

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1828

4
5 By: Representative King
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 14-42-109 PERTAINING TO
10 THE REMOVAL OF ELECTIVE OR APPOINTED OFFICERS; AND FOR
11 OTHER PURPOSES. "

Subtitle

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14 "TO AMEND ARKANSAS CODE 14-42-109
15 PERTAINING TO THE REMOVAL OF ELECTIVE OR
16 APPOINTED OFFICERS. "

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

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21 SECTION 1. Arkansas Code 14-42-109(a) is amended to read as follows:

22 "(a)(1)(A) If the mayor or police judge, member of the city council, or
23 any other elective officer of any city of the first class or second class or
24 incorporated town in this state shall ~~willfully~~ willfully and knowingly fail,
25 refuse, or neglect to execute, or cause to be executed, any of the duties,
26 laws or ordinances within their jurisdiction, or cease to attend and discharge
27 the duties of their office for a period of three (3) months, except when
28 prevented by an extended illness, they shall be deemed guilty of ~~nonfeasance~~
29 malfeasance in office.

30 (B)(i) It shall be the duty of the circuit court of any
31 county within which any officer may be commissioned and acting, upon
32 indictment charging any such officer with ~~nonfeasance~~ malfeasance in office,
33 to hear and determine the charges.

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

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

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5 SECTION 2. Arkansas Code 14-43-501(A)(2) is amended by adding a new
6 subdivision to be appropriately lettered by the Arkansas Code Revision
7 Commission:

8 "They shall set monetary penalties, not to exceed one (1) month's
9 salary, to be imposed against members failing to attend meetings of the city
10 council for a period of three (3) months, except when the member is prevented
11 from attending the meetings due to an extended illness."

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13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 4. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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