

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1298

5 By: Representative J. Mayberry  
6

## For An Act To Be Entitled

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

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13 TO AMEND THE LAW CONCERNING THE PAYABLE  
14 RATE OF AN ANNUAL RETIREMENT BENEFIT  
15 RECEIVED BY A RETIRED MAYOR.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 24-12-123 is amended to read as follows:  
22 24-12-123. Mayors of cities of the first class.

23 (a)(1)(A) In all cities of the first class in this state, any person  
24 who shall serve as mayor of the city for a period of not less than ten (10)  
25 years, upon reaching age sixty (60), or any person who shall serve as mayor  
26 of the city for a period of not less than twenty (20) years, without regard  
27 to age, shall be entitled to retire at an annual retirement benefit during  
28 the remainder of the person's natural life, payable at the rate of one-half  
29 ( $\frac{1}{2}$ ) of the salary payable to the mayor at the time of retirement.

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

34 (2) The retirement payments shall be paid monthly and shall be  
35 paid from the city general fund.

36 (3) However, a mayor who has served as an elected official or



1 employee of that city prior to or after the person's service as mayor shall  
2 count his or her service as an elected official or employee of that city  
3 towards the mayor's retirement as follows:

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

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

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

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

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

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

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

32 (b)(1) On the death of any mayor retired under the provisions of  
33 subsection (a) of this section or any other acts of the General Assembly, or  
34 any mayor who dies in office after becoming eligible to retire under  
35 subsection (a) of this section or any other acts of the General Assembly, the  
36 spouse of the mayor married to the mayor for ten (10) years or longer may, at

1 the option of the governing body of the city, receive one-half ( $\frac{1}{2}$ ) of the  
2 retirement benefit the retired mayor was receiving or one-half ( $\frac{1}{2}$ ) of the  
3 retirement benefit the mayor who died in office was entitled to receive.

4 (2) However, upon remarriage of the spouse, the benefits shall  
5 cease.

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

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

11 (d) Effective January 1, 2022, this section does not apply to a person  
12 who:

13 (1) Is elected to serve as a mayor of a city of the first class;

14 (2) Takes office as a mayor of a city of the first class; or

15 (3) Is sworn in as a mayor of a city of the first class.

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