

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Senator Walters**

Call Item 22
A Bill ACT 71 OF 1992
SENATE BILL 20

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 24-8-315 REGARDING
9 RETIREMENT BENEFITS FOR MUNICIPAL JUDGES AND CLERKS IN
10 COUNTIES DIVIDED INTO TWO (2) JUDICIAL DISTRICTS TO
11 CORRECT AN ERROR IN LANGUAGE; TO AMEND ARKANSAS CODE § 24-
12 11-827 REGARDING THE RECALCULATION OF BENEFITS FOR A
13 RETIRED MEMBER COVERED BY THE FIREMAN'S FUND WHO RETURNS
14 TO EMPLOYMENT AT WORK COVERED BY THE FIREMAN'S FUND TO
15 CORRECT A SCRIVENER'S ERROR TO MARCH 1, 1986; TO DECLARE
16 AN EMERGENCY; AND FOR OTHER PURPOSES."

17

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

19

20 SECTION 1. Arkansas Code § 24-8-315 is hereby amended to read as
21 follows:

22 "24-8-315. Multicounty districts - Options.

23 (a) The quorum court of any county which is divided into two (2)
24 districts and has two (2) county seats and in which the municipal court is
25 funded primarily by the county shall have the option to provide retirement
26 benefits for the municipal court judge and the municipal court clerk under a
27 local retirement plan provided for in § 24-8-301 et seq. or to include the
28 municipal court judge and municipal court clerk in the Public Employees'
29 Retirement System.

30 (b) (1) In any county which is divided into two (2) districts and has
31 two (2) county seats and in which the municipal court is funded primarily by
32 the county, the quorum court is authorized to create a municipal court
33 retirement board of trustees.

34 (2) The board shall be composed of the county judge, county
35 treasurer, county clerk, the mayor of the city in which the municipal court
36 sits, the judge of the municipal court, and one (1) member of the quorum court

1 that represents the service district in which the municipal court sits to be
2 designated by the county judge.

3 (A) The members of the board shall serve without pay.

4 (B) The county judge shall be chairman of the board, the
5 county clerk shall be secretary of the board and the county treasurer shall be
6 treasurer of the board.

7 (C) (i) The county treasurer, as treasurer of the board,
8 shall deposit such funds as the board shall direct in a suitable depository
9 and shall withdraw such funds on direction of the board.

10 (ii) The treasurer shall execute a bond in a sum fixed by the board to
11 guarantee his good faith in the handling of the funds coming to his hands
12 under the provisions of this section.

13 (c) The board shall meet once each year and special meetings may be
14 called by the chairman or a majority of the members at any time.

15 (d) The board shall have the authority and duty to receive and
16 administer the funds collected in the county under § 24-8-303 and under
17 subsection (e) of this section. The board shall have authority to invest such
18 funds as are not necessary for immediate use for payment of retirement
19 benefits in interest-bearing securities of the State of Arkansas or
20 certificates of the United States, or any or all of such securities.

21 (e) The quorum court of any county which is divided into two (2)
22 districts and has two (2) county seats is authorized, by ordinance, to set
23 costs or fees to provide for retirement benefits for municipal court judges
24 and clerks in the county within the following ranges, and, when so set, such
25 costs or fees shall be collected in the manner prescribed in § 24-8-303 and
26 shall be in lieu of the fees levied in that section:

27 (1) A fee of not less than one dollar (\$1.00) and not more than
28 five dollars (\$5.00) for entering upon the records of the court each criminal
29 case and each moving traffic violation; and

30 (2) A fee of not less than twenty cents (20¢) and not more than
31 one dollar (\$1.00) for the issuance of each summons in a civil action.

32 (f) (1) Any county employer or municipal employer participating in the
33 Arkansas Public Employees' Retirement System that is required by law to
34 establish a local retirement plan for any employee shall have the option at
35 the time of employment or within ninety (90) days of July 15, 1991, to provide

1 retirement benefits for the employee under the local retirement plan or to
2 include the employee in the Arkansas Public Employees' Retirement System.

3 (2) The decision to enroll the employee in the Arkansas Public
4 Employees_ Retirement System, in lieu of a local retirement plan, shall be
5 made by the employer's governing body and the results certified to the
6 Arkansas Public Employees' Retirement System's Board of Trustees."
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8 SECTION 2. Arkansas Code § 24-11-827 is hereby amended to read as
9 follows:

10 "24-11-827. Retired member returning to active status.

11 (a) Notwithstanding any other provision of the law to the contrary,
12 should an age or service retirant return March 1, 1986, or later, to
13 employment in a position covered by the fireman's fund from which he retired,
14 no pension payments shall be paid him for the period of such reemployment, and
15 he may make member contributions to the system as if he were an active member
16 during such reemployment.

17 (b) If reemployment terminates before the retirant has rendered
18 sufficient reemployment to accumulate at least three (3) years of credited
19 service had he been an active member during such reemployment, the payment of
20 his pension shall resume upon such termination, under the form of payment in
21 force at the beginning of reemployment and in an amount as it would be had he
22 not been reemployed. The retirant shall be paid the accumulated contributions
23 based upon any member contributions he may have made during such reemployment.

24 (c) If reemployment continues until the retirant has rendered
25 sufficient reemployment to accumulate three (3) years of credited service had
26 he been an active member during such reemployment, then effective upon
27 completion of such reemployment his retirement shall be canceled and such
28 former retirant shall again become an active member. Upon resuming active
29 membership the service and contributions and pay records during reemployment
30 shall be added to the member's records as they were at retirement."
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32 SECTION 3. All provisions of this act of general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.
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1 SECTION 4. If any provisions of this act or the application thereof to
2 any person or circumstance is held invalid, the invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provisions or application, and to this end the provisions of this
5 act are declared to be severable.

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

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10 SECTION 6. Emergency. It is hereby found and determined by the
11 Seventy-Eighth General Assembly of the State of Arkansas meeting in the First
12 Extraordinary Session of 1992 that an error was made in the legislative
13 process of incorporating amendments into the language of Act 851 of 1991 and a
14 scrivener's error was made in the course of writing the bill which eventually
15 became Act 429 of 1991 and that the errors in language will create some
16 confusion as to the meaning of Act 851 of 1991 and the effectiveness of Act
17 429 of 1991 and thereby affect the administration of justice in the municipal
18 courts of those affected counties and the retirement benefits of those
19 fireman's funds. Therefore, in order to correct the errant language and
20 dispel any confusion as to the meaning of Act 851 of 1991 and to correct the
21 scrivener's errors of Act 429 of 1991, an emergency is hereby declared to
22 exist, and this act being necessary for the immediate preservation of the
23 public peace, health, and safety, shall be in full force and effect from and
24 after its passage and approval.

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APPROVED: 3-20-92

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