

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representative Jones**

# A Bill

**ACT 793 OF 1995**  
**HOUSE BILL 1545**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 24-8-403 AND 24-8-406 TO  
9 CHANGE THE REQUIREMENTS FOR RETIREMENT FUND DEFICIENCIES  
10 AND RETIREMENT BENEFITS AND ELIGIBILITY FOR JUDGES WHO  
11 RETIRE AFTER 1994 FROM COUNTY MUNICIPAL COURTS LOCATED  
12 WITHIN COUNTIES HAVING A POPULATION OF AT LEAST ONE  
13 HUNDRED AND FIFTY THOUSAND PERSONS; AND FOR OTHER  
14 PURPOSES."

## Subtitle

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17 "TO CHANGE THE REQUIREMENTS FOR  
18 RETIREMENT BENEFITS AND FUNDING FOR  
19 JUDGES OF COUNTY MUNICIPAL COURTS IN  
20 COUNTIES WITH A POPULATION OF AT LEAST  
21 150,000 PERSONS"

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code § 24-8-403 is amended to read as follows:

26 "24-8-403. Benefits - Frequency of payment - Deficiencies for any judge  
27 of a municipal court - Proration upon insufficiency of fund for any county  
28 municipal judge.

29 (a) All payments of retirement benefits under this subchapter shall be  
30 payable semimonthly.

31 (b)(1) In case the fund established by this subchapter should ever  
32 become deficient to pay retirement benefits due any person under this  
33 subchapter, the city treasurer shall verify the deficiency. This deficiency  
34 shall be met by payment from the general funds of the city and proportionately  
35 from the general funds of the county, if the salary of the judge of the  
36 municipal courts in the county is paid partially by the county, in such amount

1 as may be necessary to continue the timely payment of retirement benefits to  
2 the persons entitled thereto. Provided, however, that in the case of a county  
3 municipal court judge, the deficiency shall not be met by payment from the  
4 general funds of the county.

5 (2) If funds thereafter accruing under this subchapter accumulate  
6 to become sufficient for the payment of benefits, then no further payment  
7 shall be made from the general funds of the city unless and until the fund  
8 provided by this subchapter should again become deficient and the deficiency  
9 is verified by the city treasurer.

10 (c)(1) In the case of a county municipal court judge, should the fund  
11 established under this subchapter be insufficient to pay retirement benefits  
12 due any such judge, then the fund shall be prorated among those entitled by  
13 the board as may be deemed just and equitable.

14 (2) For the purpose of determining how to prorate benefits, the  
15 proration shall be considered just and equitable if:

16 (A) The board pays the full benefit each month to all  
17 eligible retired judges until assets in the fund are depleted for the fiscal  
18 year; or

19 (B) The board decreases all payments to all eligible retired  
20 judges by an equal proportion for the fiscal year."

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22 SECTION 2. Arkansas Code § 24-8-406 is amended to read as follows:

23 "24-8-406. Eligibility for benefits for any judge of a municipal court  
24 or county municipal court prior to 1995 - Attainment of age 50 and 16 years of  
25 service - Eligibility for benefits for county municipal judge after 1995.

26 (a) Any judge of a municipal court or county municipal court prior to  
27 January 1, 1995 to which this subchapter applies who shall attain the age of  
28 fifty (50) years and who shall have served at least sixteen (16) years in  
29 office as municipal judge, or at least sixteen (16) years combined service as  
30 municipal judge and deputy prosecuting attorney, shall be eligible to receive  
31 retirement benefits provided by this subchapter. If the judge resigns,  
32 retires from office, or is succeeded in office by another judge, then he shall  
33 receive retirement pay for and during the remainder of his natural life in an  
34 amount equal to one-half (1/2) of the salary payable to him at the time of his  
35 resignation, retirement, or succession in office. Any county municipal judge

1 who retires under this law effective before January 1, 1995 shall be entitled  
2 to continue to participate in and be covered by the county health insurance  
3 program.

4 (b) On and after January 1, 1995, any judge of a county municipal court  
5 to which this subchapter applies who shall attain the age of sixty-five (65)  
6 years and who shall have served at least ten (10) years in office as municipal  
7 judge, or who shall have served at least twenty (20) years in office service  
8 as municipal judge whatever his or her age, shall be eligible to receive  
9 retirement benefits provided by this subchapter. If the judge resigns,  
10 retires from office, or is succeeded in office by another judge, then he shall  
11 receive retirement pay for and during the remainder of his natural life in an  
12 amount equal to one-half (1/2) of the salary payable to him at the time of his  
13 resignation, retirement, or succession in office."

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15 SECTION 3. All provisions of this act of general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 4. If any provisions of this act or the application thereof to  
20 any person or circumstance is held invalid, the invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provisions or application, and to this end the provisions of this  
23 act are declared to be severable.

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25 SECTION 5. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

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28 SECTION 6. Emergency. It is hereby found and determined by the  
29 Eightieth General Assembly of the State of Arkansas that Acts 585 and 586 of  
30 1993 vastly increased the cost of retirement benefits for judges of county  
31 municipal courts in counties with populations of more than one-hundred and  
32 fifty thousand people; that the retirement benefits paid to retiring municipal  
33 judges under those laws are excessively costly to the retirement funds for  
34 those counties; and that the fiscal responsibility dictates that only those  
35 retirement funds should be used to pay benefits for retiring municipal judges

1 in case there are any deficiencies in the funds. Therefore, in order to  
2 guarantee the fiscal soundness of those retirement funds, an emergency is  
3 hereby declared to exist, and this act being necessary for the immediate  
4 preservation of the public peace, health, and safety, shall be in full force  
5 and effect from and after its passage and approval.

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BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 3-27-95

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