

ARKANSAS MUNICIPAL LEAGUE

2015 LEGISLATIVE PACKAGE

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO ADDRESS PETITIONS FOR MUNICIPAL
9 INCORPORATION; AND FOR OTHER PURPOSES.

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Subtitle

13 TO ADDRESS PETITIONS FOR MUNICIPAL
14 INCORPORATION.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 14-38-101(b)(1), concerning a petition for
20 incorporation, is amended to read as follows:

21 (b)(1) The court shall not approve the incorporation of any
22 municipality if any portion of the territory proposed to be embraced in the
23 incorporated town ~~shall lie~~ lies within five (5) miles of an existing
24 ~~municipal corporation and within the area in which that existing municipal~~
25 ~~corporation is exercising its planning territorial jurisdiction~~ city or
26 incorporated town, unless the governing body of the ~~municipal corporation~~
27 city or incorporated town has affirmatively consented to the incorporation by
28 written resolution.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING MAYORAL
9 APPOINTMENTS; AND FOR OTHER PURPOSES.
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Subtitle

12 TO AMEND THE LAW CONCERNING MAYORAL
13 APPOINTMENTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 14-43-401(b), concerning filling a vacancy
20 in the office of mayor, is amended to read as follows:

21 (b)(1)(A) In case of ~~his or her~~ the mayor's death, disability,
22 resignation, or other vacation of his or her office, the city council, by
23 vote of a majority of all its members, may appoint some other person to act
24 until the expiration of his or her term or disability if the unexpired term
25 of his or her office is less than ~~six (6) months~~ one (1) year. Otherwise, an
26 election shall be ordered in accordance with the laws of the state.

27 (B) A removal from the city shall be deemed a vacation of
28 his or her office.

29 (2)(A) In all cases ~~where~~ in which the unexpired term has more
30 ~~than six (6) months~~ one (1) year or more to run and a special election has
31 been called to fill the vacancy in the office of mayor, the city governing
32 body ~~is authorized to~~ may appoint ~~any~~ a qualified elector of the city,
33 including any member of the city council, to serve as acting mayor until the
34 office is filled at the special election.

35 (B) A member of the council shall not vote on his or her
36 own appointment.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/BAT
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE ORGANIZATIONAL
9 PROCEDURES OF CITY COUNCILS; AND FOR OTHER PURPOSES.

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Subtitle

13 TO AMEND THE LAW CONCERNING THE
14 ORGANIZATIONAL PROCEDURES OF CITY
15 COUNCILS.

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

19

20 SECTION 1. Arkansas Code § 14-43-501 is amended to read as follows:

21

14-43-501. Organization of city council governing body.

22

(a)(1) The ~~aldermen~~ members of a governing body elected for each city
23 or town shall annually, ~~at the first council meeting~~ in January, assemble and
24 organize the ~~city council governing body~~.

25

(2)(A) A majority of the whole number of ~~aldermen~~ members of a
26 governing body constitutes a quorum for the transaction of business.

27

(B)(i) ~~They~~ The governing body shall ~~be judges of judge~~
28 the election returns and ~~of~~ the qualifications of ~~their~~ its own members.

29

(ii) ~~These judgments~~ The judgments of the governing
30 body are not subject to veto by the mayor.

31

(C)(i) ~~They~~ The governing body shall determine the rules
32 of ~~their~~ its proceedings and keep a journal of ~~their~~ its proceedings, ~~which~~
33 and the journal shall be open to the inspection and examination of any
34 citizen.

35

(ii) ~~They~~ The governing body may also compel the
36 attendance of absent members in such a manner and under such penalties as

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1 ~~they shall think fit to prescribe~~ it prescribes.

2 (iii) They The governing body may consider the
 3 passage of rules on the following subjects, including without limitation:

- 4 (a) The agenda for meetings;
- 5 (b) The filing of resolutions and ordinances;
- 6 and
- 7 (c) Citizen commentary.

8 (b)(1)(A) The In a mayor-council form of government, the mayor shall
 9 be ex officio president of the city council and shall preside at its
 10 meetings.

11 (B) The mayor shall have a vote to establish a quorum of
 12 the city council at any regular or special meeting of the city council and
 13 when his or her vote is needed to pass any ordinance, bylaw, resolution,
 14 order, or motion.

15 (2) In the absence of the mayor, the city council shall elect a
 16 president pro tempore to preside over council meetings.

17 (3) If the mayor is unable to perform the duties of office or
 18 cannot be located, one (1) of the following individuals may perform all
 19 functions of a mayor during the disability or absence of the mayor:

- 20 (A) The city clerk;
- 21 (B) Another elected official of the city if designated by
 22 the mayor; or
- 23 (C) An unelected employee or resident of the city if
 24 designated by the mayor and approved by the city council.

25 (c) As used in this section, "governing body" means the city council
 26 in a mayor-council form of government, the board of directors in a city
 27 manager form of government, and the board of directors in a city
 28 administrator form of government.

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1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative <NA>

A Bill

DRAFT KLC/KLC
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO AMEND A STATUTE CONCERNING OFFICIALS IN
9 CERTAIN MAYOR-COUNCIL CITIES; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND A STATUTE CONCERNING OFFICIALS
13 IN CERTAIN MAYOR-COUNCIL CITIES.

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

18
19 SECTION 1. Arkansas Code § 14-43-303 is amended to read as follows:
20 14-43-303. Officials in mayor-council cities of 50,000 or more.

21 (a)(1)(A) In the general election in the year 1960, and every four (4)
22 years thereafter, cities of the first class that have a population of fifty
23 thousand (50,000) persons or more, according to the latest decennial federal
24 census or special federal census, and that also have the mayor-council form
25 of government shall elect the following officials:

26 (i) One (1) mayor;

27 (ii) One (1) city clerk; and

28 (iii) One (1) alderman from each ward of the city.

29 (B) All of these officials shall hold office for a term of
30 four (4) years and until their successors are elected and qualified.

31 ~~(2)(A) At the general election in the year 1960, the city shall~~
32 ~~also elect:~~

33 ~~(i) One (1) city attorney;~~

34 ~~(ii) One (1) city treasurer; and~~

35 ~~(iii) One (1) alderman from each ward of the city.~~

36 ~~(B) All of these officials shall hold office for a term of~~

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1 ~~two (2) years and until their successors are elected and qualified.~~

2 ~~(3)~~(2)(A) At the general election in the year 1962 and every
3 four (4) years thereafter, the city shall elect:

4 (i) One (1) city attorney;

5 (ii) One (1) city treasurer; and

6 (iii) One (1) alderman from each ward of the city.

7 (B) All of these officials shall hold office for a term of
8 four (4) years and until their successors are elected and qualified.

9 (b) In all primaries or general elections, the candidates for the
10 office of alderman shall reside in their respective wards. However, all
11 qualified electors residing in these cities and entitled to vote in the
12 elections shall have the right to vote at their several voting precincts for
13 each and every candidate so to be nominated or elected.

14 (c) All odd-year elections for municipal officials in the cities of
15 the first class that have a population of fifty thousand (50,000) or more
16 persons, according to the latest federal census, and that also have the
17 mayor-council form of government are abolished.

18 (d)(1) If a city first attains a population of fifty thousand (50,000)
19 as shown in a decennial federal census or special federal census completed
20 after January 1, 1997, and the mayor or other elected official of the city
21 last elected before the census was elected to a four-year term and the term
22 will expire two (2) years before the quadrennial general election year at
23 which city officials are elected as provided in subsection (a) of this
24 section, the terms of such officials shall be extended for a period of two
25 (2) years in order that the terms will coincide with the next quadrennial
26 general election year. At that quadrennial general election and at each
27 quadrennial general election thereafter, the mayor and such other municipal
28 officials shall be elected to terms of four (4) years as provided in this
29 section.

30 (2) The provisions of this subsection shall not affect in any
31 way the provisions of this section that provide for staggering the terms of
32 office of aldermen so that one (1) alderman will be elected from each ward
33 every two (2) years.

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1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING ANNEXATION AND
9 ENCLAVES; AND FOR OTHER PURPOSES.

10
11

Subtitle

12 TO AMEND THE LAW CONCERNING ANNEXATION
13 AND ENCLAVES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 14-40-501(a)(1)(A), concerning exceptions
20 to annexation, is amended to read as follows:

21 (a)(1)(A)(i) Whenever the incorporated limits of a municipality have
22 completely surrounded an unincorporated area, the governing body of the
23 municipality may propose an ordinance calling for the annexation of the land
24 surrounded by the municipality.

25 (ii) Subdivision (a)(1)(A)(i) of this section ~~shall~~
26 ~~include~~ includes situations in which the incorporated limits of a
27 municipality have surrounded an unincorporated area on only three (3) sides
28 because the fourth side is a boundary line with another state, a military
29 base, a state park, ~~or~~ a national forest, a lake, or a river.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative <NA>

A Bill

DRAFT KLC/KLC
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING ANNEXATIONS BY ONE
9 HUNDRED PERCENT (100%) PETITION; AND FOR OTHER
10 PURPOSES.

Subtitle

14 TO AMEND THE LAW CONCERNING ANNEXATIONS
15 BY ONE HUNDRED PERCENT (100%) PETITION.

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

20 SECTION 1. Arkansas Code Title 14, Chapter 40, Subchapter 6, is
21 amended to add an additional section to read as follows:

22 14-40-609. Annexation by one hundred percent (100%) petition.

23 (a) As used in this section, "city or town" means:

24 (1) A city of the first class;

25 (2) A city of the second class; and

26 (3) An incorporated town.

27 (b)(1) An individual who owns property in a county that is contiguous
28 to a city or town may petition the governing body of the city or town to
29 annex the property that is contiguous to the city or town.

30 (2) The petition under subdivision (b)(1) of this section:

31 (A) Shall be in writing, attested by the property owner;

32 and

33 (B) May include a schedule of services of the annexing
34 city or town that will be extended to the area within three (3) years after
35 the date the annexation becomes final.

36 (c)(1)(A) By ordinance or resolution, the city or town may accept the

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1 property for annexation to the city or town.

2 (B) The city or town is not required to accept the
3 property petitioned to be annexed.

4 (2) The ordinance or resolution shall contain an accurate
5 description of the property to be annexed.

6 (3) If the governing body of the city or town accepts the
7 contiguous property, the clerk or recorder of the city or town shall certify
8 and send one (1) copy of the plat of the annexed property and one (1) copy of
9 the ordinance or resolution of the governing body of the city or town to the
10 county clerk.

11 (d) The county clerk shall forward a copy of each document received
12 under subdivision (c)(3) of this section to the:

13 (1) Secretary of State, who shall file and preserve each copy;
14 and

15 (2) Director of the Tax Division of the Arkansas Public Service
16 Commission, who shall file and preserve each copy and notify all utility
17 companies having property in the city or town of the annexation proceedings.

18 (e)(1) Notwithstanding any other provisions in this chapter, upon
19 passage of the ordinance or resolution by the governing body of the city or
20 town under this section, the annexation shall be final and the property shall
21 be within the corporate limits of the city or town.

22 (2) The inhabitants residing in the newly annexed property shall
23 have and enjoy all the rights and privileges of the inhabitants within the
24 original limits of the city or town.

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1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/BAT
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING DISTRICT COURT
9 EXPENSES; AND FOR OTHER PURPOSES.

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Subtitle

TO AMEND THE LAW CONCERNING DISTRICT
COURT EXPENSES.

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

18

19 SECTION 1. Arkansas Code § 16-17-115 is amended to read as follows:

20 16-17-115. County's, town's, and city's portion of district court
21 expenses - Appropriation. [Effective January 1, 2012.]

22 (a)(1)(A) Except as authorized by local agreement or otherwise, the
23 county ~~wherein in which~~ a district court is held shall pay ~~one-half (1/2) of~~
24 ~~the salaries of the district judge and each chief court clerk of any district~~
25 ~~court organized in that county under the provisions of § 16-17-901 et seq., a~~
26 prorated amount based on the number of county cases filed in the district
27 court during the preceding calendar year for all operational expenses of the
28 district court, and the quorum court in a county subject to ~~the provisions of~~
29 § 16-17-901 et seq. ~~shall, at its annual meeting, make~~ shall make at its
30 annual meeting an appropriation of a sum sufficient to pay the county's
31 proportion of the operational expenses of any ~~such~~ the district court.

32 (B) These payments shall be made out of the district court
33 cost fund and general revenues of the county.

34 ~~(b)(1)(A)(2)(A)~~ Except as authorized by local agreement or otherwise,
35 the town or city in which a district court is held shall pay+

36 ~~(i) One-half (1/2) of the salaries of the district~~

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1 judge and the chief court clerk; and

2 ~~(ii) The operational expenses of the district court~~
 3 ~~organized in that town or city under the provisions of § 16-17-901 et seq.~~
 4 ~~unless otherwise agreed to by the political subdivisions which contribute to~~
 5 ~~the expenses of the district court.~~

6 ~~(B) The a prorated amount based on the number of town or~~
 7 ~~city cases filed in the district court during the preceding calendar year for~~
 8 ~~all operational expenses of the district court, and the governing body of the~~
 9 ~~town or city in a town or city subject to the provisions of § 16-17-901 et~~
 10 ~~seq. shall make at its annual meeting an appropriation of a sum sufficient to~~
 11 ~~pay the town's or city's proportion of the salaries and operational expenses~~
 12 ~~of the district court.~~

13 ~~(2)(B) These payments shall be made out of the district court~~
 14 ~~cost fund and general revenues of the town or city.~~

15 ~~(3)(A) As used in this subsection, "operational expenses"~~
 16 ~~include without limitation salaries, employee benefits, housing, utilities,~~
 17 ~~and capital costs.~~

18 ~~(B) "Operational expenses" do not include the salaries of~~
 19 ~~the district court judges under § 16-17-1101 et seq.~~

20 ~~(e)(b)(1) Any town or city operating a city court on December 31,~~
 21 ~~2011, that becomes a department of a district court shall continue to pay the~~
 22 ~~amount paid as the base salary of the city court judge to the district court~~
 23 ~~judge who has assumed the responsibility of attending the former city court.~~

24 (2) The base salary to be paid to the district court judge under
 25 subdivision ~~(e)(b)(1)~~ of this section in calendar year 2012 and subsequent
 26 years shall be the amount paid by the city or town to the city court judge
 27 for the calendar year 2011.

28 (3) The local salary supplement described in subdivision
 29 ~~(e)(b)(1)~~ of this section shall not be used when calculating any retirement
 30 benefit in the Arkansas District Judge Retirement System, § 24-8-801 et seq.
 31 [Repealed].

32 ~~(d)(1) A town or city operating a city court on December 31, 2011,~~
 33 ~~that becomes a department of district court shall continue to pay the salary~~
 34 ~~of the court clerk and provide for the operational expenses of that~~
 35 ~~department of district court unless otherwise agreed to by the political~~
 36 ~~subdivisions which contribute to the expenses of the district court.~~

1 ~~(2) Subdivision (d)(1) of this (c)~~ This section shall does not
2 apply to any town or city ~~which~~ that has abolished a department of district
3 court ~~pursuant to~~ under state law.

4 ~~(e)(d)~~ A district court operated solely by the county shall have the
5 salaries and operational expenses of ~~that~~ the district court paid solely by
6 the county unless otherwise agreed to by the political subdivisions ~~which~~
7 that contribute to the expenses of the district court.

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1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT BPG/LNS
SENATE BILL

4
5 By: Senator <NA>

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING DEPUTY DISTRICT
9 COURT CLERK EMPLOYMENT AND COMPENSATION; AND FOR
10 OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING DEPUTY
13 DISTRICT COURT CLERK EMPLOYMENT AND
14 COMPENSATION.

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

20
21 SECTION 1. Arkansas Code § 16-17-106 is amended to read as follows:

22 16-17-106. Deputy district court clerks generally.

23 (a) (1) The judge of the district court of any city in this state may,
24 with the approval of the governing body of the city, or county in which a
25 district court is located may determine who may appoint or remove one (1) or
26 more deputy district court clerks to serve under the supervision of the
27 district court clerk.

28 (2) The governing body of the city or county in which the
29 district court is located may pass an ordinance designating who may appoint
30 or remove a deputy district court clerk.

31 (3) The deputy district court clerk employed by a city or county
32 is governed by the employee handbook and policies of the city or county.

33 (4) If a deputy district court clerk is employed by more than
34 one (1) city or county, then the employing entities shall determine by
35 written agreement the apportionment of expenses and the applicable employee
36 handbook and policies.

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1 (b)(1) The salary of the a deputy district court clerk ~~or clerks~~ may
2 be less than, but not more than, the salary paid to the district court clerk.

3 (2) The salary designated for the office of district court clerk
4 may be apportioned by the city council between and among the district court
5 clerks and any or all of the ~~deputies~~ deputy district court clerks.

6 (c) ~~Deputy district court clerks~~ A deputy district county clerk are
7 empowered to may perform all duties and exercise all powers granted to the
8 district court clerk and shall post bond in the same manner and amount as
9 required of the district court clerk.

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1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative <NA>

A Bill

DRAFT KLC/BAT
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO AMEND THE DUTIES OF THE DISTRICT COURT
9 RESOURCE ASSESSMENT BOARD; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE DUTIES OF THE DISTRICT COURT
13 RESOURCE ASSESSMENT BOARD.

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

18
19 SECTION 1. Arkansas Code § 16-17-1003 is amended to read as follows:
20 16-17-1003. Duties of the District Court Resource Assessment Board.

21 (a) The District Court Resource Assessment Board shall recommend to
22 the General Assembly at each regular session:

23 (1) Criteria for the creation and placement of full-time, state-
24 funded district court judgeships;

25 (2) Revisions of current district court judgeships or the
26 redistricting of the district court districts of this state after
27 considering:

28 (A) The caseload and the geographic area of the district
29 court district;

30 (B) The November 25, 2002, per curiam opinion of the
31 Supreme Court; and

32 (C) Any other matter the board determines to be
33 appropriate; and

34 (3) The number and placement of full-time, state-funded district
35 court judgeships.

36 (b)(1) The board shall study and make findings with respect to

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1 district court funding, including without limitation court costs, fees,
2 finances, and state and local administration of justice funds.

3 (2) The board shall report its findings under subdivision (a)(1)
4 of this section to the General Assembly at each regular session.

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1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/BAT
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT CONCERNING MANDATORY COURT FOR DEPARTMENTS OF
9 A DISTRICT COURT; AND FOR OTHER PURPOSES.

Subtitle

13 CONCERNING MANDATORY COURT FOR
14 DEPARTMENTS OF A DISTRICT COURT.

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

18
19 SECTION 1. Arkansas Code Title 16, Chapter 17, Subchapter 1, is
20 amended to add an additional section to read as follows:

21 16-17-138. Mandatory holding of court for departments of a district
22 court.

23 (a)(1) A district court shall hold court in each department of the
24 district court at least one (1) time a month on a date mutually agreeable to
25 the district court and the governing body of the city or town in which the
26 department is located.

27 (2) The agreement under subdivision (a)(1) of this section shall
28 be in writing and adopted by ordinance of the governing body of the city or
29 town in which the department is located.

30 (b) If the district court does not have a case at the time court is
31 scheduled to be held in a month, the requirement of subsection (a) of this
32 section is waived and court shall be held at the next scheduled time.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative <NA>

A Bill

DRAFT KLC/KLC
HOUSE BILL

For An Act To Be Entitled

8 AN ACT CONCERNING THE CONTROL OF ALCOHOL SALES WITHIN
9 A CITY OR A TOWN; AND FOR OTHER PURPOSES.

Subtitle

13 CONCERNING THE CONTROL OF ALCOHOL SALES
14 WITHIN A CITY OR A TOWN.

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

19 SECTION 1. Arkansas Code § 3-8-305 is amended to read as follows:
20 3-8-305. Elections for entire county, district, or city – Effect.

21 (a)(1) ~~No~~ An election in ~~any a town, city,~~ district, or precinct of a
22 county shall not be held under this subchapter on the same day on which an
23 election for the entire county is held.

24 (2) When an election is held in an entire county and a majority
25 of the legal votes cast at the election are against the sale, barter, or loan
26 of spirituous, vinous, malt, or other intoxicating liquors, then it shall not
27 be lawful to sell, barter, or loan any liquors in any portion of the county,
28 except for a municipality that has lawfully voted for the sale, barter, or
29 loan of the beverages under § 3-8-603.

30 (3) If, at an election for the entire county, the majority of
31 the legal votes cast are in favor of the sale, barter, or loan of any
32 liquors, the election shall not operate to make it legal to grant license to
33 sell, barter, or loan such liquors in any territorial division of the county
34 from which the sale, barter, or loan has been excluded by an election held
35 under this subchapter, but the status of the territorial division shall
36 remain as if ~~no~~ an election for the entire county had not been held.

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1 (b)(1) ~~No election shall~~ An election shall not be held in any election
 2 precinct under this act on the same day on which an election is held for the
 3 district or city of which the precinct is a part.

4 (2) If, at an election held for the entire district or city, the
 5 majority of legal votes cast shall be in favor of the sale, barter, or loan
 6 of spirituous, vinous, malt, or other liquors, then the status in the several
 7 precincts thereof shall remain as it was before the election.

8 (3) If, at an election held for the entire district or city, the
 9 majority should be against the sale, then the sale, barter, or loan of such
 10 liquors shall be unlawful in every portion of the district or city.

11 (c) This section shall not be interpreted to limit, alter, or abridge
 12 the rights of a municipality under § 3-8-603.

14 SECTION 2. Arkansas Code § 3-8-601 is amended to read as follows:

15 3-8-601. Definitions.

16 As used in this subchapter:

17 (1) "Alcoholic beverage" means a beverage containing more than
 18 one-half of one percent (0.5%) of alcohol by weight;

19 ~~(1)(2)~~ (2) "Beer" means a fermented liquor made from malt or a malt
 20 substitute and containing not more than five percent (5%) alcohol by weight;

21 ~~(2)(3)~~ (3) "Defunct voting district" means a voting district that:

22 (A) Existed at the time its qualified voters voted to be
 23 dry;

24 (B) Is no longer recognized by the state or the county in
 25 which it was located; and

26 (C) Is currently located in a wet county;

27 ~~(3)(4)~~ (4) "Dry" means a county or territorial subdivision that
 28 voted to prohibit the manufacture or sale of intoxicating liquor under
 29 Initiated Act No. 1 of 1942, as amended, §§ 3-8-201 -- 3-8-203 and 3-8-205 --
 30 3-8-209, or under §§ 3-8-302 [repealed], 3-8-303, 3-8-304 [repealed], and 3-
 31 8-305 -- 3-8-305, and 3-8-306;

32 ~~(4)(5)~~ (5) "Malt beverage" means a liquor brewed from the fermented
 33 juices of grain and having an alcoholic content of not less than five percent
 34 (5%) and not more than twenty-one percent (21%) of alcohol by weight;

35 (6) "Municipality" means a city of the first class, a city of
 36 the second class, or an incorporated town;

24

1 ~~(5)~~(7) "Spirituous liquor" means a liquor distilled from the
2 fermented juices of grain, fruits, or vegetables and containing more than
3 twenty-one percent (21%) alcohol by weight or any other liquids containing
4 more than twenty-one percent (21%) alcohol by weight;

5 ~~(6)~~(8) "Territorial subdivision" means a township, municipality,
6 ward, or precinct of a county of the state;

7 ~~(7)~~(9) "Vinous beverage" means the fermented juices of fruits or
8 a mixture containing the fermented juices of fruits containing more than five
9 percent (5%) and not more than twenty-one percent (21%) alcohol by weight;

10 ~~(8)~~(10) "Voting district" means a geographical area of qualified
11 voters of a county in this state; and

12 ~~(9)~~(11) "Wet" means a county or territorial subdivision that
13 voted to permit the manufacture or sale of intoxicating liquor under
14 Initiated Act No. 1 of 1942, as amended, §§ 3-8-201 - 3-8-203 and 3-8-205 -
15 3-8-209, or under §§ ~~3-8-302 [repealed]~~, 3-8-303, ~~3-8-304 [repealed]~~, and ~~3-~~
16 ~~8-305~~ 3-8-305, and 3-8-306.

17
18 SECTION 3. Arkansas Code Title 3, Chapter 8, Subchapter 6, is amended
19 to add an additional section to read as follows:

20 3-8-603. Local option election - Municipalities.

21 (a)(1) Under subsection (b) of this section, a municipality, whether
22 located in a wet or dry territorial subdivision or county, may conduct an
23 election to permit the manufacture and sale of alcoholic beverages identified
24 in subdivision (a)(2) of this section.

25 (2) The manufacture and sale of alcoholic beverages under this
26 section includes:

27 (A) Beer, malt beverages, vinous beverages, and spirituous
28 liquor for off-premises consumption; and

29 (B) Beer, malt beverages, vinous beverages, and spirituous
30 liquor for on-premises consumption.

31 (b) An election to permit the manufacture and sale of alcoholic
32 beverages within the corporate boundaries of a municipality identified in
33 subdivision (a)(1) of this section shall be held as follows:

34 (1) The petition requesting a local option election shall be
35 prepared in the manner provided by § 3-8-205;

36 (2)(A) When thirty-eight percent (38%) of the qualified electors

1 of the municipality, as shown on county voter registration records, sign a
2 petition requesting a local option election, the county clerk shall determine
3 the sufficiency of the petition within ten (10) days of the filing of the
4 petition.

5 (B) If the county clerk verifies that thirty-eight percent
6 (38%) of the qualified electors of the municipality have signed the petition,
7 the county clerk shall certify that finding to the county board of election
8 commissioners.

9 (C) The question shall be placed upon the ballot in the
10 municipality at the next biennial November general election, as provided in §
11 3-8-101.

12 (D) Any appeal of the order of the county court shall be
13 taken in the manner provided by § 3-8-205(c)-(e);

14 (3)(A) The election shall be conducted in the manner provided by
15 § 3-8-206(a) and (b).

16 (B) Upon petition of fifteen percent (15%) of the
17 interested legal voters in the municipality, within ten (10) days after the
18 date of the election, the county board of election commissioners shall
19 immediately recount the votes and declare the result of the election as
20 determined by the recount.

21 (C) Within twenty (20) days after the election, the county
22 court shall make and enter of record its order declaring the result of the
23 election.

24 (D) The costs of any elections held under this subchapter
25 shall be paid by the county in the same manner as other costs of general
26 elections; and

27 (4) Upon petition of fifteen percent (15%) of the interested
28 legal voters in the municipality filed with the circuit clerk of the county
29 in which proceedings are pending, the circuit court shall immediately by
30 mandamus compel the county court or other officials to perform the duties
31 imposed upon them under this section.

32 (c)(1) A majority vote of the qualified electors residing within the
33 boundaries of the municipality shall determine whether or not alcoholic
34 beverages may be sold or manufactured under subdivision (a)(2) of this
35 section within the boundaries of the municipality.

36 (2) The local option elections for more than one (1)

1 municipality may be held simultaneously or on different dates.

2 (d) A subsequent election under this section shall not be held until a
3 period of four (4) years has elapsed since the last election conducted under
4 this section.

5 (e) If the majority of the qualified voters in the local option
6 election vote:

7 (1) For the sale or manufacture of alcoholic beverages as
8 described under subdivision (a)(2) of this section, it shall be lawful for
9 the Director of the Alcoholic Beverage Control Division to issue the relevant
10 licenses or permits within the municipality immediately after the
11 certification of the results of an election permitting the sale or
12 manufacture of alcoholic beverages under this section; or

13 (2) Against the sale or manufacture of alcoholic beverages as
14 described under subdivision (a)(2) of this section, then it shall be unlawful
15 for the Alcoholic Beverage Control Division to issue licenses or permits for
16 such sale or manufacture within the municipality.

17 (f) To the extent that any of the provisions of this section conflict
18 with § 3-8-201 et seq., the provisions of this section control.

19
20 SECTION 4. Arkansas Code § 14-43-605 is amended to read as follows:
21 14-43-605. Alcoholic beverages.

22 No A municipality may authorize the sale or consumption of alcoholic
23 beverages by adoption of an ordinance referring the matter to the qualified
24 electors of the municipality.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative <NA>

A Bill

DRAFT KLC/KLC
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE DUTIES OF A
9 MUNICIPAL TREASURER; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING THE DUTIES OF
13 A MUNICIPAL TREASURER.

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

18
19 SECTION 1. Arkansas Code § 14-59-115(b)(2), concerning the duties of a
20 municipal treasurer, is amended to read as follows:

21 (2)(A)(i) If the municipal treasurer does not comply with the
22 ~~provisions of~~ this chapter or requests that specific duties be assigned to
23 another employee or contracting entity, the governing body of a municipality
24 may assign specific duties outlined in this chapter to another employee, or
25 it may contract for ~~such~~ the services to be performed by a private, qualified
26 person or entity.

27 (ii)(a)(1) Before the governing body of a
28 municipality assigns or contracts with a person or entity for the disbursing
29 of funds, the governing body of a municipality shall establish by ordinance a
30 method that provides for internal accounting controls and documentation for
31 audit and accounting purposes.

32 (2) The municipal treasurer shall
33 approve the disbursement of funds before the private, qualified person or
34 entity disburses the funds.

35 (b) The governing body of a municipality shall
36 ensure that the person or entity is adequately insured and bonded and

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1 conforms to best practices and standards in the industry.

2 (B)(i) The governing body of a municipality may not assign
3 duties relating to the collecting ~~or disbursing~~ of funds to anyone other than
4 an employee of the municipality.

5 (ii) The governing body of a municipality may assign
6 or contract with a private, qualified person or entity for the duties
7 relating to the disbursing of funds for payroll, bonded debt, or construction
8 projects funded with bond proceeds.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/BAT
HOUSE BILL

4
5 By: Representative Love

For An Act To Be Entitled

8 AN ACT TO CLARIFY THE PROCESS FOR HANDLING CERTAIN
9 SEIZED PROPERTY; AND FOR OTHER PURPOSES.

10

11

Subtitle

12 TO CLARIFY THE PROCESS FOR HANDLING
13 CERTAIN SEIZED PROPERTY.

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

18

19

SECTION 1. Arkansas Code § 5-73-110(b)(2)(A), concerning the process
20 for returning seized property, is amended to read as follows:

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22

(A) Treat the property as ~~contraband~~ seized property under
23 §§ 5-5-101 and 5-5-102 and Rule 15 of the Arkansas Rules of Criminal

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Procedure; or

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/BAT
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT TO AMEND THE ADMINISTRATION COSTS OF GROSS
9 RECEIPTS TAXES; AND FOR OTHER PURPOSES.

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Subtitle

13 TO AMEND THE ADMINISTRATION COSTS OF
14 GROSS RECEIPTS TAXES.

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

19 SECTION 1. Arkansas Code § 26-52-106(a), concerning the costs of
20 administration of this chapter, is amended to read as follows:

21 (a) (1) The administration cost of this chapter shall not exceed ~~three~~
22 ~~percent-(3%)~~ two percent (2%) of the actual revenues collected.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative <NA>

A Bill

DRAFT KLC/KLC
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE FILLING OF
9 CERTAIN MUNICIPAL VACANCIES IN A CITY ADMINISTRATOR
10 FORM OF GOVERNMENT; AND FOR OTHER PURPOSES.

Subtitle

14 TO AMEND THE LAW CONCERNING THE FILLING
15 OF CERTAIN MUNICIPAL VACANCIES IN A CITY
16 ADMINISTRATOR FORM OF GOVERNMENT.

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

21 SECTION 1. Arkansas Code § 14-48-115 is amended to read as follows:
22 14-48-115. Mayor or director vacancy.

23 ~~(a)~~ In the case of a vacancy in the office of mayor or in the office
24 of a member of the board of directors ~~as a result of death, resignation, a~~
25 ~~recall election as provided for in § 14-48-114, or for any other reason, the~~
26 board, at the first regular meeting after the occurrence of the vacancy and
27 by majority vote, shall appoint a person to fill the vacancy if the vacancy
28 occurs less than six (6) months before the next general municipal election at
29 which the remainder of the unexpired term shall be filled or call for a
30 special election to be held in accordance with § 7-11-101 et seq. to fill the
31 vacancy for the remainder of the unexpired term.

32 ~~(b)~~ ~~If the vacancy occurs more than six (6) months prior to the next~~
33 ~~general municipal election, a special election to fill the vacancy shall be~~
34 ~~called by proclamation issued in accordance with § 7-11-101 et seq., by:~~

35 ~~(1) The mayor, if the vacancy is in a board position; or~~

36 ~~(2) The highest ranking member of the board of directors, if the~~

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1 ~~vacancy is in the mayor's position.~~

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/BAT
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE PREFERENCE OF
9 MUNICIPAL BIDDING; AND FOR OTHER PURPOSES.

Subtitle

13 TO AMEND THE LAW CONCERNING THE
14 PREFERENCE OF MUNICIPAL BIDDING.

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

19 SECTION 1. Arkansas Code Title 19, Chapter 11, Subchapter 2, is
20 amended to add an additional section to read as follows:

21 19-11-267. Purchase of commodities or services by municipalities
22 through competitive bidding - Preference among bidders - Definitions.

23 (a) As used in this section:

24 (1) "Commodities" means all property, including, but not
25 limited to, equipment, printing, stationery, supplies, and insurance, but
26 excluding leases on real property, real property, or a permanent interest in
27 real property, exempt commodities and services, and capital improvements;

28 (2) "Firm resident in the municipality" means any
29 individual, partnership, association, or corporation, whether domestic or
30 foreign, that:

31 (A) Maintains at least one (1) staffed place of
32 business located within the corporate limits of the municipality; and

33 (B) For not less than two (2) successive years
34 immediately before submitting a bid, has paid taxes to the municipality on
35 either real or personal property used or intended to be used in connection
36 with the firm's business;

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1 (3) "Lowest qualified bid" means the lowest bid that
2 conforms to the specifications and request for bids;

3 (4) "Municipality" means an incorporated town, a city of
4 the first class, and a city of the second class;

5 (5) "Nonresident firm" means a firm that is not included
6 in the definition of a "firm resident in the municipality"; and

7 (6) "Services" means the furnishing of labor, time, or
8 effort by a contractor, not involving the delivery of a specific end product
9 other than reports which are merely incidental to the required performance.

10 (b)(1)(A) In the purchase of commodities or services by competitive
11 bidding, municipalities may grant by ordinance a percentage preference to the
12 lowest qualified bid from a firm resident in the municipality.

13 (B) The ordinance may provide a preference of up to five
14 percent (5%) for a bidder that qualifies as a firm resident in the
15 municipality.

16 (C) The ordinance may place a specific dollar cap on the
17 total monetary amount of preference granted, regardless of the bid amount or
18 percentage of preference designated in the ordinance.

19 (D)(i) In calculating the preference to be allowed, the
20 appropriate procurement officials, pursuant to §§ 19-11-201 -- 19-11-259,
21 shall take the total amount of each bid of the firms resident in the
22 municipality who claimed the preference and deduct the percentage mandated by
23 ordinance, if applicable, from the total amount of each bid.

24 (ii) If after making the deduction the bid of any
25 firm resident in the municipality claiming the preference is lower than the
26 bid of the nonresident firm, then the award shall be made to the firm
27 resident in the municipality that submitted the lowest qualified bid,
28 regardless of whether that particular firm resident in the municipality
29 claimed the preference.

30 (2)(A) The preference provided for in this section applies only
31 in comparing bids when one (1) or more bids are by a firm resident in the
32 municipality and the other bid or bids are by a nonresident firm.

33 (B) This preference does not apply to competing bids if
34 each bidder is a firm resident in the municipality.

35 (C)(i) If any provision or condition of this section or
36 the municipal ordinance conflicts with any provision of federal or state law

1 or any rule or regulation made under federal or state law pertaining to
2 federal grants-in-aid programs or other federal or state aid programs, the
3 provision or condition shall not apply to the state-supported or federal-
4 supported contracts for the purchase of commodities or services to the extent
5 that the conflict exists.

6 (ii) However, all provisions or conditions of this
7 section with which there is no conflict apply to contracts to purchase
8 commodities or services to be paid, in whole or in part, from federal funds.

9 (c) The provisions of this section, if adopted by local ordinance,
10 shall apply to public works projects, commodities, materials, equipment, and
11 services procured by the municipality.

12 (d) When circumstances arise to which this section and § 19-11-259
13 apply, both the preference provided under this section and the preference
14 provided under § 19-11-259 also apply.

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