)(5)(B) and (C).
- (4) The aggregate total death benefits payable by the Retirement System on account of a member who dies in the line-of-duty shall not be less than \$50,000, regardless of whom the number designated as his/her beneficiary (ies).
- (5) The amendments made by Chapter 446 of the Tennessee Public Acts of 2001 shall not apply to individuals who are members of the Retirement System by virtue of their employment with any employer participating in the Retirement System pursuant to Tennessee Code Annotated, Title 8, Chapter 35 unless the governing body of any such employer passes a resolution authorizing and accepting the associated liability and costs to provide the additional benefits provided by such amendments.

**NOW, THEREFORE BE IT RESOLVED**, by the county legislative body of Weakley County, Tennessee assembled in regular session on this the 19<sup>th</sup> day of November 2001 in Dresden, Tennessee that Weakley County Government hereby authorizes the additional benefits provided in Chapter 446 of the Tennessee Public Acts of 2001 for all its employees who are members of the Retirement System and accepts all costs associated therewith.

**BE IT FURTHER RESOLVED**, that all resolutions of the Board of County Commissioners of Weakley County, Tennessee, which are in conflict with this resolution are hereby repealed.

**BE IT FURTHER RESOLVED**, that this resolution take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the Board of County Commissioners.

**Pursuant To The Rules Of The Commission, This Resolution Is Sponsored By The Following Members Of The Weakley County Board Of County Commissioners:**

**SPONSORED BY:**

*Wendell Verdell*

**SPONSORED BY:**

*Roger Stewart*

**ACKNOWLEDGED AND APPROVED:**

*John L. John*

Chairman, Personnel Committee

**ACKNOWLEDGED AND APPROVED:**

*Earl Wright*

Chairman, Finance, Ways, & Means Committee

Motion made by Commissioner Westbrook that the foregoing resolution be adopted:

Motion seconded by Commissioner Page

Upon being put to a roll call vote, Motion Carried by a vote of 17 Yeas, 0 Nays,  
0 Passed and 3 Absent.

Attested:

*Pat Scarborough*

Pat Scarborough, County Clerk

Approved:

*Ron Gifford*

Ron Gifford, County Executive

**THIS THE 19<sup>th</sup> DAY OF NOVEMBER, 2001.**