

As Engrossed: 3/18/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Walters**

A BILL ACT 851 OF 1991
SENATE BILL 644

For An Act To Be Entitled

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8 "AN ACT RELATING TO FUNDING RETIREMENT BENEFITS FOR
9 MUNICIPAL JUDGES AND CLERKS IN COUNTIES WHICH ARE DIVIDED
10 INTO TWO DISTRICTS AND HAVE TWO COUNTY SEATS; TO PROVIDE
11 THAT THE QUORUM COURT IN SUCH COUNTY SHALL HAVE THE OPTION
12 TO INCLUDE MUNICIPAL JUDGES AND CLERKS IN THE PUBLIC
13 EMPLOYEES RETIREMENT SYSTEM OR IN A LOCAL MUNICIPAL
14 RETIREMENT PLAN; TO PROVIDE A LOCAL OPTION ON OTHER
15 RETIREMENT PLANS; AND FOR OTHER PURPOSES."

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

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19 SECTION 1. The quorum court of any county which is divided into two
20 districts and has two county seats and in which the municipal court is funded
21 primarily by the county shall have the option to provide retirement benefits
22 for the municipal court judge and the municipal court clerk under a local
23 retirement plan provided for in Arkansas Code 24-8-301 et seq. or to include
24 the municipal court judge and municipal court clerk in the Public Employees
25 Retirement System.

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27 SECTION 2. In any county which is divided into two districts and has
28 two county seats and in which the municipal court is funded primarily by the
29 county, the quorum court is authorized to create a Municipal Court Retirement
30 Board of Trustees (Board). The Board shall be composed of the county judge,
31 county treasurer, county clerk, the mayor of the city in which the municipal
32 court sits, the judge of the municipal court, and one member of the quorum
33 court that represents the Service District in which the municipal court sits
34 to be designated by the county judge. The members of the Board shall serve
35 without pay. The county judge shall be chairman of the Board, the county
36 clerk shall be secretary of the Board and the county treasurer shall be

1 treasurer of the Board. The treasurer shall execute a bond in a sum fixed by
2 the Board to guarantee his good faith in the handling of the funds coming to
3 his hands under the provisions of this act.

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5 SECTION 3. The Board shall meet once each year and special meetings may
6 be called by the chairman or a majority of the members at any time.

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8 SECTION 4. The Board shall have the authority and duty to receive and
9 administer the funds collected in the county under Arkansas Code 24-8-303 and
10 under Section 5 of this act. The Board shall have authority to invest such
11 funds as are not necessary for immediate use for payment of retirement
12 benefits in interest bearing securities of the state of Arkansas or
13 certificates of the United States or any or all of such securities.

14 The county treasurer, as treasurer of the Board, shall deposit such
15 funds as the Board shall direct in a suitable depository and shall withdraw
16 such funds on direction of the Board.

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18 SECTION 5. The quorum court of any county which is divided into two
19 districts and has two county seats is authorized, by ordinance, to set costs
20 or fees to provide for retirement benefits for municipal court judges and
21 clerks in the county within the following ranges, and when so set, such costs
22 or fees shall be collected in the manner prescribed in Arkansas Code 24-8-303
23 and shall be in lieu of the fees levied in that section:

24 (a) A fee of not less than one dollar (\$1.00) and not more than five
25 dollars (\$5.00) for entering upon the records of the court each criminal case
26 and each moving traffic violation; and

27 (b) A fee of not less than twenty cents (20¢) and not more than one
28 dollar (\$1.00) for the issuance of each summons in a civil action.

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30 SECTION 6. *Any county employer or municipal employer participating in*
31 *Arkansas Public Employees Retirement System that is required by law to*
32 *establish a local retirement plan for any employee, shall have the option at*
33 *the time of employment or within ninety (90) days of the effective date of*
34 *this act to provide retirement benefits for the employee under the local*
35 *retirement plan or to include the employee in the Arkansas Public Employees*
36 *Retirement System. The System in lieu of a local retirement plan shall be*

1 *made by the employer's governing body and the results certified to the*
2 *Arkansas Public Employees Retirement System's Board of Trustees.*

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4 SECTION 7. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 8. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 9. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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17 */s/Walters*

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19 APPROVED: 3/29/91

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