

Stricken language would be deleted from and underlined language would be added to present law.
Act 948 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/19/19 H3/26/19
A Bill

HOUSE BILL 1298

By: Representative J. Mayberry
By: Senator Elliott

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE PAYABLE RATE
OF AN ANNUAL RETIREMENT BENEFIT RECEIVED BY A RETIRED
MAYOR; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE PAYABLE
RATE OF AN ANNUAL RETIREMENT BENEFIT
RECEIVED BY A RETIRED MAYOR.

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

SECTION 1. Arkansas Code § 24-12-123 is amended to read as follows:
24-12-123. Mayors of cities of the first class.

(a)(1)(A) In all cities of the first class in this state, any person who shall serve as mayor of the city for a period of not less than ten (10) years, upon reaching age sixty (60), or any person who shall serve as mayor of the city for a period of not less than twenty (20) years, without regard to age, shall be entitled to retire at an annual retirement benefit during the remainder of the person's natural life, payable at the rate of one-half ($\frac{1}{2}$) of the person's mayoral salary payable to the mayor at the time of retirement completion of his or her last term as mayor.

(B) The governing body of the city may provide by ordinance that any person who has served as mayor for a period of not less than ten (10) years may retire upon reaching age fifty-five (55) with the benefits provided under this section.

(2) The retirement payments shall be paid monthly and shall be



paid from the city general fund.

(3) However, a mayor who has served as an elected official or employee of that city prior to or after the person's service as mayor shall count his or her service as an elected official or employee of that city towards the mayor's retirement as follows:

(A)(i) At the rate of one (1) year of a mayor's retirement for each two (2) years served as an elected official or an employee of that city up to a maximum of an additional two (2) years' credit towards a mayor's retirement benefit;

(ii) If authorized by a city ordinance, at the rate of one (1) year of a mayor's retirement benefit for each two (2) years served as an elected official or an employee of that city up to a maximum of three (3) additional years' credit towards a mayor's retirement benefit if the person has not fewer than twenty (20) years of mayor's credit and is at least fifty-two (52) years of age; or

(iii) If authorized by a city ordinance, at the rate of one (1) year of a mayor's retirement benefit for each two (2) years served as an elected official or an employee of that city up to a maximum of four (4) additional years' credit towards a mayor's retirement benefit if the person has not fewer than twenty (20) years of mayor's credit and is at least fifty-four (54) years of age; and

(B) Service as an elected official or as an employee of the city that is also covered under another retirement plan offered by the city or that is covered by another benefit provided for by law shall not be applied towards the mayor's retirement benefits provided for under this section.

(4) The minimum retirement benefits shall be two hundred fifty dollars (\$250) per month for both salaried and nonsalaried mayors.

(5) On January 1 of each year, if a retiree under this section has been retired for at least twelve (12) full months, a cost-of-living increase of up to three percent (3%) will be added.

(6) Subdivision (a)(5) of this section applies only if approved by the governing body of the city.

(b)(1) On the death of any mayor retired under the provisions of subsection (a) of this section or any other acts of the General Assembly, or any mayor who dies in office after becoming eligible to retire under

subsection (a) of this section or any other acts of the General Assembly, the spouse of the mayor married to the mayor for ten (10) years or longer may, at the option of the governing body of the city, receive one-half ($\frac{1}{2}$) of the retirement benefit the retired mayor was receiving or one-half ($\frac{1}{2}$) of the retirement benefit the mayor who died in office was entitled to receive.

(2) However, upon remarriage of the spouse, the benefits shall cease.

(3) The provisions of this subsection are retroactive to November 1, 1983, at the sole discretion of the governing body of the city.

(c) Any mayor retired prior to July 20, 1987, and receiving benefits under prior acts of the General Assembly shall be entitled to continue receiving benefits under the prior acts.

(d) By January 31 of each year in which a petition for election to the office of mayor may be filed, the governing body of the city may by ordinance vote to decrease a benefit available under this section if:

(1) An actuarial study supports the need to lower a benefit available under this section;

(2) The actuarial study supporting the need to lower a benefit available under this section is attached as an exhibit to the ordinance;

(3) The benefit available under this section is not decreased to an amount that is less than two hundred fifty dollars (\$250);

(4) The ordinance does not apply to a person who:

(A) Serves as mayor before December 31, 2022;

(B) Served or is serving as mayor at the time an ordinance decreasing a benefit available under this section is effective; or

(C) Filed or has filed for election to the office of mayor at the time an ordinance decreasing a benefit available under this section is effective; and

(5) The decrease of a benefit available under this section does not apply retroactively.

/s/J. Mayberry

APPROVED: 4/12/19