

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Dietz**

A Bill

ACT 585 OF 1993
HOUSE BILL 1048

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 24-8-401 ET SEQ. TO MAKE IT
9 SPECIFICALLY APPLICABLE TO COUNTY MUNICIPAL COURTS LOCATED
10 WITHIN COUNTIES HAVING A POPULATION OF AT LEAST ONE
11 HUNDRED AND FIFTY THOUSAND PERSONS; AND FOR OTHER
12 PURPOSES."

Subtitle

16 "AN ACT TO AMEND ARKANSAS CODE 24-8-401 ET SEQ. TO MAKE IT
17 APPLICABLE TO COUNTY MUNICIPAL COURTS IN COUNTIES HAVING A POPULATION OF
18 AT LEAST ONE HUNDRED AND FIFTY THOUSAND PERSONS."

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

22 SECTION 1. Arkansas Code 24-8-401 is hereby amended to read as follows:

23 "§24-8-401. Board of trustees. (a) (1) In cities in a county having a
24 population of one hundred fifty thousand (150,000) persons or more in which
25 county there are two (2) or more municipal courts with a judge of a municipal
26 court licensed to practice law, there is created a board of trustees which
27 shall consist of the mayor, city clerk, city treasurer, city health officer,
28 and municipal judges of the city.

29 (2) In counties having a population of at least one hundred
30 fifty thousand (150,000) persons and at least one county municipal court,
31 there is hereby created a board of trustees which shall consist of the county
32 judge, county clerk, county treasurer, and the judge of the county municipal
33 court.

34 (b) (1) The board shall receive and administer the funds collected
35 under the provisions of this subchapter and shall have the power to make
36 necessary rules therefor.

1 (2) The board shall have the authority to invest such funds as
2 are not necessary for the immediate use for payment of retirement benefits in
3 interest-bearing securities of the State of Arkansas or certificates of the
4 United States or any or all such securities.

5 (c) (1) The city treasurer or county treasurer, as the case may be,
6 shall be the treasurer of the board and, at the direction of the board, shall
7 deposit the funds paid into the board in some suitable depository. He shall
8 draw and sign all necessary checks at the direction of the board.

9 (2) He shall execute a bond in a sum fixed by the board to
10 guarantee his good faith in the handling of any funds coming into his hands
11 under the provisions of this subchapter.

12 (d) The city clerk or county clerk, as the case may be, shall be the
13 secretary of the board.

14 (e) The board shall constitute one of its members as chairman, who
15 shall serve for a period of two (2) years.

16 (f) The board shall meet at least every six (6) months, and special
17 meetings may be called by the chairman or a majority of the members at any
18 time.

19 (g) The city clerk or county clerk, as the case may be, shall receive
20 the sum of ten dollars (\$10.00) for each and every meeting attended, but he
21 shall not be paid more than fifty dollars (\$50.00) in any one (1) year; all
22 other members shall serve without pay."

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25 SECTION 2. Arkansas Code 24-8-402(c) is hereby amended to read as
26 follows:

27 "(c) The costs provided for in this section shall be collected by the
28 same persons and in the same manner as provided for the collection of costs in
29 municipal courts. The costs shall be paid to the city treasurer or county
30 treasurer, as the case may be, who shall place them into an account as
31 provided in this subchapter, for the express purpose of payment of retirement
32 benefits as provided by this subchapter."

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34 SECTION 3. Arkansas Code 24-8-403(b) is hereby amended to read as
35 follows:

1 "(b) (1) In case the fund established by this subchapter should ever
2 become deficient to pay retirement benefits due any person under this
3 subchapter, the city treasurer or county treasurer, as the case may be, shall
4 verify the deficiency. This deficiency shall be met by payment from the
5 general funds of the city and proportionately from the general funds of the
6 county if the salary of the judge of the municipal courts in the county is
7 paid partially by the county, in such amount as may be necessary to continue
8 the timely payment of retirement benefits to the persons entitled thereto.
9 Provided, however, that in the case of a county municipal court judge, the
10 deficiency shall be met by payment from the general funds of the county.

11 (2) If funds thereafter accruing under this subchapter accumulate
12 to become sufficient for the payment of benefits, then no further payment
13 shall be made from the general funds of the city or county, as the case may
14 be, unless and until the fund provided by this subchapter should again become
15 deficient and the deficiency is verified by the city treasurer or county
16 treasurer, as the case may be."

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18 SECTION 4. Arkansas Code 24-8-404 is hereby amended to read as follows:

19 "24-8-404. Entitlement to benefits generally. Any judge of a municipal
20 court or county municipal court, licensed to practice law, established in any
21 county having a population of one hundred fifty thousand (150,000) or more
22 persons, according to the most recent federal census, in which county there
23 are two (2) or more municipal courts, and any clerk of such a municipal court
24 appointed by the judges thereof shall be entitled to the benefits established
25 by this subchapter."

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

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31 SECTION 6. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 03/19/93

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