

1 State of Arkansas As Engrossed: H2/19/19 H3/26/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1298

4

5 By: Representative J. Mayberry

6 By: Senator Elliott

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE PAYABLE RATE
10 OF AN ANNUAL RETIREMENT BENEFIT RECEIVED BY A RETIRED
11 MAYOR; AND FOR OTHER PURPOSES.

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Subtitle

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16 TO AMEND THE LAW CONCERNING THE PAYABLE
17 RATE OF AN ANNUAL RETIREMENT BENEFIT
18 RECEIVED BY A RETIRED MAYOR.

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

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SECTION 1. Arkansas Code § 24-12-123 is amended to read as follows:

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24-12-123. Mayors of cities of the first class.

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(a)(1)(A) In all cities of the first class in this state, any person
26 who shall serve as mayor of the city for a period of not less than ten (10)
27 years, upon reaching age sixty (60), or any person who shall serve as mayor
28 of the city for a period of not less than twenty (20) years, without regard
29 to age, shall be entitled to retire at an annual retirement benefit during
30 the remainder of the person's natural life, payable at the rate of one-half
31 ~~(1/2) of the person's mayoral salary payable to the mayor at the time of~~
retirement completion of his or her last term as mayor.

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(B) The governing body of the city may provide by
34 ordinance that any person who has served as mayor for a period of not less
35 than ten (10) years may retire upon reaching age fifty-five (55) with the
benefits provided under this section.

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(2) The retirement payments shall be paid monthly and shall be



1 paid from the city general fund.

2 (3) However, a mayor who has served as an elected official or
3 employee of that city prior to or after the person's service as mayor shall
4 count his or her service as an elected official or employee of that city
5 towards the mayor's retirement as follows:

6 (A)(i) At the rate of one (1) year of a mayor's retirement
7 for each two (2) years served as an elected official or an employee of that
8 city up to a maximum of an additional two (2) years' credit towards a mayor's
9 retirement benefit;

10 (ii) If authorized by a city ordinance, at the rate
11 of one (1) year of a mayor's retirement benefit for each two (2) years served
12 as an elected official or an employee of that city up to a maximum of three
13 (3) additional years' credit towards a mayor's retirement benefit if the
14 person has not fewer than twenty (20) years of mayor's credit and is at least
15 fifty-two (52) years of age; or

16 (iii) If authorized by a city ordinance, at the rate
17 of one (1) year of a mayor's retirement benefit for each two (2) years served
18 as an elected official or an employee of that city up to a maximum of four
19 (4) additional years' credit towards a mayor's retirement benefit if the
20 person has not fewer than twenty (20) years of mayor's credit and is at least
21 fifty-four (54) years of age; and

22 (B) Service as an elected official or as an employee of
23 the city that is also covered under another retirement plan offered by the
24 city or that is covered by another benefit provided for by law shall not be
25 applied towards the mayor's retirement benefits provided for under this
26 section.

27 (4) The minimum retirement benefits shall be two hundred fifty
28 dollars (\$250) per month for both salaried and nonsalaried mayors.

29 (5) On January 1 of each year, if a retiree under this section
30 has been retired for at least twelve (12) full months, a cost-of-living
31 increase of up to three percent (3%) will be added.

32 (6) Subdivision (a)(5) of this section applies only if approved
33 by the governing body of the city.

34 (b)(1) On the death of any mayor retired under the provisions of
35 subsection (a) of this section or any other acts of the General Assembly, or
36 any mayor who dies in office after becoming eligible to retire under

1 subsection (a) of this section or any other acts of the General Assembly, the
2 spouse of the mayor married to the mayor for ten (10) years or longer may, at
3 the option of the governing body of the city, receive one-half ($\frac{1}{2}$) of the
4 retirement benefit the retired mayor was receiving or one-half ($\frac{1}{2}$) of the
5 retirement benefit the mayor who died in office was entitled to receive.

6 (2) However, upon remarriage of the spouse, the benefits shall
7 cease.

8 (3) The provisions of this subsection are retroactive to
9 November 1, 1983, at the sole discretion of the governing body of the city.

10 (c) Any mayor retired prior to July 20, 1987, and receiving benefits
11 under prior acts of the General Assembly shall be entitled to continue
12 receiving benefits under the prior acts.

13 (d) By January 31 of each year in which a petition for election to the
14 office of mayor may be filed, the governing body of the city may by ordinance
15 vote to decrease a benefit available under this section if:

16 (1) An actuarial study supports the need to lower a benefit
17 available under this section;

18 (2) The actuarial study supporting the need to lower a benefit
19 available under this section is attached as an exhibit to the ordinance;

20 (3) The benefit available under this section is not decreased to
21 an amount that is less than two hundred fifty dollars (\$250);

22 (4) The ordinance does not apply to a person who:

23 (A) Serves as mayor before December 31, 2022;

24 (B) Served or is serving as mayor at the time an ordinance
25 decreasing a benefit available under this section is effective; or

26 (C) Filed or has filed for election to the office of mayor
27 at the time an ordinance decreasing a benefit available under this section is
28 effective; and

29 (5) The decrease of a benefit available under this section does
30 not apply retroactively.

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32 /s/J. Mayberry
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