

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 543 of the Regular Session

As Engrossed: H2/18/05

A Bill

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

HOUSE BILL 1562

4  
5 By: Representative Maloch  
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8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY VOTING PROCEDURES FOR QUORUM  
10 COURTS; AND FOR OTHER PURPOSES.  
11

12 **Subtitle**

13 AN ACT TO CLARIFY VOTING PROCEDURES FOR  
14 QUORUM COURTS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 14-14-905 is amended to read as follows:  
20 14-14-905. Adoption and amendment of ordinances generally.

21 (a) Introduction of Ordinances and Amendments to Existing Ordinances.

22 A county ordinance or amendment to an ordinance may be introduced only by a  
23 justice of the peace of the county or through the provisions of initiative  
24 and referendum pursuant to Arkansas Constitution, Amendment 7.

25 (b) Style Requirements. (1) Generally. No ordinance or amendment to  
26 an existing ordinance passed by a county quorum court shall contain more than  
27 one (1) comprehensive topic and shall be styled "Be It Enacted by the Quorum  
28 Court of the County of . . . . ., State of Arkansas; an  
29 Ordinance to be Entitled:". Each ordinance shall contain this comprehensive  
30 title, and the body of the ordinance shall be divided into articles,  
31 sequentially numbered, each expressing a single general topic related to the  
32 single comprehensive topic.

33 (2) Amendment to Existing Ordinances. No county ordinance shall  
34 be revised or amended, or the provisions thereof extended or conferred, by  
35 reference to its title only, but so much thereof as is revised, amended,



1 extended, or conferred shall be reenacted and published at length.

2 (c)(1) Passage. On the passage of every ordinance or amendment to an  
3 existing ordinance, the yeas and nays shall be called and recorded. A  
4 concurrence by a majority of the whole number of members elected to the  
5 quorum court shall be required to pass any ordinance or amendment. All  
6 ordinances or amendments to existing ordinances of a general or permanent  
7 nature shall be fully and distinctly read on three (3) different days unless  
8 two-thirds (2/3) of the members composing the court shall dispense with the  
9 rule. ~~This subsection shall not serve to restrict the passage of emergency,  
10 appropriation, initiative, or referendum measures in a single meeting as  
11 provided by law.~~

12 (2) This subsection shall not serve to:

13 (A) Require a vote after each individual reading but only  
14 a vote after the third and final reading;

15 (B) Require the ordinance or amendment to be read in its  
16 entirety on the first, second, or third readings; or

17 (C) Restrict the passage of emergency, appropriation,  
18 initiative, or referendum measures in a single meeting as provided by law.

19 (d) Approval and Publication. Upon passage, all ordinances or  
20 amendments shall be approved by the county judge within seven (7) days,  
21 unless vetoed, and shall become law without his signature if not signed  
22 within seven (7) days. The ordinances or amendments shall then be published  
23 by the county clerk as prescribed by law. Approval by the county judge shall  
24 be demonstrated by affixing his signature and his notation of the date signed  
25 on the face of an original copy of the proposed ordinance. This approval and  
26 authentication shall apply to all ordinances or amendments to existing  
27 ordinances unless the power of veto is invoked.

28 (e) Effective Date. No ordinance or amendment to existing ordinances  
29 other than an emergency ordinance or appropriation ordinance shall be  
30 effective until thirty (30) calendar days after publication has appeared. An  
31 ordinance or amendment to an existing ordinance may provide for a delayed  
32 effective date or may provide for the ordinance or amendment to an existing  
33 ordinance to become effective upon the fulfillment of an indicated  
34 contingency.

35 (f) Reference to Electors. Generally. A quorum court may, at the  
36 time of or within thirty (30) days of adoption and prior to the effective

1 date of an ordinance, refer the ordinance to the electors for their  
2 acceptance or rejection. The referral shall be in the form of a resolution  
3 and shall require a three-fifths (3/5) affirmative vote of the whole number  
4 of justices comprising a quorum court. This action by a court shall not be  
5 subject to veto and shall constitute a referendum measure; from that point,  
6 the procedure of election shall be as required by Arkansas Constitution,  
7 Amendment 7 and by law.

8 (2) Manner and Procedure. Any ordinance enacted by the  
9 governing body of any county in the state may be referred to a vote of the  
10 electors of the county for approval or rejection in the manner and procedure  
11 prescribed in Arkansas Constitution, Amendment 7, and laws enacted pursuant  
12 thereto, for exercising the local initiative and referendum. The manner and  
13 procedure prescribed therein shall be the exclusive method of exercising the  
14 initiative and referendum regarding these local measures.

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16 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
17 General Assembly of the State of Arkansas that the current law is unclear and  
18 confusing; that due to the confusing nature of the current law there have  
19 been delays in passing emergency legislation in the quorum courts of the  
20 State of Arkansas; and that this act is immediately necessary to clarify the  
21 current voting procedure and provide for more efficient county government.  
22 Therefore, an emergency is declared to exist and this act being immediately  
23 necessary for the preservation of the public peace, health, and safety shall  
24 become effective on:

25 (1) The date of its approval by the Governor;

26 (2) If the bill is neither approved nor vetoed by the Governor,  
27 the expiration of the period of time during which the Governor may veto the  
28 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is  
30 overridden, the date the last house overrides the veto.

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32 /s/ Maloch

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35 APPROVED: 3/03/2005

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