

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S4/4/01
A Bill

SENATE BILL 144

5 By: Senator Everett
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS CODE 24-8-307 TO PROVIDE
10 FOR ELIGIBILITY OF CERTAIN MUNICIPAL JUDGES FOR
11 RETIREMENT BENEFITS UNDER A MUNICIPAL JUDGE'S
12 RETIREMENT SYSTEM; *TO AMEND ARKANSAS CODE TITLE*
13 *24, CHAPTER 8, SUBCHAPTER 3 TO ADD AN ADDITIONAL*
14 *SECTION TO ESTABLISH A RETIREMENT TRANSITION*
15 *GROUP FOR MUNICIPAL JUDGES AND CLERKS; TO AMEND*
16 *ARKANSAS CODE 24-8-311 AND 24-8-408 TO PROVIDE*
17 *FOR SURVIVOR BENEFITS FOR SPOUSES OF MUNICIPAL*
18 *COURT CLERKS; AND FOR OTHER PURPOSES.*

19
20 **Subtitle**

21 TO MAKE CERTAIN MUNICIPAL *JUDGES AND*
22 *COURT CLERKS' SURVIVING SPOUSES* ELIGIBLE
23 FOR RETIREMENT BENEFITS UNDER A
24 MUNICIPAL JUDGE'S RETIREMENT SYSTEM.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code 24-8-307(f), concerning the eligibility of
30 certain municipal judges for retirement benefits, is amended to read as
31 follows:

32 (f)(1) Upon the approval of a majority of the city council or board of
33 directors of a city of the first class or a city of the second class and the
34 approval of the quorum court of the county, any person who, either, at age
35 fifty-five (55) has sixteen (16) years of service, with not less than eight
36 (8) years as municipal judge and at least five (5) years as a deputy

1 prosecuting attorney and three (3) years with any state agency for a total of
 2 sixteen (16) years, or at age fifty (50) has at least ten (10) years service
 3 as municipal judge and at least ten (10) years service as a juvenile referee
 4 for a total of twenty (20) years service, shall be eligible to receive
 5 retirement benefits provided by this subchapter.

6 (2) If the judge resigns, retires from office, or is succeeded in
 7 office by another judge, he shall receive retirement benefits for and during
 8 the remainder of his natural life in an amount equal to one-half (1/2) of the
 9 salary payable to him at the time of his resignation, retirement, or
 10 succession in office.

11 (3) If incapacitating illness or disability should occur during
 12 the final term for qualification under these provisions, then the judge so
 13 elected shall be eligible to retire at one-half (1/2) pay as provided in this
 14 section.

15 (4) In addition thereto, the surviving widow of the qualifying
 16 judge shall be entitled to the benefits provided in this subchapter until her
 17 death or remarriage.

18
 19 *SECTION 2. Arkansas Code 24-8-311 is amended to read as follows:*

20 *24-8-311. Eligibility for benefits - Clerks.*

21 *(a)(1) Any clerk of a municipal court to which this subchapter applies,*
 22 *appointed by the judges of the court, who shall attain age sixty (60) and who*
 23 *shall have served in office as clerk for at least ten (10) years, or who shall*
 24 *have served in office for at least twenty (20) years irrespective of age,*
 25 *shall be eligible to receive retirement benefits provided by this subchapter.*

26 *(2) If the clerk resigns, retires from office, or is succeeded in*
 27 *office by another clerk, the clerk shall receive retirement benefits for and*
 28 *during the remainder of his natural life in an amount equal to one-half (1/2)*
 29 *of the salary payable to him at the time of resignation, retirement, or*
 30 *succession in office.*

31 *(3) After the death of the clerk, the surviving spouse of a*
 32 *qualifying court clerk shall be entitled to continue to receive the retirement*
 33 *benefits under this subchapter until the surviving spouse dies or remarries.*

34 *(b) Upon the approval of the governing body of the municipality and*
 35 *following a determination of the actuarial soundness of the fund from which*
 36 *the benefits shall be paid, any court clerk of a municipal court who upon*

1 reaching age sixty-eight (68) will have served for a minimum of seven (7)
2 years immediately prior to severance from employment may retire with a reduced
3 benefit in an amount equal to seven-tenths (0.7) of the benefits payable under
4 subsection (a) of this section.

5 (c)(1) The board of trustees by resolution may provide retirement
6 benefits to a clerk who is incapacitated due to illness or disability and has
7 served for a minimum of seven (7) years.

8 (2) The clerk may retire with a reduced benefit in an amount
9 equal to seven-tenths (0.7) of the benefits payable under subsection (a) of
10 this section.

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12 SECTION 3. Arkansas Code 24-8-408 is amended to read as follows:

13 24-8-408. Eligibility for benefits - Clerks.

14 (a)(1) Any clerk of a municipal court to which this subchapter applies,
15 appointed by the judge or judges of the court, who shall attain age sixty (60)
16 and who shall have served in office as clerk for at least ten (10) years, or
17 who shall attain age sixty-five (65) and who shall have served in office for
18 at least eight (8) years, or who shall have served in office for at least
19 twenty (20) years, irrespective of age, or who shall have served twenty (20)
20 or more consecutive years, irrespective of age, as a city employee for the
21 city in which he clerks, with eight (8) or more of those years served in the
22 office of municipal clerk, shall be eligible to receive retirement benefits
23 provided by this subchapter.

24 (2) If the clerk resigns, retires from office, or is succeeded in
25 office by another clerk, the clerk shall receive retirement pay for and during
26 the remainder of his natural life in an amount equal to one-half (1/2) of the
27 salary payable to him at the time of resignation, retirement, or succession in
28 office.

29 (3) The governing body of the municipality or the county may, by
30 ordinance, provided that, after the death of the clerk, the surviving spouse
31 of a qualifying court clerk can continue to receive the retirement benefits
32 under this subchapter until the surviving spouse dies or remarries.

33 (b)(1) Any clerk of a municipal court who is covered by the provisions
34 of this subchapter and who has seven (7) or more years of service in any
35 position in the office of the county sheriff shall be entitled to have the
36 service in the office of the county sheriff credited as municipal court clerk

1 service.

2 (2) The service so converted shall be treated the same as if it
3 were service as clerk of a municipal court in the county for purposes of
4 determining eligibility for retirement under the provisions of this
5 subchapter.

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7 SECTION 4. Arkansas Code Title 24, Chapter 8, Subchapter 3, is amended
8 to add an additional section to read as follows:

9 24-8-320. Municipal Court Retirement Transition Group.

10 (a) Currently, the municipal judges and court clerks in Arkansas are
11 covered under numerous and separate retirement plans run independently by each
12 municipal government. Under Amendment 80 of the Arkansas Constitution, all
13 municipal courts in existence shall be known as district courts and all judges
14 of those courts shall become district judges effective January 1, 2005.

15 (b) The Municipal Court Retirement Transition Group shall be
16 established to review the transition of municipal courts to district courts
17 and to study the impact this transition will have those retirement benefit
18 plans.

19 (c) The Municipal Court Retirement Transition Group shall consist of:

20 (1) Three (3) members of the Joint Committee on Public Retirement
21 and Social Security Programs as appointed by the chairmen of that committee;

22 (2) The executive director of the Arkansas Public Employees'
23 Retirement System;

24 (3) A representative from the board of trustees of the Arkansas
25 Judicial Retirement System appointed by the board;

26 (4) The executive director of the Arkansas Municipal League or a
27 designee;

28 (5) The executive director of the Association of Arkansas
29 Counties or a designee;

30 (6) The executive director of the Administrative Office of the
31 Courts or a designee; and

32 (7) The Director of the Department of Finance and Administration
33 or a designee.

34 (d) The Municipal Court Retirement Transition Group shall determine if
35 any legislation is necessary and shall bring it before the Joint Committee of
36 Public Retirement and Social Security Programs at the Eighty-Fourth General

1 Assembly.

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3 SECTION 5. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO
4 CODIFY THIS SECTION.] No benefit enhancement provided for by this act shall
5 be implemented if it would cause the publicly supported retirement system's
6 unfunded actuarial accrued liabilities to exceed a thirty (30) year
7 amortization. No benefit enhancement provided for by this act shall be
8 implemented by any publicly supported system which has unfunded actuarial
9 accrued liabilities being amortized over a period exceeding thirty (30) years
10 until the unfunded actuarial accrued liability is reduced to a level less than
11 the standards prescribed by Arkansas Code, Title 24.

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/s/ Everett

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