

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

# A Bill

**HOUSE BILL**

## 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

1 necessary rules therefor.

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

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

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

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

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

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

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

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

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

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

1 follows:

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

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

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

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

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

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

1 act are declared to be severable.

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

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