

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Ross**

A Bill

ACT 1242 OF 1995
SENATE BILL 397

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 24-8-312 TO PROVIDE FOR
9 THE PURCHASE OF LIMITED CREDITED SERVICE IN THE PUBLIC
10 EMPLOYEES RETIREMENT SYSTEM (PERS) OR A RECIPROCAL SYSTEM
11 FOR SERVICE AS A MUNICIPAL COURT CLERK; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

15 "TO PROVIDE FOR THE PURCHASE OF CREDITED
16 SERVICE IN PERS OR A RECIPROCAL
17 RETIREMENT SYSTEM FOR SERVICE AS A
18 MUNICIPAL COURT CLERK."

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21

22 SECTION 1. Arkansas Code § 24-8-312 is amended to read as follows:

23 "24-8-312. Right of transfer from or purchase credit in Public
24 Employees' Retirement System or a reciprocal system.

25 (a) A judge of a municipal court and clerk of a municipal court who, on
26 March 23, 1973, were covered by the provisions of the Municipal Section of the
27 Arkansas Public Employees' Retirement System shall, prior to January 1, 1982,
28 make an election in writing as to whether to continue as a member of the
29 Arkansas Public Employees' Retirement System in lieu of participating in the
30 retirement benefits in this subchapter. In the event any such municipal judge
31 or municipal court clerk shall elect to receive retirement benefits under this
32 subchapter, they shall cease to be members of the Arkansas Public Employees'
33 Retirement System.

34 (b) (1) In the case of all municipal judges and municipal court clerks
35 who elected, in the manner provided in this subchapter, to receive retirement
36 benefits under the provisions of this subchapter in lieu of benefits provided

1 as a member of the Arkansas Public Employees' Retirement System, all
2 contributions paid by the municipal judge or municipal court clerk, and all
3 employer matching contributions paid to the Arkansas Public Employees'
4 Retirement System in behalf of the municipal judge or municipal clerk shall be
5 remitted, upon written request therefor by the board of trustees, as
6 established in § 24-8-302, by the Arkansas Public Employees' Retirement System
7 from the employer and employee accounts of the Municipal Section of the
8 Arkansas Public Employees' Retirement System Fund to the board of trustees.

9 (2) Upon receipt of the contributions, the board of trustees
10 shall deposit the contributions in the fund established for the payment of
11 retirement benefits to retired municipal judges and municipal court clerks in
12 the city as provided in this subchapter.

13 (c) (1) Any municipal court clerk or former municipal court clerk who
14 was covered by the Arkansas Public Employees' Retirement System at the time of
15 the municipal service or was eligible for coverage at that time, who withdrew
16 the service and the accumulated contributions to the system, and who later
17 becomes a member of the Arkansas Public Employees' Retirement System or of a
18 reciprocal system, shall, upon meeting the requirements prescribed in this
19 subsection, be entitled to have the time of complete municipal service
20 restored to his or her credit.

21 (2) In order for the member of the system or of the reciprocal
22 system to be eligible to have the service credit restored, the member:

23 (A) Shall not be currently receiving benefits under the
24 system or a reciprocal system;

25 (B) Shall be entitled to purchase no more than ten (10)
26 years for the service rendered by the member as a municipal court clerk;

27 (C) Shall have at least ten (10) years credited service
28 with the system or a reciprocal system at the time of the purchase;

29 (D) Shall not have received credited service in the system
30 or a reciprocal system, in another state supported retirement system, or in a
31 retirement system of the city in which the member was employed for the time
32 period for which credit is being sought; and

33 (E) Contributes to the member_s deposit account a sum of
34 money equal to the amount he, and, if the employer contributions were
35 returned, the amount the employer, would have contributed to the account had

1 he been a member of the system or a reciprocal system during the period of
2 service with the municipal court for which the member is establishing credit.
3 This amount shall be based upon his, and, if the employer contributions were
4 returned, the employer's, monthly contribution at the time of the member_s
5 service with the municipal court for which the member is establishing credit
6 and interest thereon at the rate of six percent (6%) with interest compounded
7 annually."

8

9 SECTION 2. All provisions of this act of general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

12

13 SECTION 3. If any provisions of this act or the application thereof to
14 any person or circumstance is held invalid, the invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provisions or application, and to this end the provisions of this
17 act are declared to be severable.

18

19 SECTION 4. All laws and parts of laws in conflict with this act are
20 hereby repealed.

21

22 SECTION 5. Emergency. It is hereby found and determined by the
23 Eightieth General Assembly of the State of Arkansas that the service rendered
24 by municipal court clerks to the citizens and the State of Arkansas was not
25 adequately compensated, that certain former municipal court clerks who chose
26 not to remain in the PERS system will be stripped of their retirement benefits
27 unless they are restored to them; and that this will create an inequity for
28 all those former court clerks and equity and justice demands that this
29 inequity be corrected immediately. Therefore, in order to correct this
30 injustice and inequity, an emergency is hereby declared to exist, and this act
31 being necessary for the immediate preservation of the public peace, health,
32 and safety, shall be in full force and effect from and after its passage and
33 approval.

34

35

BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-13-95

