

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

As Engrossed: H2/19/19

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 person's mayoral salary ~~payable to the mayor~~ at the time of
30 retirement.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

12 (d) The governing body may elect by ordinance not to provide the
13 benefits available under this section if the ordinance does not apply to a
14 person who has:

15 (1) Served as a mayor prior to December 31, 2022;

16 (2) Served or is serving as a mayor at the time the ordinance is
17 effective; or

18 (3) Filed for election to the office of mayor at the time the
19 ordinance is effective.

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21 /s/J. Mayberry
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