

2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 201

5
6 By: Senator B. Sample

7 Filed with: Interim Joint Committee on Public Retirement & Social Security Programs
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT CONCERNING THE MANDATORY LOSS OF RETIREMENT
11 BENEFITS FOR MEMBERS OF THE ARKANSAS JUDICIAL
12 RETIREMENT SYSTEM WHO SEEK OFFICE AFTER REACHING
13 SEVENTY (70) YEARS OF AGE; AND FOR OTHER PURPOSES.

16 Subtitle

17 CONCERNING THE MANDATORY LOSS OF
18 RETIREMENT BENEFITS FOR MEMBERS OF THE
19 ARKANSAS JUDICIAL RETIREMENT SYSTEM WHO
20 SEEK OFFICE AFTER REACHING SEVENTY (70)
21 YEARS OF AGE.

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

25
26 SECTION 1. Arkansas Code § 24-8-101(a), concerning a previously
27 retired justice, is amended to read as follows:

28 (a) ~~Any A~~ judge or justice ~~under the age of seventy (70)~~ who is
29 receiving retirement benefits under § 24-8-201 et seq. or § 24-8-701 et seq.,
30 who is elected or appointed to any judicial office in this state, and who
31 foregoes receipt of retirement benefits while serving in the judicial office
32 shall be entitled to resume receiving his or her previous retirement benefits
33 upon termination of the subsequent service.

34
35 SECTION 2. Arkansas Code § 24-8-215(c), concerning eligibility for
36 benefits and retirement generally, is repealed.

1 ~~(c)(1) Any judge or justice who becomes seventy (70) years of age~~
2 ~~during a term of office to which he has been elected may complete the term~~
3 ~~without forfeiting his rights to retirement benefits under this section.~~

4 ~~(2)(A) Any judge or justice who is not eligible to retire at age~~
5 ~~seventy (70) may continue to serve as judge until the completion of the term~~
6 ~~of office in which he receives sufficient credited service to retire without~~
7 ~~losing his retirement benefits.~~

8 ~~(B) The judge or justice shall lose all retirement~~
9 ~~benefits if he serves beyond the end of the term needed to get sufficient~~
10 ~~credited service to retire.~~

11 ~~(3)(A) Otherwise, judges or justices must retire by their~~
12 ~~seventieth birthday or lose their retirement benefits.~~

13 ~~(B) However, any active judge or justice who was serving~~
14 ~~prior to July 1, 1965, may continue to serve until any age and shall, upon~~
15 ~~retirement, be eligible to receive retirement benefits.~~

16
17 SECTION 3. Arkansas Code § 24-8-218(c)(4)(A), concerning retirement
18 and survivors' benefits generally, is amended to read as follows:

19 (4)(A) Any ~~Any~~ A judge or justice ~~under the age of seventy (70)~~ who
20 is receiving retirement benefits under this subchapter or § 24-8-701 et seq.
21 and who is elected or appointed to any judicial office in this state and who
22 foregoes receipt of retirement benefits while serving in the judicial office
23 shall be entitled to resume receiving his or her previous retirement benefits
24 upon termination of the subsequent service.

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26 SECTION 4. Arkansas Code § 24-8-224 is repealed.

27 ~~24-8-224. Benefits when serving past mandatory retirement age.~~

28 ~~(a) Notwithstanding § 24-8-215 regarding mandatory retirement under~~
29 ~~the Arkansas Judicial Retirement System for any judge or justice upon~~
30 ~~reaching seventy (70) years of age or any other law to the contrary, any~~
31 ~~judge or justice covered under the system who served continuously for at~~
32 ~~least sixteen (16) years, who is at least eighty (80) years of age, who is~~
33 ~~not serving on April 19, 1995, and who is ineligible for retirement due to~~
34 ~~having served beyond the mandatory retirement age shall be entitled to~~
35 ~~receive retirement benefits under the system.~~

1 ~~(b) Retirement benefits under this section shall be retroactive to~~
2 ~~January 1, 1995, or, for judges or justices retiring after 1995, to January 1~~
3 ~~of the year of retirement.~~

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5 SECTION 5. Arkansas Code § 24-8-710(b), concerning eligibility for
6 benefits and retirement generally, is repealed.

7 ~~(b)(1) Any judge or justice who becomes seventy (70) years of age~~
8 ~~during a term of office to which he or she has been elected may complete the~~
9 ~~term without forfeiting his or her rights to retirement benefits under this~~
10 ~~section.~~

11 ~~(2)(A) Any judge or justice who is not eligible to retire at age~~
12 ~~seventy (70) may continue to serve as judge or justice until the completion~~
13 ~~of the term of office in which he or she has sufficient service to retire~~
14 ~~without losing his or her retirement benefits.~~

15 ~~(B) The judge or justice shall lose all retirement~~
16 ~~benefits if he or she serves beyond the end of the term needed to get~~
17 ~~sufficient service to retire.~~

18 ~~(3)(A) Otherwise, judges or justices must retire by their~~
19 ~~seventieth birthday or lose their retirement benefits.~~

20 ~~(B) However, any active judge or justice who was serving~~
21 ~~prior to July 1, 1965, may continue to serve until any age and upon~~
22 ~~retirement shall be eligible to receive retirement benefits.~~

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25 Referred by the Arkansas Senate

26 Prepared by: SAG/VJF
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