

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

A Bill

SENATE BILL 397

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 24-8-312 TO PROVIDE FOR
THE PURCHASE OF LIMITED CREDITED SERVICE IN THE PUBLIC
EMPLOYEES RETIREMENT SYSTEM (PERS) OR A RECIPROCAL SYSTEM
FOR SERVICE AS A MUNICIPAL COURT CLERK; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE FOR THE PURCHASE OF CREDITED
SERVICE IN PERS OR A RECIPROCAL
RETIREMENT SYSTEM FOR SERVICE AS A
MUNICIPAL COURT CLERK."

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

SECTION 1. Arkansas Code § 24-8-312 is amended to read as follows:

"24-8-312. Right of transfer from or purchase credit in Public
Employees' Retirement System or a reciprocal system.

(a) A judge of a municipal court and clerk of a municipal court who,
on March 23, 1973, were covered by the provisions of the Municipal Section of
the Arkansas Public Employees' Retirement System shall, prior to January 1,
1982, make an election in writing as to whether to continue as a member of
the Arkansas Public Employees' Retirement System in lieu of participating in
the retirement benefits in this subchapter. In the event any such municipal
judge or municipal court clerk shall elect to receive retirement benefits
under this subchapter, they shall cease to be members of the Arkansas Public
Employees' Retirement System.

(b)(1) In the case of all municipal judges and municipal court clerks
who elected, in the manner provided in this subchapter, to receive retirement

1 benefits under the provisions of this subchapter in lieu of benefits provided
2 as a member of the Arkansas Public Employees' Retirement System, all
3 contributions paid by the municipal judge or municipal court clerk, and all
4 employer matching contributions paid to the Arkansas Public Employees'
5 Retirement System in behalf of the municipal judge or municipal clerk shall
6 be remitted, upon written request therefor by the board of trustees, as
7 established in § 24-8-302, by the Arkansas Public Employees' Retirement
8 System from the employer and employee accounts of the Municipal Section of
9 the Arkansas Public Employees' Retirement System Fund to the board of
10 trustees.

11 (2) Upon receipt of the contributions, the board of trustees
12 shall deposit the contributions in the fund established for the payment of
13 retirement benefits to retired municipal judges and municipal court clerks in
14 the city as provided in this subchapter.

15 (c)(1) Any municipal court clerk or former municipal court clerk who
16 was covered by the Arkansas Public Employees' Retirement System at the time
17 of the municipal service or was eligible for coverage at that time, who
18 withdrew the service and the accumulated contributions to the system, and who
19 later becomes a member of the Arkansas Public Employees' Retirement System or
20 of a reciprocal system, shall, upon meeting the requirements prescribed in
21 this subsection, be entitled to have the time of complete municipal service
22 restored to his or her credit.

23 (2) In order for the member of the system or of the reciprocal
24 system to be eligible to have the service credit restored, the member:

25 (A) Shall not be currently receiving benefits under the
26 system or a reciprocal system;

27 (B) Shall be entitled to purchase no more than ten (10)
28 years for the service rendered by the member as a municipal court clerk;

29 (C) Shall have at least ten (10) years credited service
30 with the system or a reciprocal system at the time of the purchase;

31 (D) Shall not have received credited service in the system
32 or a reciprocal system, in another state supported retirement system, or in a
33 retirement system of the city in which the member was employed for the time
34 period for which credit is being sought; and

35 (E) Contributes to the member_s deposit account a sum of

1 money equal to the amount he, and, if the employer contributions were
2 returned, the amount the employer, would have contributed to the account had
3 he been a member of the system or a reciprocal system during the period of
4 service with the municipal court for which the member is establishing credit.
5 This amount shall be based upon his, and, if the employer contributions were
6 returned, the employer's, monthly contribution at the time of the member_s
7 service with the municipal court for which the member is establishing credit
8 and interest thereon at the rate of six percent (6%) with interest compounded
9 annually."

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11 SECTION 2. All provisions of this act of general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 3. If any provisions of this act or the application thereof to
16 any person or circumstance is held invalid, the invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provisions or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 4. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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24 SECTION 5. Emergency. It is hereby found and determined by the
25 Eightieth General Assembly of the State of Arkansas that the service rendered
26 by municipal court clerks to the citizens and the State of Arkansas was not
27 adequately compensated, that certain former municipal court clerks who chose
28 not to remain in the PERS system will be stripped of their retirement
29 benefits unless they are restored to them; and that this will create an
30 inequity for all those former court clerks and equity and justice demands
31 that this inequity be corrected immediately. Therefore, in order to correct
32 this injustice and inequity, an emergency is hereby declared to exist, and
33 this act being necessary for the immediate preservation of the public peace,
34 health, and safety, shall be in full force and effect from and after its
35 passage and approval.

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