

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1317

By: Representative Shepherd

By: Senator Rapert

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 14 OF
THE ARKANSAS CODE CONCERNING LOCAL GOVERNMENT; AND
FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 14
OF THE ARKANSAS CODE CONCERNING LOCAL
GOVERNMENT.

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

SECTION 1. Arkansas Code § 14-14-1003 is amended to remove language made obsolete by Arkansas Constitution, Amendment 80, to read as follows:

14-14-1003. Appeals.

Appeals from all judgments of the county courts ~~or courts of common pleas, when established,~~ may be taken to the circuit court, under such restrictions and regulations as may be prescribed by law.

SECTION 2. Arkansas Code § 14-14-1204(c)(1), concerning compensation of elected county officers, is amended to remove language made obsolete by Arkansas Constitution, Amendment 80, to read as follows:

(c)(1) The annual salary of a county judge shall be in compensation for his or her services as the executive and administrator for the county, as judge of the county court, ~~as judge of the court of common pleas, where established,~~ as presiding officer of the quorum court, and for all other services performed as provided by the Arkansas Constitution, by law, or by



county ordinance.

SECTION 3. Arkansas Code § 14-14-1301(b)(1), concerning quorum court district and township officers, is amended to remove language made obsolete by Arkansas Constitution, Amendment 80, to read as follows:

(1)(A) There shall be elected in each of the quorum court districts of the counties of this state one (1) justice of the peace who shall ~~preside over the justice of the peace courts and~~ perform such judicial duties as may be prescribed by law and who shall serve as a member of the quorum court of the county in which elected and shall perform such legislative duties as may be prescribed by law.

(B) Each justice shall be a qualified elector and a resident of the district for which he or she is elected.

SECTION 4. Arkansas Code § 14-37-111(c), concerning the reduction of a city to a lower grade, is amended to remove language made obsolete by Arkansas Constitution, Amendment 80, to read as follows:

(c) ~~Whenever a city of the first class is reduced to the grade of a city of the second class or an incorporated town, the mayor of the city shall automatically become the police judge, and the office of police judge shall automatically be abolished. All other officers of a city whose grade may be reduced~~ When the grade of a city has been reduced to city of the second class or to incorporated town, all officers of that city or town shall continue in office until the next general election for the city or town.

SECTION 5. Arkansas Code § 14-42-109 is amended to remove references to police judges made obsolete by Arkansas Constitution, Amendment 80, to read as follows:

14-42-109. Removal of elective or appointed officers.

(a)(1)(A) If the mayor ~~or police judge~~, member of the city council, or any other elective officer of any city of the first class or second class or incorporated town in this state shall wilfully and knowingly fail, refuse, or neglect to execute, or cause to be executed, any of the laws or ordinances within their jurisdiction, they shall be deemed guilty of nonfeasance in office.

(B)(i) It shall be the duty of the circuit court of any

county within which any officer may be commissioned and acting, upon indictment charging any such officer with nonfeasance in office, to hear and determine the charges.

(ii) If, upon hearing, the charges are proved to be true, the court shall enter a judgment of record removing the guilty officer from office.

(2) The council of any city or incorporated town may provide, by proper ordinance, for the removal of any appointive officer upon a majority vote of the council.

(b)(1) Upon the entering of judgment as provided in subdivision (a)(1) of this section, the office of mayor ~~or police judge~~ shall become vacant.

(2)(A) It shall be the duty of the clerk of the circuit court to immediately make out and deliver to the Governor a true and certified copy of the judgment.

(B) Thereupon, it shall be the duty of the Governor to at once appoint and commission a mayor ~~or police judge~~ for the city or town to fill the vacancy until his or her successor is elected at the next regular election and qualified.

(c) Any mayor ~~or police judge~~ so removed from office shall have the right of appeal to the Supreme Court. However, no appeal shall have the effect of suspending the judgment of removal of the circuit court. If the judgment is reversed, it shall have the effect of reinstating the officer to his or her office.

SECTION 6. Arkansas Code § 14-42-113(b)(4), concerning salaries of officials, is amended to clarify the wording subsequent to the 2013 amendment of subdivision (b)(4)(A), to read as follows:

(4)(A) Upon restoration of his or her professional license or registration, an elected official of a city of the first class, a city of the second class, or an incorporated town may petition the governing body of the city or town for a resumption of salary, and the governing body shall initiate measures to ensure that the elected official's salary is resumed.

(B) An elected official ~~who receives an order for the resumption of his or her salary~~ whose salary is resumed under subdivision (b)(4)(A) of this section shall not receive his or her salary for the period that the salary was withheld.

SECTION 7. Arkansas Code § 14-47-140(a)(3)(B), concerning authorization for the election and appointment of certain municipal officials, is amended to conform the language of the subdivision with Arkansas Constitution, Amendment 80, to read as follows:

(B) In municipalities that maintain ~~municipal district courts or police courts~~, the ~~municipal judge, police judge, and the clerk of both courts~~ district court judge and the district court clerk shall be elected and appointed in the manner prescribed by law.

SECTION 8. Arkansas Code § 14-54-104(1)(B)(i)(b)(1), concerning additional powers of cities of the first class, is amended to correct a reference as a necessary result of Arkansas Constitution, Amendment 80, to read as follows:

(b)(1) In either case, the city shall have power to enforce obedience to the sidewalk ordinance, order, resolution, or notice upon the owners or occupants failing or refusing to obey them by the imposition of fines upon conviction thereof in the ~~police~~ district court, in like manner and with like consequences and effect as for a violation of any other ordinance of the city.

SECTION 9. Arkansas Code § 14-54-104(3)(B), concerning additional powers of cities of the first class, is amended to correct a reference as a necessary result of Arkansas Constitution, Amendment 80, to read as follows:

(B) No statute of limitations or lapse of time during which any obstruction or encroachment may have existed or been continued shall be permitted as a bar or defense against any proceeding or action to remove or abate it or to punish for its continuance after an order has been made by the city council or the ~~police~~ district court for its removal or abatement.

SECTION 10. Arkansas Code § 14-54-104(4)(D), concerning additional powers of cities of the first class, is amended to correct a reference as a necessary result of Arkansas Constitution, Amendment 80, to read as follows:

(D) To prevent, abate, or remove nuisances of every kind, and to declare what are nuisances, and also to punish the authors or

continuers thereof by fine or imprisonment, or both. However, no previous declaration shall be necessary as to any matter, act, or thing that would have been a nuisance at common law, and all nuisances may be proceeded against either by order of the city council or prosecution in the ~~police~~ district court.

SECTION 11. Arkansas Code § 14-55-603 is amended to correct a reference as a necessary result of Arkansas Constitution, Amendment 80, to read as follows:

14-55-603. Outside work for jailed persons.

Prisoners confined in the county jail or city prison, by sentence of the ~~city or police~~ district court, for a violation of a city or town bylaw, ordinance, or regulation, may, by ordinance, be required to work out the amount of all fines, penalties, forfeitures, and costs at the rate prescribed in § 16-90-108, on the streets or other improvement under the control of the city council.

SECTION 12. Arkansas Code § 14-271-104(f), concerning exemptions for civil penalties, is amended to subdivide subsection (f) for clarity, to read as follows:

(f) ~~Neither the State Highway Commission, nor the Arkansas State Highway and Transportation Department, nor their officers or employees, nor the county judges or their road departments are subject to the provisions of this section.~~ This section does not apply to:

- (1) The State Highway Commission;
- (2) The Arkansas State Highway and Transportation Department or its officers or employees; or
- (3) County judges or their road departments.

SECTION 13. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

- (1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-First General Assembly;
- (2) To the extent that a conflict exists between an act of the regular session of the Ninety-First General Assembly and this act:

(A) The act of the regular session of the Ninety-First General Assembly shall be treated as a subsequent act passed by the General Assembly for the purpose of:

(i) Giving the act of the regular session of the Ninety-First General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

APPROVED: 02/21/2017