

*As Engrossed: 3/20/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Blair**

**A BILL ACT 1152 OF 1991**  
**HOUSE BILL 1711**

**For An Act To Be Entitled**

5  
6  
7  
8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §16-17-108 TO  
9 CREATE AN ADDITIONAL MUNICIPAL JUDGESHIP IN THE CITY OF  
10 FORT SMITH; TO SET THE SALARY FOR THE TWO (2) JUDGES; AND  
11 FOR OTHER PURPOSES."

12  
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14  
15 SECTION 1. Arkansas Code Annotated §16-17-108 (11) is amended to read  
16 as follows:

17 "(11) (a) The qualified electors of the City of Fort Smith shall elect  
18 in addition to the presently elected municipal judge, an additional municipal  
19 judge for the Second Division of Municipal Court. The Governor shall appoint  
20 a person to serve as the Second Division Municipal Judge from January 1, 1992,  
21 through December 31, 1992, and the qualified electors shall elect the judge at  
22 the November, 1992, General Election to take office January 1, 1993 for a two  
23 (2) year term and thereafter at the General Election for a four (4) year term.

24 (b) The Fort Smith Municipal Court Judges shall receive an annual  
25 salary of not less than forty-seven thousand (\$47,000) nor more than fifty-  
26 seven thousand (\$57,000) as may be determined by the governing body of the  
27 City of Fort Smith.

28 (c) The municipal judges shall appoint a qualified elector to serve as  
29 municipal court clerk. The salaries of the municipal judges and the municipal  
30 court clerks and any special judges authorized by this subdivision and the  
31 operating expenses of the Fort Smith Municipal Court shall be paid seventy  
32 percent (70%) by the City of Fort Smith and thirty percent (30%) by Sebastian  
33 County. The municipal judges shall be of good moral character, a resident and  
34 elector of the city and the state, and shall possess the qualifications  
35 required by law for circuit and chancery judges. In the event a municipal  
36 judge is ill, absent, or temporarily disqualified, that municipal judge shall

1 designate a member of the bar regularly practicing in the court to serve in  
2 his place during the illness, absence, or disqualification of the municipal  
3 judge, and he shall have all the powers and authority of the municipal judge.  
4 The special judge so appointed shall be paid one hundred dollars (\$100) for  
5 each day he served, to be paid by the city and county.

6 (d) Upon the vacancy in the office of municipal judge caused by death  
7 or otherwise, the vacancy shall be filled as prescribed by the Arkansas  
8 Constitution."

9

10 SECTION 2. All provisions of this act of a general and permanent nature  
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
12 Revision Commission shall incorporate the same in the Code.

13

14 SECTION 3. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

19

20 SECTION 4. All laws and parts of laws in conflict with this act are  
21 hereby repealed.

22

23 /s/B. Blair

24

25 APPROVED: 4/9/91

26

27

28

29

30

31

32