

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/13/87

HOUSE BILL 1886

By: Representative Mahony

"AN ACT TO CREATE A MUNICIPAL COURT IN JASPER, NEWTON COUNTY, ARKANSAS; TO PRESCRIBE THE QUALIFICATIONS, METHOD OF SELECTION, TERM OF OFFICE AND COMPENSATION FOR THE CLERK OF SAID COURT; TO AUTHORIZE THE JUDGE OF THE COURT TO APPOINT A MUNICIPAL COURT CLERK; AND FOR OTHER PURPOSES."

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

SECTION 1. A municipal court is hereby created in the city of Jasper, Newton County, Arkansas. The court shall be styled "The Municipal Court of Jasper". The court shall be provided with a seal, and shall have all the rights and powers now provided by law for other municipal courts in this State. The said court shall be established effective April 1, 1976.

SECTION 2. The judge of the Municipal Court of Jasper first selected shall be appointed on or before April 1, 1976 by the mayor of the city of Jasper, subject to approval of the city council of the city of Jasper. The person so appointed as judge of said court shall be appointed for a term to expire on December 31, 1978. At the November General Election in 1978 and each four years thereafter, the qualified electors of Newton County shall elect a judge of the Municipal Court of Jasper. The election of the municipal judge at the 1978 General Election and each four years thereafter shall be on a non-partisan basis and any qualified person desiring to be a candidate for such position may do so by filing with the County Board of Election Commissioners not later than sixty (60) days prior to the General Election, petitions containing the signatures of not less than one hundred (100) nor more than two hundred (200) qualified electors of the county. The signature of at least one (1) person in each political township in the county shall be included on such petition. Such petitions shall be verified by the person or

persons circulating the same. The office of judge of the Municipal Court of Jasper shall be considered a municipal office from the time of its establishment until December 31, 1978, and thereafter said office shall be considered a county office. The person appointed to the municipal office of judge of the Municipal Court of Jasper shall be eligible to be a candidate for the county office of judge of the Municipal Court of Jasper at the 1978 General Election and to hold the county office of judge of the Municipal Court of Jasper on and after January 1, 1979.

SECTION 3. The judge of the Municipal Court of Jasper shall be licensed to practice law in the State of Arkansas and shall have been admitted to practice law before the courts of the State of Arkansas or some other state or states for at least four (4) years prior to his appointment or election.

SECTION 4. The judge of the Municipal Court of Jasper is hereby authorized to appoint a clerk of said court who shall serve at the pleasure of the municipal judge.

SECTION 5. From April 1, 1976, through December 31, 1978, the judge of the Municipal Court of Jasper and the clerk of said court shall receive such compensation as shall be prescribed by the mayor and the city council of Jasper and shall be paid from any funds made available to the city of Jasper under a federal grant to finance the cost of said court or from any other funds available therefor. The clerk of the Municipal Court of Jasper shall receive a salary of \$5615.00 annually, and the salaries and all other expenses of the office of judge of the Municipal Court of Jasper shall be paid on the basis of ninety percent (90%) thereof by the county and ten percent (10%) thereof by the city of Jasper.

SECTION 6. Any vacancy occurring in the office of judge of Municipal Court of Jasper on and after January 1, 1979, for any reason other than the normal expiration of a term, shall be filled by appointment for the unexpired term in the manner prescribed by law for filling other vacancies in county offices.

SECTION 7. All laws and parts of laws in conflict with this Act are

hereby repealed.

SECTION 8. It is hereby found and determined by the General assembly that because of the case Ricarte v. State, CR 86-31, a question has arisen over the validity of Act 1082 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

/s/ J. Mahony

