

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

# A Bill

**SENATE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 24-8-218 TO PROVIDE FOR THE  
9 RETIREMENT AND SURVIVORS\_ BENEFITS OF RETIRED CIRCUIT,  
10 CHANCERY, AND APPELLATE JUDGES WHO ARE ELECTED OR  
11 APPOINTED TO A STATE JUDICIAL OFFICE AFTER RETIREMENT; AND  
12 FOR OTHER PURPOSES."

## Subtitle

14 "RETIREMENT BENEFITS OF JUDGES WHO ARE ELECTED OR  
15 APPOINTED TO A STATE JUDICIAL OFFICE AFTER RETIREMENT."  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code 24-8-218(c)(2) is amended to read as follows:  
21 "(2) Any judge under the age of seventy (70) years who qualified to  
22 receive retirement benefits under this subchapter and who is elected or  
23 appointed to any judicial office in this state and who foregoes receipt of  
24 retirement benefits while serving in the judicial office shall be entitled to  
25 retirement benefits upon termination of such service. If the salary provided  
26 for the last judicial office held is greater than the salary for the judicial  
27 office held by the judge at the time of his initial retirement, the retirement  
28 benefits and survivors' benefits to be received by the judge and the judge\_s  
29 survivors shall be computed on the basis of the salary for the judicial office  
30 last held by the judge, if the judge has served continuously in such position  
31 for a minimum of one (1) year. If the salary provided for the last judicial  
32 office held is not greater than the salary for the judicial office held by the  
33 judge at the time of the judge\_s initial retirement, then upon termination of  
34 such service, the retirement benefits and survivors\_ benefits to be received  
35 by the judge and the survivors shall be computed on the basis of the salary

1 for the judicial office held by the judge at the time of the judge\_s initial  
2 retirement. If the judge, at the time of the initial retirement, was entitled  
3 to the benefits of the escalator clause provided in subsection (c)(1) above,  
4 the judge and the judge\_s survivors shall again be entitled to the benefits of  
5 such escalator clause upon the termination of any such subsequent judicial  
6 service."

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

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

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

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21 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
22 Assembly that retired judges of the Judicial Retirement System are currently  
23 serving in active judicial office in this state by reason of election or  
24 appointment, and that in order to make clear and certain the rights of such  
25 judges and their survivors as to the retirement benefits and survivors\_  
26 benefits to be received from the Judicial Retirement System after such judge\_s  
27 active judicial service is terminated, it is necessary that this act become  
28 effective immediately. Therefore an emergency is hereby declared to exist and  
29 this act being necessary for the preservation of the public peace, health and  
30 safety shall be in full force and effect from and after its passage and  
31 approval.

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