

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2033

4  
5 By: Representative Ferrell  
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7

## For An Act To Be Entitled

8  
9 "AN ACT TO ESTABLISH THE MUNICIPAL, CITY, AND POLICE  
10 COURTS JUDGES AND CLERKS SALARY AND RETIREMENT STUDY  
11 COMMISSION; AND FOR OTHER PURPOSES."  
12

### Subtitle

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14 "TO ESTABLISH THE MUNICIPAL, CITY, AND  
15 POLICE COURTS JUDGES AND CLERKS SALARY  
16 AND RETIREMENT STUDY COMMISSION"  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. It is hereby found by the General Assembly that the current  
21 method of establishing salaries for the various municipal court judges and  
22 clerks is imprecise at best and a uniform salary schedule and a uniform  
23 procedure based on rational criteria to develop that salary schedule are  
24 needed and that the method of administering and funding the states municipal,  
25 city, and police courts judges and clerks retirement system has inequities in  
26 the level of benefits and services available to these employees. It is  
27 further determined that the eligibility requirements and the determination of  
28 whether these judges and clerks belong to a state or local retirement system  
29 is so complex as to make the administration of the system impossible.  
30 Finally, it is declared to be the states public policy that these judges and  
31 court clerks may retire or be retired when that course appears to be in the  
32 best interest of the official concerned and for the public welfare.  
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34 SECTION 2. (a) There is hereby created the Municipal, City, and Police  
35 Courts Judges and Clerks Salary and Retirement Study Commission to be composed  
36 of twelve (12) members to be appointed in the manner and to represent various

1 interests as follows:

2 (1) One (1) member of the Senate Judiciary Committee to be  
 3 appointed by the President Pro Tempore of the Senate;

4 (2) One (1) member of the House Judiciary Committee to be  
 5 appointed by the Speaker of the House;

6 (3) Two (2) members of the Joint Committee on Public Retirement  
 7 and Social Security Programs, one (1) Senator and one (1) Representative, to  
 8 be appointed by the chairman of the Joint Committee on Public Retirement and  
 9 Social Security Programs;

10 (4) Two (2) members representing the Municipal Judges Association  
 11 to be recommended by the Municipal Judges Association and appointed by the  
 12 Governor;

13 (5) Two (2) members representing the Municipal and City Court  
 14 Clerks Association to be recommended by the Municipal and City Court Clerks  
 15 Association and appointed by the concurrence of the Speaker of the House and  
 16 the President Pro Tempore of the Senate;

17 (6) One (1) member representing the Arkansas Municipal League, to  
 18 be recommended by the Arkansas Municipal League and appointed by the  
 19 concurrence of the Speaker of the House and the President Pro Tempore of the  
 20 Senate;

21 (7) One (1) member representing the Association of Arkansas  
 22 Counties, to be recommended by the Association of Arkansas Counties and  
 23 appointed by the concurrence of the Speaker of the House and the President Pro  
 24 Tempore of the Senate;

25 (8) The Director of the Arkansas Public Employees Retirement  
 26 System or his designee; and

27 (9) The Director of the Administrative Office of the courts, or  
 28 his designee.

29 (b) The appointed Senators and Representatives shall select a chairman  
 30 and a vice-chairman from their members.

31 (c) A member of the commission shall continue to serve on the  
 32 commission until he or she no longer wishes to serve or no longer qualifies to  
 33 represent or no longer is a member of the committee, body, or organization  
 34 which he or she was appointed to represent. Any vacancy on the commission  
 35 shall be filled by the original appointing authority with another qualifying  
 36 member of the committee, body, or organization. However, no person shall

1 serve more than five years on the commission.

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3 SECTION 3. (a) Members of the commission who are State employees shall  
4 serve without compensation but may be reimbursed for expenses and travel by  
5 the employing agencies in the maximum amounts prescribed by the Department of  
6 Finance and Administration for State employees.

7 (b) Legislative members of the commission shall be entitled to per diem  
8 and mileage at the same rate authorized by law for attendance at meetings of  
9 joint interim committees of the General Assembly. Legislative members of the  
10 commission may receive payment for per diem and mileage from appropriated  
11 funds for the joint interim committees which they represent, for the joint  
12 interim committee on which they serve, or from appropriated funds for travel  
13 and expenses for the house of the General Assembly in which they serve.

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15 SECTION 4. (a) The Municipal, City, and Police Courts Judges and  
16 Clerks Salary and Retirement Study Commission shall be charged with  
17 establishing a uniform salary scale for municipal court judges and clerks,  
18 which shall take into account (1) the caseload of the municipal court; (2) the  
19 backlog of cases, if any, on the court docket; (3) the time required in  
20 dealing with cases; (4) the skill required in dealing with cases; and (5) the  
21 amount of time taken away from the judges private practice, if applicable.  
22 The Municipal, City, and Police Courts Judges and Clerks Salary and Retirement  
23 Study Commission shall also be charged with reviewing the State and local  
24 retirement systems. It shall further study the funding, eligibility  
25 requirements, and administration of these retirement systems so as to develop  
26 legislation pertaining to a uniform system of sufficient retirement and  
27 survivors benefits for the municipal, city, and police courts judges and  
28 clerks so as to attract and retain highly capable members of the legal  
29 profession and clerical profession for service in this important part of the  
30 State judiciary. It shall further study the feasibility of reducing the costs  
31 of these retirement systems borne by the cities and counties and shifting this  
32 burden to the State without sacrificing efficiency of the high standards of  
33 the various retirement systems, and shall develop legislation accordingly.

34 (b) To facilitate the work of the commission, the Administrative Office  
35 of the Courts shall compile information on current salaries of municipal court  
36 personnel as well as all available caseload information.

1       (c) To further facilitate the work of the commission each local  
2 municipal, city, or police court judge and clerk retirement board shall  
3 provide the commission a copy of its financial statements and membership  
4 lists. The Arkansas Public Retirement System shall provide the same materials  
5 relating to municipal, city, or police courts judges and clerks.

6       (d) The Municipal, City, and Police Courts Judges and Clerks Retirement  
7 Study Commission shall submit a report and its recommendations for any  
8 proposed legislation to the Senate and House Interim Judiciary Committees and  
9 to the Joint Committee on Public Retirement and Social Security Programs on or  
10 before September 1st of even-numbered years.

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

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16       SECTION 6. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

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

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