

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 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H4/9/03*

# A Bill

HOUSE BILL 1240

5 By: Representative R. Smith  
6  
7

## For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR DISTRICT COURT CLERKS  
9 RETIREMENT BENEFITS; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO PROVIDE FOR DISTRICT COURT CLERKS  
12 RETIREMENT BENEFITS.  
13  
14

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16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code Title 24, Chapter 8, is amended to add an  
20 additional subchapter to read as follows:

21 Subchapter 9. District Court Clerk's Retirement.

22 24-8-901. Definition.

23 As used in this subchapter, a "municipal judge's retirement fund" means  
24 a local municipal judge and clerk retirement fund established by a local  
25 government under Arkansas Code Title 24, Chapter 8, Subchapters 3, 4, or 5.  
26

27 24-8-902. Additional funding for district court clerks.

28 (a) If the Arkansas District Judge's Retirement System is created, a  
29 local government that has established a municipal judge's retirement fund  
30 shall contribute an amount of money to the District Judge's Retirement System  
31 that shall represent the actuarially determined accrued liability for those  
32 court clerks and former court clerks who are covered by the municipal judge's  
33 retirement fund on December 31, 2004.

34 (b) The assets of the local municipal judge's retirement fund equal to  
35 the benefit obligations for the court clerks under subsection (a) of this  
36 section shall be paid to the District Judge's Retirement System on January 1,



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1 2005.

2 (c)(1) If the local municipal judge's retirement fund does not have  
3 sufficient funds available to pay the benefit obligations for the court  
4 clerks under subsection (a) of this section to the District Judge's  
5 Retirement System, then the remaining amount of actuarially determined  
6 accrued liability shall be paid on or before December 31 each year for up to  
7 the next thirty (30) years based on a thirty-year amortization period.

8 (2) If the amount in the local municipal judge retirement fund  
9 is greater than the actuarially determined amount of the liabilities to be  
10 transferred to the district judge's retirement system, that excess may be  
11 retained by the local government for the sole purpose of paying for the  
12 retirement benefits of district court clerks.

13 (d)(1) The accrued benefit used to determine the accrued liability  
14 under this section shall be determined by:

15 (A) Calculating the benefit that the court clerk would be  
16 eligible to receive on December 31, 2004, as provided by law before the  
17 effective date of this section, if the court clerk were eligible to begin  
18 receiving benefits on January 1, 2005;

19 (B) The amount in subdivision (d)(1)(A) of this section is  
20 then multiplied by the number of years of eligible service and then divided  
21 by the greater of the number of years of service needed to be eligible to  
22 retire and the current years of eligible service.

23 (2) The service years are to be determined under the law before  
24 the effective date of this section.

25  
26 24-8-903. Retirement membership of district court clerks.

27 (a) If the Arkansas District Judge's Retirement System is created, all  
28 municipal court clerks and district court clerks who are members of a  
29 municipal judge's retirement fund on December 31, 2004, shall become members  
30 of the Arkansas Public Employees' Retirement System on January 1, 2005.

31 (b) If the local government employing the district court clerk on  
32 December 31, 2004 is not a participating employer under the Public Employees'  
33 Retirement System, then the local government shall become a participating  
34 employer under the Public Employees' Retirement System for the district court  
35 clerk beginning on January 1, 2005.

36 /s/ R. Smith