

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Pollan

# A Bill

HOUSE BILL 1640

## For An Act To Be Entitled

8 "AN ACT TO PRESCRIBE THE RETIREMENT BENEFITS FOR JUDGES  
9 AND CLERKS OF MUNICIPAL COURTS IN COUNTIES HAVING A  
10 POPULATION OF NOT MORE THAN 113,000 NOR LESS THAN 99,000  
11 PERSONS; TO PROVIDE FUNDS FOR THE PAYMENT OF BENEFITS; TO  
12 PROVIDE FOR THE ADMINISTRATION OF SUCH FUNDS AND  
13 RETIREMENT BENEFITS; AND FOR OTHER PURPOSES."

## Subtitle

15 "AN ACT TO PRESCRIBE THE RETIREMENT  
16 BENEFITS FOR CERTAIN JUDGES AND CLERKS  
17 OF MUNICIPAL COURTS.  
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19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. In addition to the provisions of Arkansas Code 24-8-301, et  
23 seq., any judge of a municipal court or county municipal court, licensed to  
24 practice law, established in any county having a population of not more than  
25 one hundred thirteen thousand (113,000) nor less than ninety-nine thousand  
26 (99,000) persons, according to the most recent federal census, in which  
27 county there are two (2) or more municipal courts, and any clerk of such a  
28 municipal court appointed by the judges thereof shall be entitled to the  
29 benefits established by this act.

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31 SECTION 2. Any judge of a municipal court or county municipal court to  
32 which this act applies who shall attain the age of fifty (50) years and who  
33 shall have served at least sixteen (16) years in office as municipal judge,  
34 or at least sixteen (16) years combined service as municipal judge,  
35 prosecuting attorney, deputy prosecuting attorney, assistant attorney general

1 or city attorney in the state of Arkansas, shall be eligible to receive  
2 retirement benefits provided by this *act*. If the judge resigns, retires from  
3 office, or is succeeded in office by another judge, then he shall receive  
4 retirement pay for and during the remainder of his natural life in an amount  
5 equal to one-half (1/2) of the salary payable to him at the time of his  
6 resignation, retirement, or succession in office. Any municipal judge who  
7 retires under this law shall be entitled to continue to participate in and be  
8 covered by the city health insurance program in which he is participating, if  
9 any, upon his retirement.

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11 SECTION 3. Source and collection of funds.

12 To provide funds for the retirement benefits provided in this *act*,  
13 costs, in addition to the costs now provided by law, shall be assessed,  
14 collected and disbursed as set forth in Arkansas Code 24-8-303.

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16 SECTION 4. (a) In cities in a county having a population of not more  
17 than one hundred thirteen thousand (113,000) nor less than ninety-nine  
18 thousand (99,000) persons, in which county there are two (2) or more  
19 municipal courts with a judge of a municipal court licensed to practice law,  
20 there is created a board of trustees which shall consist of the mayor, city  
21 clerk, city treasurer, or if none the city chief financial officer, city  
22 health officer, and municipal judges of the city.

23 (b)(1) The board shall receive and administer the funds collected  
24 under the provisions of this *act* and shall have the power to make necessary  
25 rules therefor.

26 (2) The board shall have the authority to invest such funds as are not  
27 necessary for the immediate use for payment of retirement benefits in  
28 interest-bearing securities of the state of Arkansas or certificates of the  
29 United States or any or all such securities.

30 (c)(1) The city treasurer or, if none, the city chief financial  
31 officer, shall be the treasurer of the board and, at the direction of the  
32 board, shall deposit the funds paid into the board in some suitable  
33 depository. He shall draw and sign all necessary checks at the direction of  
34 the board.

35 (2) He shall execute a bond in a sum fixed by the board to

1 guarantee his good faith in the handling of any funds coming into his hands  
2 under the provisions of this *act*.

3 (d) The city clerk or county clerk, as the case may be, shall be the  
4 secretary of the board.

5 (e) The board shall constitute one of its members as chair, who shall  
6 serve for a period of two (2) years.

7 (f) The board shall meet at least every six (6) months, and special  
8 meetings may be called by the chair or a majority of the members at any time.

9 (g) The city clerk or county clerk, as the case may be, shall receive  
10 the sum of ten dollars (\$10.00) for each and every meeting attended but he  
11 shall not be paid more than fifty dollars (\$50.00) in any one year; all other  
12 members shall serve without pay.

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15 SECTION 5. (a) All payments of retirement benefits under this *act*  
16 shall be payable semimonthly.

17 (b)(1) In case the fund established by this *act* should ever become  
18 deficient to pay retirement benefits due any person under this *act*, the city  
19 treasurer or county treasurer, as the case may be, shall verify the  
20 deficiency. This deficiency shall be met by payment from the general funds  
21 of the city and proportionately from the general funds of the county, if the  
22 salary of the judge of the municipal courts in the county is paid partially  
23 by the county, in such amount as may be necessary to continue the timely  
24 payment of retirement benefits to the persons entitled thereto. Provided,  
25 however, that in the case of a county municipal judge, the deficiency shall  
26 be met by payment from the general funds of the county.

27 (2) If funds thereafter accruing under this *act* accumulate to become  
28 sufficient for the payment of benefits, then no further payment shall be made  
29 from the general funds of the city or county, as the case may be, unless and  
30 until the fund provided by this *act* should again become *deficient and the*  
31 *deficiency is verified by the city treasurer, or if none, the city chief*  
32 *financial officer or county treasurer, as the case may be.*

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34 SECTION 6. All provisions of this act of a general and permanent  
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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3       SECTION 7. If any provision of this act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

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

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*/s/Rep. Pollan*

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