

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

# A Bill

**SENATE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 24-8-307 TO PROVIDE FOR  
9 RETIREMENT BENEFITS OF MUNICIPAL COURT JUDGES; TO DECLARE  
10 AN EMERGENCY; AND FOR OTHER PURPOSES."

## Subtitle

13 "AN ACT TO PROVIDE FOR RETIREMENT BENEFITS OF MUNICIPAL  
14 COURT JUDGES."

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

18 SECTION 1. Arkansas Code §24-8-307 is hereby amended to read as  
19 follows:

20 "24-8-307. Eligibility for benefits - Cities of first or second class.

21 (a) Upon the approval of a majority of the city council or board of  
22 directors of a city of the first or second class, and of the county quorum  
23 court if county funds are used to partially pay the salary of the judge of the  
24 municipal court, any judge of a municipal court to which this subchapter  
25 applies who shall attain the age of fifty (50) years and who shall have served  
26 at least sixteen (16) years in office as municipal judge shall be eligible to  
27 receive retirement benefits provided by this subchapter. If the judge resigns,  
28 retires from office, or is succeeded in office by another judge, he shall  
29 receive retirement benefits for and during the remainder of his natural life  
30 in an amount equal to one-half (1/2) of the salary payable to him at the time  
31 of his resignation, retirement, or succession in office.

32 (b) Upon the approval of the governing body of the municipality and of  
33 the county quorum court if county funds are used to partially pay the salary  
34 of the judge of the municipal court, any judge of a municipal court who shall  
35 attain the age of seventy (70) years or over, who shall have served at least

1 six (6) elective years in office as municipal judge, and who has served not  
2 less than two (2) or more elective years as a prosecuting attorney and as an  
3 Attorney General of the State of Arkansas, shall be entitled to receive  
4 benefits provided by this subchapter. If the judge resigns, retires from  
5 office, or is succeeded in office by another judge, he shall receive  
6 retirement benefits for and during the remainder of his natural life in an  
7 amount equal to one-half (1/2) of the salary payable to him at the time of his  
8 resignation, retirement, or succession in office. In addition thereto, the  
9 surviving widow of the judge shall be entitled to the benefits provided in  
10 this subchapter.

11 (c) Upon approval of the governing body of the municipality and of the  
12 county quorum court if county funds are used to partially pay the salary of  
13 the judge of the municipal court, any judge of a municipal court who shall  
14 attain the age of seventy-eight (78) years or over, who shall have served at  
15 least four (4) years in office as municipal judge, and who has become disabled  
16 while serving as municipal judge shall be entitled to receive benefits  
17 provided by this subchapter. If the judge resigns, retires from office, or is  
18 succeeded in office by another judge, then he shall receive retirement  
19 benefits for and during the remainder of his natural life in an amount equal  
20 to one-half (1/2) of the salary payable to him at the time of his resignation,  
21 retirement, or succession in office. In addition thereto, the surviving widow  
22 of the judge shall be entitled to the benefits provided in this subchapter.

23 (d) Any such municipal judge receiving retirement benefits under the  
24 provisions of this subchapter shall not be eligible to receive retirement  
25 benefits under the provisions of Acts 1965, No. 19, in addition thereto.

26 (e) Upon the approval of a majority of the city council or board of  
27 directors of a city of the first class, any person who shall attain the age of  
28 fifty (50) and who shall have served two (2) or more years as an elected or  
29 appointed city attorney and three (3) or more years as a prosecuting attorney  
30 and has held the office of municipal judge not less than ten (10) years shall  
31 be eligible to receive retirement benefits provided by this subchapter. If  
32 the judge resigns, retires from office, or is succeeded in office by another  
33 judge, he shall receive retirement benefits for and during the remainder of  
34 his natural life in an amount equal to one-half (1/2) of the salary payable to  
35 him at the time of his resignation, retirement, or succession in office. If

1 incapacitating illness or disability should occur during the final term for  
2 qualification under these provisions, then the judge so elected shall be  
3 eligible to retire at the one-half (1/2) pay as provided in this section. In  
4 addition thereto, the surviving widow of the qualifying judge shall be  
5 entitled to the benefits provided in this subchapter, until her death or  
6 remarriage."

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8 SECTION 2. All provisions of this act of 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 provisions of this act or the application thereof to  
13 any person or circumstance is held invalid, the invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provisions 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  
22 Seventy-Ninth General Assembly of the State of Arkansas that the retirement  
23 eligibility law for municipal judges is inadequate; that this act makes the  
24 necessary changes to include eligibility criteria not now in the law; and that  
25 this act should be given effect immediately to avoid these inadequacies of  
26 law. Therefore, in order to correct these inequities, an emergency is hereby  
27 declared to exist, and this act being necessary for the immediate preservation  
28 of the public peace, health, and safety, shall be in full force and effect  
29 from and after its passage and approval.

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