

1 State of Arkansas *As Engrossed: H2/11/19*
2 92nd General Assembly **A Bill**

3 Regular Session, 2019

SENATE BILL 97

4

5 By: Senator J. Cooper

6 *By: Representative Hawks*

7

8

For An Act To Be Entitled

9 A ACT TO AMEND THE LAW CONCERNING CERTAIN VACATED
10 MUNICIPAL OFFICES; AND FOR OTHER PURPOSES.

11

12

13

Subtitle

14

TO AMEND THE LAW CONCERNING CERTAIN

15

VACATED MUNICIPAL OFFICES.

16

17

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

19

20 SECTION 1. Arkansas Code § 14-42-113 is amended to read as follows:

21 14-42-113. Salaries of officials – Salary withheld if professional
22 license or registration suspended – Definition.

23 (a)(1) Except as provided in ~~subsection~~ subsections (b) and (c) of
24 this section, the salary of an official of a city of the first class, a city
25 of the second class, or an incorporated town may be increased during the term
26 for which the official has been elected or appointed and may be decreased
27 during the term only if requested by the official.

28 (2) When any city official whose salary was decreased ~~pursuant~~
29 ~~to~~ under subdivision (a)(1) of this section leaves office before the
30 expiration of his or her term, his or her successor shall receive a salary
31 not less than the salary for the office immediately before ~~its being~~ the
32 salary was decreased ~~pursuant to~~ under subdivision (a)(1) of this section.

33 (b)(1) The salary of an elected official of a city of the first class,
34 a city of the second class, or an incorporated town shall be withheld if:

35 (A) The elected official is required to hold a
36 professional license or registration as a qualification of his or her



1 position; and

2 (B) The elected official's professional license or
3 registration is suspended.

4 (2) Upon suspending the professional license or registration of
5 an elected official of a city of the first class, a city of the second class,
6 or an incorporated town, the agency, board, commission, or other authority
7 that issues the professional license or registration at issue shall notify in
8 writing the appropriate municipality or incorporated town.

9 (3) Upon learning that an elected official's required
10 professional license or registration has been suspended, the governing body
11 of a city of the first class, city of the second class, or incorporated town
12 may cease paying the elected official's salary from the date of suspension.

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

19 (B) ~~An~~ The elected official whose salary is resumed under
20 subdivision (b)(4)(A) of this section shall not receive his or her salary for
21 the period that the salary was withheld.

22 (5)(A) As used in this subsection, "salary" means the
23 compensation paid to an elected official of a city of the first class, a city
24 of the second class, or an incorporated town for service in that position.

25 (B) "Salary" includes without limitation any benefits
26 provided to the elected official by virtue of his or her position, including
27 without limitation:

- 28 (i) Health insurance;
29 (ii) Retirement contributions; and
30 (iii) Retirement benefits.

31 (c)(1) The salary for a municipal office may be lowered if the
32 municipal office is vacant.

33 (2) As used in this subsection, "municipal office" means:

- 34 (A) Treasurer;
35 (B) Clerk;
36 (C) Recorder;

1 (D) Clerk-treasurer; and

2 (E) Recorder-treasurer.

3
4 SECTION 2. Arkansas Code § 14-43-405(a), concerning the combination of
5 the municipal offices of clerk and treasurer, is amended to read as follows:

6 (a)(1) Each city of the first class having the mayor-council form of
7 government may provide, by ordinance, for the election or appointment of its
8 city treasurer.

9 (2)(A) The city council may designate, by ordinance or
10 resolution, the city clerk as clerk-treasurer, allowing one (1) person to
11 assume the duties of both clerk and treasurer.

12 (B) The city council may combine the offices of clerk and
13 treasurer to take effect at the next election under § 14-43-316 or when the
14 offices are vacant.

15 (3) When one (1) person assumes the duties of both clerk and
16 treasurer, the position shall not be separated during the elected clerk-
17 treasurer's term unless the position is vacant.

18
19 SECTION 3. Arkansas Code § 14-44-114 is amended to read as follows:
20 14-44-114. Recorder-treasurer offices combined.

21 (a)(1) The city council of any city of the second class ~~in the State~~
22 ~~of Arkansas~~, if the city council deems it to be in the best interests of the
23 city, and upon passage of an ordinance by a majority vote of the city
24 council, may combine the offices of city recorder and city treasurer, ~~thereby~~
25 authorizing one (1) person to hold this position.

26 (2) The city council may combine the offices of city recorder
27 and city treasurer to take effect at the next election under § 14-44-109 or
28 when the offices are vacant.

29 (b) When combined, the office shall be known as "~~recorder-treasurer~~"
30 ~~for the city~~ "city recorder-treasurer".

31 (c) When one (1) person assumes the duties of both recorder and
32 treasurer, the position shall not be separated during the elected city
33 recorder-treasurer's term unless the position is vacant.

34
35 **APPROVED: 03/07/2019**