

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

# A Bill

**SENATE BILL 644**

## **For An Act To Be Entitled**

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

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

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

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

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

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

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

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

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

1 Retirement System. The System in lieu of a local retirement plan shall be  
2 made by the employer's governing body and the results certified to the  
3 Arkansas Public Employees Retirement System's Board of Trustees.

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

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

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

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18 /s/Walters  
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