

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

# A Bill

Call Item 22

**SENATE BILL**

## 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:

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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

1 sits, the judge of the municipal court, and one (1) member of the quorum court  
2 that represents the service district in which the municipal court sits to be  
3 designated by the county judge.

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

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

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

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

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

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

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

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

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

33 (f) (1) Any county employer or municipal employer participating in the  
34 Arkansas Public Employees' Retirement System that is required by law to  
35 establish a local retirement plan for any employee shall have the option at

1 the time of employment or within ninety (90) days of July 15, 1991, to provide  
2 retirement benefits for the employee under the local retirement plan or to  
3 include the employee in the Arkansas Public Employees' Retirement System.

4 (2) The decision to enroll the employee in the Arkansas Public  
5 Employees\_ Retirement System, in lieu of a local retirement plan, shall be  
6 made by the employer's governing body and the results certified to the  
7 Arkansas Public Employees' Retirement System's Board of Trustees."

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9 SECTION 2. Arkansas Code § 24-11-827 is hereby amended to read as  
10 follows:

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

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

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

25 (c) If reemployment continues until the retirant has rendered  
26 sufficient reemployment to accumulate three (3) years of credited service had  
27 he been an active member during such reemployment, then effective upon  
28 completion of such reemployment his retirement shall be canceled and such  
29 former retirant shall again become an active member. Upon resuming active  
30 membership the service and contributions and pay records during reemployment  
31 shall be added to the member's records as they were at retirement."

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

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

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

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

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