

ARKANSAS MUNICIPAL LEAGUE
2017 LEGISLATIVE PACKAGE



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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
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 TO REQUIRE MONTHLY MUNICIPAL
9 FINANCIAL REPORTING; AND FOR OTHER PURPOSES.

Subtitle

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11
12 TO AMEND THE LAW TO REQUIRE MONTHLY
13 MUNICIPAL FINANCIAL REPORTING.
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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 § 14-43-506(b)(1), concerning financial
20 reports, is amended to read as follows:

21 (b)(1)(A) The city clerk, city clerk-treasurer, or city treasurer, as
22 the case may be, shall ~~be required to~~ submit ~~quarterly~~ monthly a full report
23 and a detailed statement of the financial condition of the city.

24 (B) ~~This~~ The report shall show receipts, disbursements,
25 and balance on hand, together with all liabilities of the city.
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING MUNICIPAL INCORPORATION NEAR THE
9 BOUNDARIES OF AN EXISTING MUNICIPALITY; AND FOR OTHER
10 PURPOSES.

Subtitle

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13 CONCERNING MUNICIPAL INCORPORATION NEAR
14 THE BOUNDARIES OF AN EXISTING
15 MUNICIPALITY.
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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 § 14-38-101(b)(1), concerning a petition for
22 incorporation, is amended to read as follows:

23 (b)(1) The court shall not approve the incorporation of ~~any~~ a
24 municipality if any portion of the territory proposed to be embraced in the
25 incorporated town ~~shall lie~~ lies within five (5) miles of an existing
26 municipal corporation ~~and~~ or within the area in which that existing municipal
27 corporation is exercising its planning territorial jurisdiction, unless the
28 governing body of the municipal corporation has affirmatively consented to
29 the incorporation by written resolution.
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

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HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE FILLING OF VACANCIES IN CERTAIN
9 MUNICIPAL ELECTIVE OFFICES; AND FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING THE FILLING OF VACANCIES IN
12 CERTAIN MUNICIPAL ELECTIVE OFFICES.
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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 § 14-45-103 is amended to read as follows:
20 14-45-103. Vacancies.

21 (a) When a vacancy occurs in the office of alderman in an incorporated
22 town, at the first regular meeting after the occurrence of the vacancy, the
23 town council shall elect by a majority vote of the town council an alderman
24 to serve for the unexpired term.

25 (b) When a vacancy occurs in the office of recorder-treasurer in an
26 incorporated town, at the first regular meeting after the occurrence of the
27 vacancy, the town council shall elect by a majority vote of the town council
28 a recorder-treasurer to serve for the unexpired term.

29 ~~(b)~~ (c) When a vacancy occurs in the office of mayor in an
30 incorporated town, at the first regular meeting after the occurrence of the
31 vacancy, the town council shall:

32 (1) Elect by a majority vote of the aldermen a mayor to serve
33 the unexpired term; or

34 (2)(A) Call for a special election to be held ~~in accordance with~~
35 under § 7-11-101 et seq. to fill the vacancy.

36 (B) At the special election, a mayor shall be elected to

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1 complete the unexpired term.

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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT REGARDING ISSUANCE OF BUILDING PERMITS BY
9 CITIES OF THE SECOND CLASS AND INCORPORATED TOWNS;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12 REGARDING ISSUANCE OF BUILDING PERMITS BY
13 CITIES OF THE SECOND CLASS AND
14 INCORPORATED TOWNS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code 14-56-202 is amended to read as follows:

22 14-56-202. Additional powers ~~of cities of the first class.~~

23 (a) ~~(1) The Cities of the first class, cities of the second class, and~~
24 incorporated towns have the following enlarged and additional powers are
25 conferred upon cities of the first class.:

26 ~~(2) They shall have the power to:~~

27 ~~(A) Regulate (1) The power to regulate the building of~~
28 houses;

29 ~~(B) Provide (2) The power to provide that no house or~~
30 structure shall be erected within the city limits except upon a permit to be
31 issued by such officer as the city council shall designate; and

32 ~~(C) Provide (3) The power to provide that no a permit~~
33 shall not be issued for the building of any a house or structure deemed to be
34 unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

35 (b) However, the authority to appoint and remove department heads,
36 including the building official, shall be governed by § 14-42-110 regardless

1 of the classification of the city or town.

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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT REGARDING REMOVAL OF DILAPIDATED, UNSAFE,
9 UNSANITARY, AND OTHER PROPERTIES; AND FOR OTHER
10 PURPOSES.

Subtitle

14 REGARDING REMOVAL OF DILAPIDATED, UNSAFE,
15 UNSANITARY, AND OTHER PROPERTIES.

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code 14-56-203 is amended to read as follows:

21 14-56-203. Removal or razing of Buildings.

22 Cities of the first and class, cities of the second class, and
23 incorporated towns ~~shall have the power to~~ may order the removal or razing
24 of, or ~~to~~ remove or raze, ~~any~~ buildings or houses that in the opinion of the
25 city council or town council have become dilapidated, unsightly, unsafe,
26 unsanitary, obnoxious, or detrimental to the public welfare and shall
27 provide, by ordinance, the manner of removing and making these removals.
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO REVISE VARIOUS PROVISIONS CONCERNING
9 ELECTION PROCEDURES IN WHICH A MAYORAL CANDIDATE
10 RECEIVES LESS THAN A MAJORITY; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13 TO REVISE VARIOUS PROVISIONS CONCERNING
14 ELECTION PROCEDURES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-43-304 is amended to read as follows:

22 14-43-304. Mayors in cities having mayor-council government.

23 (a)(1) ~~No mayor of cities~~ A mayor of a city of the first class having
24 a mayor-council form of government shall be elected ~~except:~~

25 (A) by By a majority vote of the qualified electors of the
26 city; or

27 (B) In accordance with § 7-5-106.

28 (2) ~~The provisions of this section shall not~~ This section does
29 not apply to a city of the first class with a city manager form of government
30 or a city administrator form of government.

31 (b)(1) As soon as the returns from all precincts are received, but ~~in~~
32 ~~no event~~ no later than the seventh day after the election, the county board
33 of election commissioners shall proceed to ascertain, from the certificates
34 and ballots received from the several precincts, and declare the result of
35 the election and deliver a certificate of his or her election to any person
36 having the ~~majority~~ requisite amount of legal votes for the office of mayor.

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1 (2) The county board of election commissioners shall also file
2 in the office of the clerk of the county court a certificate setting forth in
3 detail the results of the election.

4 (c)(1) ~~In the event that~~ If no candidate for mayor of a city of the
5 first class receives ~~a majority~~ the requisite amount of the votes cast in the
6 general election, the two (2) candidates receiving the highest number of
7 votes shall be certified to a special runoff election that shall be held
8 three (3) weeks from the day on which the general election is held.

9 (2) The special runoff election shall be conducted in the same
10 manner as provided by law, and the election results ~~thereof~~ of the special
11 runoff election shall be canvassed and certified in the manner provided by
12 law.

13 (d) ~~In the event that~~ If a vacancy occurs in the office of mayor of
14 ~~these cities~~ a city described in this section and the unexpired term is more
15 than one (1) year, the vacancy shall be filled by a special election and
16 special runoff election, if necessary, as provided in subsection (c) of this
17 section.

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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THE LAW REGARDING THE SALE, LEASE,
9 PURCHASING, AND DISPOSAL OF REAL AND PERSONAL
10 PROPERTY OF MUNICIPALITIES; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO CLARIFY THE LAW REGARDING THE SALE,
13 LEASE, PURCHASING, AND DISPOSAL OF REAL
14 AND PERSONAL PROPERTY OF MUNICIPALITIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-54-302 is amended to read as follows:

22 14-54-302. Purchase, lease, and sale, and disposal authorized.

23 (a)~~(1)~~ ~~Municipal corporations are empowered and authorized to A~~
24 municipality may:

25 (1) ~~sell~~ Sell, convey, lease, rent, ~~or~~ let, or dispose any real
26 estate or personal property owned or controlled by the ~~municipal~~
27 ~~corporations. This power and authorization shall extend and apply to all such~~
28 ~~real estate and personal property, including that which~~ municipality,
29 including real estate or personal property that is held by the ~~municipal~~
30 ~~corporation~~ municipality for public or governmental ~~uses and purposes;~~

31 (2) ~~Municipal corporations are empowered and authorized to buy~~
32 Buy any real estate or personal property; and

33 ~~(b)(1)(3)(A)~~ ~~Municipal corporations are also empowered and authorized~~
34 ~~to donate~~ Donate real estate or personal property, or any part ~~thereof of the~~
35 real estate or personal property, to the federal government or any agency
36 ~~thereof of the federal government,~~ for any one (1) or more of the following

1 purposes, that is, having the real estate, or personal property, or both,
2 activated, reactivated, improved, or enlarged by the donee.

3 ~~(2)(A)(B)~~ The municipal corporation municipality may donate the
4 fee simple title and absolute interest, without any reservations or
5 restrictions, in and to all real estate, or personal property, or both, or
6 any part of the real estate or personal property, to the federal government,
7 if this real estate or personal property was previously conveyed or otherwise
8 transferred by the federal government to the ~~municipal corporation~~
9 municipality without cost to the ~~municipal corporation~~ municipality.

10 ~~(B)(C)~~ All other donation instruments shall contain
11 provisions by which the title to the property donated shall revert to the
12 ~~municipal corporation~~ municipality when the donated property is no longer
13 used by the donee for the purposes for which it was donated.

14 ~~(e)(b)~~ The execution of all contracts and conveyances and lease
15 contracts shall be performed by the mayor and city clerk or recorder, when
16 authorized by a resolution in writing and approved by a majority vote of the
17 ~~city council~~ governing body of the municipality present and participating.

18 (c) The mayor or his or her authorized representative may sell or
19 exchange any municipal real estate or personal property with a value of
20 twenty thousand dollars (\$20,000) or less, unless the governing body of the
21 municipality shall by ordinance establish a lesser amount.

22 (d) Municipal real estate or personal property to be disposed of as
23 one (1) unit shall not be sold without competitive bidding if the amount
24 exceeds twenty thousand dollars (\$20,000) or the maximum provided by
25 resolution, unless the mayor certifies in writing to the governing body of
26 the municipality that in his or her opinion the fair market value of the item
27 or lot is less than the amount established by ordinance.

28 (e)(1) If personal property of the municipality becomes obsolete or is
29 no longer used by a municipality, the personal property may be:

30 (A) Sold at public or internet auction;

31 (B) Sent to the Department of Finance and Administration's
32 Marketing and Redistribution Section;

33 (C) Transferred to another governmental entity within the
34 state; or

35 (D) Donated under this section.

36 (2) If an item of personal property is not disposed of under

1 subdivision (e)(1) of this section, the item may be disposed of in the
 2 landfill used by the municipality if the mayor or his or her authorized
 3 representative certifies in writing and the governing body of the
 4 municipality approves that:

5 (A) The item has been rendered worthless by damage or
 6 prolonged use; or

7 (B) The item has:

8 (i) Only residual value; and

9 (ii) Been through public auction and not sold.

10 (f)(1) A record shall be maintained of all items of personal property
 11 disposed of under this section and reported to the governing body of the
 12 municipality.

13 (2) The municipal fixed asset listing shall be amended to
 14 reflect all disposal of real estate and personal property made under this
 15 section.

16
 17 SECTION 2. Arkansas Code § 14-58-306 is repealed.

18 ~~14-58-306. Disposal of municipal supplies, etc.~~

19 ~~(a) In a city of the first class, city of the second class, or~~
 20 ~~incorporated town, the mayor or his or her authorized representative may sell~~
 21 ~~or exchange any municipal supplies, materials, or equipment with a value of~~
 22 ~~twenty thousand dollars (\$20,000) or less, unless the municipal governing~~
 23 ~~body shall, by ordinance, establish a lesser amount.~~

24 ~~(b) No item or lot of supplies, material, or equipment that is to be~~
 25 ~~disposed of as one (1) unit shall be sold without competitive bidding if the~~
 26 ~~amount exceeds twenty thousand dollars (\$20,000) or the maximum provided by~~
 27 ~~ordinance, unless the mayor shall certify in writing to the governing body~~
 28 ~~that, in his or her opinion, the fair market value of the item or lot is less~~
 29 ~~than the amount established by ordinance as indicated.~~

30 ~~(c)(1) If an item of personal property belonging to a municipality~~
 31 ~~becomes obsolete or is no longer used by a municipality, it may be:~~

32 ~~(A) Sold at public or Internet auction;~~

33 ~~(B) Sent to the Marketing and Redistribution Section of~~
 34 ~~the Office of State Procurement of the Department of Finance and~~
 35 ~~Administration; or~~

36 ~~(C) Transferred to another governmental entity within the~~

1 state.

2 ~~(2) If an item is not disposed of under subdivision (c)(1) of~~
3 ~~this section, the item may be disposed of in the landfill used by the~~
4 ~~municipality if the mayor or his or her authorized representative certifies~~
5 ~~in writing and the governing body of the municipality approves that it has:~~

6 ~~(A) Been rendered worthless by damage or prolonged use; or~~

7 ~~(B)(i) Only residual value; and~~

8 ~~(ii) Been through public auction and not sold.~~

9 ~~(d)(1) A record shall be maintained of all items disposed of and~~
10 ~~reported to the governing body.~~

11 ~~(2) The municipal fixed asset listing shall be amended to~~
12 ~~reflect all disposal of property made under this section.~~

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1 INTERIM STUDY PROPOSAL 2015-

2 DRAFT

3 REQUESTING THAT THE HOUSE COMMITTEE ON CITY, COUNTY, AND LOCAL
4 AFFAIRS CONDUCT AN INTERIM STUDY OF THE VARIOUS MUNICIPAL
5 RETIREMENT SYSTEMS TO EVALUATE THE PERFORMANCE, BENEFITS, AND
6 LEVEL OF PARTICIPATION IN EACH RETIREMENT SYSTEM.

7
8 WHEREAS, employees and officials of Arkansas cities and towns are
9 eligible for and participate in numerous differing retirement systems; and

10
11 WHEREAS, these municipal retirement systems vary widely in
12 participation levels, benefits offered, board demographics, and financial
13 health; and

14
15 WHEREAS, the inconsistencies across those municipal retirement systems
16 cause confusion for participants, create inefficiencies in administration,
17 and increase costs for municipalities; and

18
19 WHEREAS, employees and officials who are eligible for or participate in
20 a municipal retirement system seek to lessen the confusion and
21 unpredictability associated with their retirement and gain a clearer
22 understanding of the requirements and benefits of their participation in a
23 retirement system,

24
25 NOW THEREFORE,

26 BE IT PROPOSED BY THE HOUSE COMMITTEE ON CITY, COUNTY, AND LOCAL AFFAIRS OF
27 THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28
29 THAT the House Committee On City, County, And Local Affairs conduct an
30 interim study of all municipal retirement systems across this state to
31 include without limitation system performance, member participation, ease of
32 accessibility, board demographics, comparative benefits, costs of
33 administration, and financial health.

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35 Respectfully submitted,

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Representative Betty Overbey

District 69

By: KLC/BAT

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO CREATE A CONSISTENT METHOD OF DISBURSING
9 FUNDS COLLECTED FROM COUNTY SALES AND USE TAXES; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12 TO CREATE A CONSISTENT METHOD OF
13 DISBURSING FUNDS COLLECTED FROM COUNTY
14 SALES AND USE TAXES.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 26-74-409(a)(3), concerning disposition of
22 funds, is amended to read as follows:

23 (3)(A) Furthermore, the Treasurer of State shall ~~determine which~~
24 ~~cities or towns within the county do not levy a local sales tax and remit and~~
25 ~~distribute moneys collected in accordance with § 26-74-313 unless otherwise~~
26 ~~agreed to by the county and the cities and towns located within the county by~~
27 ~~interlocal agreement to those cities or towns a percentage of the tax based~~
28 ~~upon the population of the city or town versus the population of the county.~~

29 (B) The collection of moneys assessed under this
30 subchapter shall be distributed pursuant to § 26-74-313 regardless of the
31 date of passage of the tax.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
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4

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HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO UPDATE CERTAIN LOCAL GOVERNMENT
9 TERMINOLOGY; AND FOR OTHER PURPOSES.

Subtitle

11
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13 TO UPDATE CERTAIN LOCAL GOVERNMENT
14 TERMINOLOGY.
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16

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

19 SECTION 1. Arkansas Code § 7-5-106(f)(1), concerning runoff elections,
20 is amended to read as follows:

21 (f)(1) As used in this section, "municipal office" means offices of
22 cities of the first class and cities of the second class and incorporated
23 towns and includes the offices of ~~aldermen~~ council members, members of boards
24 of managers, or other elective municipal offices elected by the voters of the
25 entire municipality or from wards or districts within a municipality.
26

27 SECTION 2. Arkansas Code § 7-7-304(e)(1), concerning primary election
28 procedures, is amended to read as follows:

29 (e)(1) When there are two (2) or more nominees to be selected for the
30 same office, such as state senator, state representative, justice of the
31 peace, ~~alderman~~ council member, or for any other office, the proper committee
32 shall require the candidates to designate in writing a particular position,
33 i.e., ~~Position Number 1, Position Number 2, Position Number 3~~ position number
34 one, position number two, position number three, etc., at the time that a
35 party pledge is required to be filed with the secretary of the committee.
36

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1 SECTION 3. Arkansas Code § 14-37-109 is amended to read as follows:

2 14-37-109. Appointment of enumerators to take census.

3 (a)(1) ~~Whenever any~~ If a city or incorporated town ~~shall desire~~
4 desires to be made a city of the first class or a city of the second class,
5 or if it ~~shall be~~ is deemed necessary to determine the number of inhabitants
6 within the ~~town or~~ city or incorporated town for any purpose, on petition of
7 ten (10) qualified voters of the ~~town or~~ city or incorporated town filed with
8 the recorder ~~thereof~~ of the city or incorporated town, the ~~board of aldermen~~
9 ~~of the town or~~ city or town council shall consider the petition at its next
10 regular meeting.

11 (2) If the ~~board~~ city or town council deems the prayer of
12 petitioners well founded and deems that a census of the ~~town or~~ city or
13 incorporated town should be taken in town, and the mayor shall appoint
14 enumerators to take the census, the appointees to be approved by the ~~board~~
15 city or town council.

16 (b)(1) The resolution authorizing the taking of census shall prescribe
17 the duties of the enumerators as to when and how to proceed.

18 (2)(A) Not more than one (1) enumerator shall be appointed for
19 each ward.

20 (B) However, one (1) enumerator may take more than one (1)
21 ward if the ~~board~~ city or town council deems it proper.

22
23 SECTION 4. Arkansas Code § 14-37-110 is amended to read as follows:

24 14-37-110. Return of enumerators.

25 (a)(1) Before the enumerators shall enter upon their duties, they
26 shall make and subscribe to an oath to well and faithfully perform their
27 duties, and their return shall be taken as true.

28 (2)(A) However, the returns so made by the census enumerators
29 shall be filed in the office of the mayor and shall be subject to examination
30 of the public for thirty (30) days.

31 (B) Any correction ~~thereof~~ of the returns may be made if
32 proper proof is made before the ~~board of aldermen to their~~ city or town
33 council to its satisfaction authorizing the correction sought to be made.

34 (b) The enumerators shall be entitled to and receive two and one-half
35 cents (2½¢) per name for all names found to be authentic by the ~~board of~~
36 ~~aldermen~~ city or town council, to be paid by the ~~town or~~ city or incorporated

1 town.

2

3 SECTION 5. Arkansas Code § 14-38-113(a)(1), including the introductory
 4 language of subsection (a), concerning reorganization of form of government,
 5 is amended to read as follows:

6 (a) When any municipality of this state is entitled by law to become
 7 reorganized under a different form of municipal government than that under
 8 which the municipality is operating, whether the form is the ~~aldermanic~~
 9 mayor-council form of government, the city manager form of government, or the
 10 commission form of government, upon the approval of a majority of the
 11 qualified electors of the municipality voting on the issue at an election
 12 called therefor, an election to submit the question of becoming organized
 13 under any such form of municipal government shall be called and conducted in
 14 the manner provided in this section:

15 (1) When petitions shall be filed with the mayor containing the
 16 signatures of qualified electors of the municipality equal in number to
 17 fifteen percent (15%) of the aggregate number of votes cast at the preceding
 18 general municipal election of all candidates for mayor in the case of a
 19 municipality operating under the ~~aldermanic~~ mayor-council form of government
 20 or the commission form of government, and for all candidates for the office
 21 of director for the director position for which the greatest number of votes
 22 were cast in the case of a municipality operating under the manager form of
 23 government, requesting that an election be called to submit the proposition
 24 of organizing the municipality under any other form of municipal government
 25 authorized by the laws of this state, a special election shall be called by
 26 the mayor by proclamation, to be held in accordance with § 7-11-201 et seq.
 27 The proclamation shall be published one (1) time at length in a newspaper
 28 having a general circulation in the municipality, and notice of the election
 29 shall be published in the newspaper one (1) time a week for two (2) weeks,
 30 with the first publication to be not less than fifteen (15) days before the
 31 date set for the election;

32

33 SECTION 6. Arkansas Code § 14-40-1206(b)(2)(B), concerning plot
 34 requirements, is amended to read as follows:

35 (B) However, ~~no~~ a change in the boundaries of the wards of
 36 the larger city or incorporated town shall not determine or affect the time

1 of service of any previously elected ~~alderman~~ council member of any ward in
2 the larger city or incorporated town.

3

4 SECTION 7. Arkansas Code § 14-40-1207 is amended to read as follows:

5 14-40-1207. Special election of ~~aldermen~~ council members or all city
6 officials.

7 (a)(1)(A) Except as provided under subdivision (a)(1)(B) of this
8 section, the city or town council shall call a special election of ~~aldermen~~
9 council members, to be held at such times and places as the council may
10 direct pursuant to a proclamation issued by the mayor in accordance with § 7-
11 11-101 et seq., in the wards of the smaller municipality and for the election
12 of ~~aldermen~~ council members from any other new wards that may be created by
13 the council out of territory included in the larger city or incorporated town
14 before the annexation, as provided in this subchapter.

15 (B) If the petition calls for a citywide election for all
16 officials of the new consolidated city or incorporated town, then the city or
17 town council shall call a special election pursuant to a proclamation issued
18 by the mayor in accordance with § 7-11-101 et seq. for all city or town
19 officials to be held at the times and places as ~~it~~ the city or town council
20 may direct throughout each ward of the consolidated city or incorporated
21 town.

22 (2) If the implementation of the consolidation of the cities or
23 towns is delayed, the special election for new ~~aldermen~~ council members to a
24 city or town council or all city officials shall be held at least forty-five
25 (45) days before the effective date of the consolidation.

26 (b) Each ward of the consolidated city or incorporated town shall have
27 two (2) ~~aldermen~~ council members, to be elected in the same manner and for
28 the same term as ~~aldermen~~ council members are elected in cities and
29 incorporated towns.

30

31 SECTION 8. Arkansas Code § 14-40-1208(a), concerning existing
32 officers, is amended to read as follows:

33 (a) The term of office of all officers, ~~aldermen~~ council members, and
34 employees of the smaller municipality and all laws in force in the smaller
35 municipality shall cease upon and after the consolidation.

36

1 SECTION 9. Arkansas Code § 14-40-1212(b), concerning annexed
2 territory, is amended to read as follows:

3 (b)(1) ~~Aldermen~~ Council members representing the wards composing the
4 territory of the smaller municipal corporation before consolidation shall
5 have a right:

6 (1) ~~at~~ At all times, to demand of the city or town council the
7 benefit of the revenue collected from the wards, as provided for in this
8 section; and

9 (2) On the refusal ~~of~~ by the city or town council of the demand
10 made under subdivision (b)(1) of this section, the aldermen shall have a
11 right to enforce the revenue rights by mandamus or other appropriate
12 proceedings.

13
14 SECTION 10. Arkansas Code § 14-40-1212(c), concerning consolidation,
15 is amended to read as follows:

16 (c) In the event the ~~aldermen~~ council members, or fifty (50) qualified
17 electors of the territory annexed, feel aggrieved in reference to the amount
18 of revenue expended on the territory or as to the other rights guaranteed in
19 this section to the annexed municipality, they may submit the matter to the
20 circuit court, which is authorized by appropriate orders to compel the
21 consolidated city or incorporated town to give the former territory of the
22 smaller municipal corporation the full benefit of its revenue as provided in
23 this section.

24
25 SECTION 11. Arkansas Code § 14-42-102 is amended to read as follows:
26 14-42-102. Corporate authority of cities.

27 The corporate authority of cities that are organized shall be vested in
28 one (1) principal officer, to be called the mayor, and one (1) board of
29 ~~aldermen~~ council members, to be called the city council, together with such
30 other officers as are mentioned in this subtitle or may be created under its
31 authority.

32
33 SECTION 12. Arkansas Code § 14-42-106 is amended to read as follows:
34 14-42-106. Oath and bond required.

35 (a) All officers elected or appointed in any municipal corporation
36 shall take the oath or affirmation prescribed for officers by the Arkansas

1 Constitution.

2 (b)(1) Except as provided in subdivision (b)(2) of this section, the
3 officers shall take their oaths before the Secretary of State or his or her
4 official designee, any justice or judge, judge of the county court, clerk of
5 the county court, clerk of the circuit court, or justice of the peace.

6 (2) The ~~aldermen~~ council members also may take their oaths
7 before the mayor of the municipality.

8 (c) The ~~aldermen or~~ council members of a municipal corporation may
9 require from the officers, as they think proper, a bond with good and
10 sufficient security and with a proper penalty for the faithful discharge of
11 their office and duty.

12 (d) The ~~council or aldermen~~ members shall have the power to declare
13 the office of any elected or appointed person vacant who shall fail to take
14 the oath of office or give the bond required in this section within ten (10)
15 days of the first day of January after his or her election or within ten (10)
16 days after he or she has been notified of his or her appointment. In such
17 case, the ~~council or aldermen~~ members shall proceed to appoint as in other
18 cases of vacancy.

19

20 SECTION 13. Arkansas Code § 14-42-107 is amended to read as follows:

21 14-42-107. Interest in offices or contracts prohibited.

22 (a)(1) ~~No alderman, member of any council,~~ A council member or elected
23 official of a municipal corporation, during the term for which he or she has
24 been elected or one (1) year thereafter, shall not be appointed to any
25 municipal office that was created or the emoluments of which have been
26 increased during the time for which he or she has been elected except to fill
27 a vacancy in the office of mayor, ~~alderman~~ council member, clerk, clerk-
28 treasurer, recorder, or recorder-treasurer.

29 (2) ~~No alderman or~~ A council member shall not be appointed to
30 any municipal office, except in cases provided for in this subtitle, during
31 the time for which he or she may have been elected.

32 (b)(1) ~~No~~ A alderman, council member, official, or municipal employee
33 shall not be interested, directly or indirectly, in the profits of any
34 contract for furnishing supplies, equipment, or services to the municipality
35 unless the governing body of the city has enacted an ordinance specifically
36 permitting ~~aldermen,~~ council members, officials, or municipal employees to

1 conduct business with the city and prescribing the extent of this authority.

2 (2) The prohibition prescribed in this subsection ~~shall~~ does not
3 apply to contracts for furnishing supplies, equipment, or services to be
4 performed for a municipality by a corporation in which no ~~alderman~~, council
5 member, official, or municipal employee holds any executive or managerial
6 office or by a corporation in which a controlling interest is held by
7 stockholders who are not ~~aldermen or~~ council members.

8

9 SECTION 14. Arkansas Code § 14-42-201(c)(2), concerning election of
10 officers, is amended to read as follows:

11 (2) In cities of the first class and cities of the second class,
12 candidates for the position of ~~alderman~~ council member shall reside within
13 the corporate limits and their respective wards at the time they file as
14 candidates for ~~alderman~~ council member and when holding that office.

15

16 SECTION 15. Arkansas Code § 14-42-203(b), concerning special elections
17 of city mayors, is amended to read as follows:

18 (b) In all cities there shall be a place appointed in each ward for
19 holding elections, except in cities of the second class electing their
20 ~~aldermen~~ council members citywide, where there may be one (1) public place
21 only for holding elections.

22

23 SECTION 16. Arkansas Code § 14-42-206(b)(1), concerning municipal
24 elections, is amended to read as follows:

25 (b)(1) Any person desiring to become an independent candidate for
26 municipal office in cities and towns with the mayor-council form of
27 government shall file not more than one hundred two (102) days nor less than
28 eighty-one (81) days before the general election by 12:00 noon with the
29 county clerk the petition of nomination in substantially the following forms:

30

(A) For all candidates except ~~aldermen~~ council members in
31 cities of the first class and cities of the second class:

32

33 "PETITION OF NOMINATION

34 We, the undersigned qualified electors of the city (town) of _____,
35 Arkansas, being in number not less than ten (10) for incorporated towns and
36 cities of the second ~~(2nd)~~ class, and not less than thirty (30) for cities of

1 the first ~~(1st)~~ class, do hereby petition that the name of _____ be placed on
 2 the ballot for the office of _____ (A candidate for ~~alderman~~ council member
 3 in an incorporated town shall identify the position for which he or she is
 4 running) at the next election of municipal officials in 20 _____.

5 Printed Name Signature Street Address Date of Birth Date
 6 of Signing”

7

8 (B) For candidates for ~~alderman~~ council member elected by
 9 ward in cities of the first class and cities of the second class, the
 10 nominating petitions shall be signed only by qualified electors of the ward
 11 in the following manner:

12

13 “PETITION OF NOMINATION

14 We, the undersigned qualified electors of Ward _____ of the city of
 15 _____, Arkansas, being in number not less than ten (10) for cities of the
 16 second ~~(2nd)~~ class, and not less than thirty (30) for cities of the first
 17 ~~(1st)~~ class, do hereby petition that the name of _____ be placed on the
 18 ballot for the office of ~~Alderman~~ council member, Ward _____, position _____,
 19 of the next election of municipal officials in 20 _____.

20 Printed Name Signature Street Address Date of Birth Date
 21 of Signing”

22

23 (C) For at-large candidates for ~~alderman~~ council member of
 24 a ward in cities of the first class and cities of the second class, the
 25 nominating petitions shall be signed by a qualified elector of the city in
 26 the following manner:

27

28 “PETITION OF NOMINATION

29 We, the undersigned qualified electors of the city of _____, Arkansas,
 30 being in number not less than ten (10) for cities of the second ~~(2nd)~~ class,
 31 and not less than thirty (30) for cities of the first ~~(1st)~~ class, do hereby
 32 petition that the name of _____ be placed on the ballot for the office of
 33 ~~Alderman~~ council member, Ward _____, position _____, of the next election of
 34 municipal officials in 20 _____.

35 Printed Name Signature Street Address Date of Birth Date
 36 of Signing”

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SECTION 17. Arkansas Code § 14-43-303 is amended to read as follows:
14-43-303. Officials in mayor-council cities of 50,000 or more.

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

- (i) One (1) mayor;
- (ii) One (1) city clerk; and
- (iii) One (1) ~~alderman~~ council member from each ward

of the city.

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

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

- (i) One (1) city attorney;
- (ii) One (1) city treasurer; and
- (iii) One (1) ~~alderman~~ council member from each ward

of the city.

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

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

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

(d)(1) If a city first attains a population of fifty thousand (50,000) as shown in a decennial federal census or special federal census completed after January 1, 1997, and the mayor or other elected official of the city last elected before the census was elected to a four-year term and the term will expire two (2) years before the quadrennial general election year at

1 which city officials are elected as provided in subsection (a) of this
2 section, the terms of such officials shall be extended for a period of two
3 (2) years in order that the terms will coincide with the next quadrennial
4 general election year. At that quadrennial general election and at each
5 quadrennial general election thereafter, the mayor and such other municipal
6 officials shall be elected to terms of four (4) years as provided in this
7 section.

8 (2) The provisions of this subsection shall not affect in any
9 way the provisions of this section that provide for staggering the terms of
10 office of ~~aldermen~~ council members so that one (1) ~~alderman~~ council member
11 will be elected from each ward every two (2) years.

12

13 SECTION 18. Arkansas Code § 14-43-307 is amended to read as follows:

14 14-43-307. Election of ~~aldermen~~ council members at large or by ward.

15 (a)(1) Candidates for the office of ~~alderman~~ council member in cities
16 of the first class shall reside in the ward from which they seek to be
17 elected and shall run at large.

18 (2)(A) All of the qualified electors of these cities shall be
19 entitled to vote in the election.

20 (B)(i) Provisions shall be made by the election
21 commissioners in these cities so that the qualified electors of each ward
22 shall have at least one (1) voting precinct in each ward where the resident
23 electors thereof may cast their ballots.

24 (ii) Cities of the second class that elect their
25 ~~aldermen~~ council members citywide may have one (1) public place only for
26 holding elections.

27 (b)(1)(A) The city council of any such city or the governing body of
28 any city in transition to the mayor-council form of government is empowered
29 and authorized to provide, by ordinance, that all ~~aldermen~~ council members be
30 elected by ward, in which event each ~~alderman~~ council member shall be voted
31 upon by the qualified electors of the ward from which the person is a
32 candidate.

33 (B)(i) When so provided by city ordinance, the name of the
34 candidate shall appear upon the ballot only in the ward in which he or she is
35 a candidate.

36 (ii) The city council of these cities may provide

1 for the election of one (1) ~~alderman~~ council member from each ward citywide
 2 and the other ~~aldermen~~ council members from each ward by the voters of the
 3 ward only.

4 (2) All such cities choosing to elect all ~~aldermen~~ council
 5 members by wards or in part by wards shall provide, in the manner provided by
 6 law, for the establishment of wards of substantially equal population in
 7 order that each ~~alderman~~ council member elected from each ward shall
 8 represent substantially the same number of people in the city.

9

10 SECTION 19. Arkansas Code § 14-43-308 is amended to read as follows:

11 14-43-308. Residence qualifications of ~~aldermen~~ council members in
 12 primaries.

13 (a)(1) In all primaries held in any city of the first class by any
 14 organized political party, the candidates for nomination for the office of
 15 ~~alderman~~ council member shall reside in their respective wards.

16 (2) All qualified electors residing in these cities and entitled
 17 to vote in the primaries shall have the right to vote at their several voting
 18 precincts for each and every candidate so to be nominated.

19 (b)(1) The city council is authorized and empowered to provide, by
 20 ordinance, that the candidate shall only be voted upon by qualified voters of
 21 the ward who are entitled to vote in the primary from which the person is a
 22 candidate.

23 (2) When so provided by ordinance, any of the candidates in such
 24 a case shall appear upon the ballot only in the ward in which he or she is a
 25 candidate.

26

27 SECTION 20. Arkansas Code § 14-43-309 is amended to read as follows:

28 14-43-309. Residence qualifications of ~~aldermen~~ council members in
 29 general elections.

30 (a)(1) In all general elections for ~~aldermen~~ council members in cities
 31 of the first class, the ~~aldermen~~ council members so elected shall reside in
 32 their respective wards, as provided by law.

33 (2) All qualified electors residing in these cities shall have
 34 the right to vote at their several voting precincts for each ~~and every~~
 35 ~~alderman~~ council member so to be elected.

36 (b)(1) The city council of any such city is empowered and authorized

1 to provide, by ordinance, that ~~the aldermen~~ each council member shall only be
2 voted upon by qualified voters of the ward from which the person is a
3 candidate.

4 (2) When so provided by ordinance, the name of the candidate
5 shall appear upon the ballot only in the ward in which he or she is a
6 candidate.

7
8 SECTION 21. Arkansas Code § 14-43-310 is amended to read as follows:

9 14-43-310. ~~Alderman~~ Council member ceasing to reside in ward.

10 If any duly elected ~~alderman~~ council member shall cease to reside in
11 the ward from which he or she was elected, that person shall be disqualified
12 to hold the office and a vacancy shall exist which shall be filled as
13 prescribed by law.

14
15 SECTION 22. Arkansas Code § 14-43-311 is amended to read as follows:

16 14-43-311. Redistricting of wards.

17 (a)(1)(A) City councils in cities of the first class shall have the
18 authority to redistrict the wards in their city when they determine that the
19 people can best be served by adding wards, combining wards, or changing ward
20 boundary lines to equalize the population in the various wards.

21 (B) It shall be the duty of the city council to see that
22 each ward has as nearly an equal population as would best serve the interest
23 of the people of the city.

24 (2)(A) Within ninety (90) days after redistricting, if one
25 hundred (100) or more qualified electors in the city are dissatisfied with
26 the redistricting of the city into wards, they shall have the authority to
27 petition the circuit court.

28 (B) The court, after due hearing, shall have authority to
29 redistrict the city into such wards as the court shall deem best if the court
30 finds that the redistricting action by the city council was arbitrary and
31 capricious.

32 (b) At the next city election held, more than twenty (20) days after
33 the approval of redistricted wards, there shall be elected from each of the
34 new wards two (2) ~~aldermen~~ council members who shall organize the new city
35 council at the first council meeting in January after their election.

36 (c)(1)(A) All ~~aldermen~~ council members elected in the city prior to

1 redistricting of wards shall give up their positions to the new ~~aldermen~~
 2 council members at the time for the organization of the new city council, as
 3 provided in subsection (b) of this section.

4 (B) From that date the terms of office of all previously
 5 elected ~~aldermen~~ council members shall cease and terminate.

6 (2)(A) It shall be lawful to increase the number of wards or
 7 continue the same number of wards without affecting the terms of office of
 8 incumbent ~~aldermen~~ council members of the city.

9 (B)(i) When the wards are reapportioned so as to increase
 10 the number of wards or readjust existing wards so that such wards contain
 11 nearly equal population, ~~the aldermen who remain~~ a council member who remains
 12 ~~in their~~ his or her old ward, or part thereof, shall continue in office.

13 (ii) New ~~aldermen~~ council members shall be elected
 14 only for new wards actually formed out of the territory of old wards.

15 (d)(1) All clerk's costs and other costs incurred in the proceedings
 16 authorized in this section shall be paid by the persons at whose instance the
 17 services were rendered.

18 (2)(A) In case these proceedings result in the redistricting of
 19 the city into new wards, the compensation of those individuals making the
 20 redistricting shall be fixed by the circuit judge, certified to the city
 21 council, and paid out of the city treasury.

22 (B) This compensation shall not exceed the sum of twenty-
 23 five dollars (\$25.00) each.

24
 25 SECTION 23. Arkansas Code § 14-43-312 is amended to read as follows:

26 14-43-312. ~~Aldermen~~ Council members in mayor-council cities of fewer
 27 than 50,000.

28 (a)(1) On the Tuesday following the first Monday in November 1966 and
 29 every two (2) years thereafter, the qualified voters of all cities of the
 30 first class having the mayor-council form of government with fewer than fifty
 31 thousand (50,000) inhabitants shall elect two (2) ~~aldermen~~ council members
 32 from each ward for a term of two (2) years, except that by ordinance any city
 33 of the first class may refer the question to voters to elect two (2) ~~aldermen~~
 34 council members from each ward to four-year terms as more particularly set
 35 out in subdivision (a)(2)(A) of this section.

36 (2)(A) On or before February 1 of the election year when the

1 procedure will go into effect, any city of the first class, by ordinance
2 referred to and approved by the voters at the previous general election or at
3 a special election called for that purpose, may elect two (2) ~~aldermen~~
4 council members from each ward to four-year terms, except for the initial
5 terms as provided in subdivision (a)(2)(B) of this section.

6 (B)(i) If this procedure is adopted by ordinance referred
7 to and approved by the voters of the city, the ~~alderman~~ council member
8 representing position number one from each ward will be elected to a four-
9 year term at the next general election.

10 (ii) The ~~alderman~~ council member representing
11 position number two from each ward will be elected to an initial two-year
12 term at the next election, and thereafter will be elected to four-year terms,
13 resulting in staggered terms with one (1) ~~alderman~~ council member being
14 elected to a four-year term from each ward every two (2) years.

15 (b)(1) The ~~aldermen~~ council members shall be designated as "~~alderman~~
16 council member number one" and "~~alderman~~ council member number two".

17 (2)(A) A candidate for the office of ~~alderman~~ council member
18 shall designate the number of the ~~alderman's~~ council member's office which
19 the candidate is seeking on the petition filed under § 14-42-206.

20 (B) When this designation has been made, the candidate
21 shall not be permitted thereafter to change the designation on that petition.

22 (C) The county clerk shall not accept a petition for
23 filing that does not designate the number of the office for ~~alderman~~ council
24 member sought.

25 (D) Each city shall maintain in its records a document
26 showing the name of each ~~alderman~~ council member and the number of the office
27 which the candidate holds.

28 (c)(1)(A) The city council may refer an ordinance to voters on the
29 question of returning a city to electing ~~aldermen~~ council members to two-year
30 terms.

31 (B) The ordinance must be passed by a two-thirds vote of
32 the city council before it is referred to and approved by voters at a general
33 election.

34 (2) If the voters approve returning the city to electing
35 ~~aldermen~~ council members to two-year terms, all ~~aldermen~~ council members
36 shall be elected to two-year terms at the next general election and

1 thereafter, except that those ~~aldermen~~ council members serving four-year
2 terms shall complete their terms.

3 (3) The city council may not refer another question to voters on
4 electing ~~aldermen~~ council members to four-year terms or on returning the city
5 to electing ~~aldermen~~ council members to two-year terms unless at least four
6 (4) years have passed since the last election on changing the terms of
7 ~~aldermen~~ council members.

8
9 SECTION 24. Arkansas Code § 14-43-412(a), concerning vacancies in
10 other elected offices, is amended to read as follows:

11 (a) In case any office of an elected officer, except ~~aldermen~~ council
12 members of the ward, becomes vacant before the expiration of the regular
13 term, then the vacancy shall be filled by the city council until a successor
14 is duly elected and qualified.

15
16 SECTION 25. Arkansas Code § 14-43-502(b)(2)(B), concerning powers of
17 the city council, is amended to read as follows:

18 (B) The mayor or any three (3) ~~aldermen~~ council members of
19 any city or town, regardless of size or classification, may call special
20 meetings in the manner as may be provided by ordinance.

21
22 SECTION 26. Arkansas Code § 14-43-504(d)(1)(B)(ii), concerning powers
23 and duties of mayors, is amended to read as follows:

24 (ii) An ordinance, an order, or a resolution or part
25 thereof, vetoed by the mayor is invalid unless, after the written statement
26 is laid before it, the council, by a vote of two-thirds (2/3) of all the
27 ~~aldermen~~ council members elected thereto, passes it over the veto.

28
29 SECTION 27. Arkansas Code § 14-44-103 is amended to read as follows:

30 14-44-103. Election of ~~aldermen~~ council members.

31 (a)(1) Except as provided under subdivision (a)(3) of this section, on
32 the Tuesday following the first Monday in November 1982, and every two (2)
33 years thereafter, the qualified voters in cities of the second class shall
34 elect for each of the wards of these cities two (2) ~~aldermen~~ council members,
35 who shall compose the city council.

36 (2) The qualified electors of every city of the second class

1 shall elect from each ward of the city two (2) ~~aldermen~~ council members, who
2 shall be designated as "~~alderman~~ council member number one" and "~~alderman~~
3 council member number two" of the ward.

4 (3)(A) A candidate for the office of ~~alderman~~ council member
5 shall designate the number of the ~~alderman's~~ council member's office that the
6 candidate is seeking on the petition filed pursuant to § 14-42-206.

7 (B) When this designation has been made, the candidate
8 shall not be permitted thereafter to change the designation on that petition.

9 (C) The county clerk shall not accept a petition for
10 filing that does not designate the number of the office of ~~alderman~~ council
11 member sought.

12 (D) Each city shall maintain in its records a document
13 showing the name of each ~~alderman~~ council member and the number of the office
14 which the candidate holds.

15 (4)(A) The city council of a city of the second class may refer
16 to voters an ordinance on the question of electing the two (2) ~~aldermen~~
17 council members for each ward to four-year terms.

18 (B) The voters shall vote on the ordinance at a general
19 election or at a special election called for that purpose by proclamation of
20 the mayor in accordance with § 7-11-201 et seq. However, the election to
21 approve the four-year election procedure shall be held no later than February
22 1 of the year of the general election in which the procedure is proposed to
23 be effective.

24 (5)(A) If this procedure is adopted by ordinance referred to and
25 approved by the voters of the city, the initial term for the ~~alderman~~ council
26 member designated as "~~alderman~~ council member number one" of each ward shall
27 be a four-year term at the next general election.

28 (B) The initial term for the ~~alderman~~ council member
29 designated as "~~alderman~~ council member number two" of each ward shall be a
30 two-year term at the next general election, and thereafter shall be a four-
31 year term, resulting in staggered terms for the ward.

32 (6)(A) The city council may refer to voters an ordinance on the
33 question of returning the city to electing ~~aldermen~~ council members to two-
34 year terms using the procedures of subdivisions (a)(4)-(7) of this section.

35 (B) If the voters approve returning a city to two-year
36 terms, all ~~aldermen~~ council members shall be elected to two-year terms at the

1 next general election and thereafter.

2 (7) The city council may not refer to voters another question on
3 electing ~~aldermen~~ council members to four-year terms or on returning the city
4 to electing ~~aldermen~~ council members to two-year terms unless at least four
5 (4) years have passed since the last election on changing the ~~aldermanic~~
6 council members' terms.

7 (b)(1)(A) A candidate for the office of ~~alderman~~ council member in a
8 city of the second class shall reside in the ward from which he or she seeks
9 to be elected and shall run for election at large, except if the ~~alderman~~
10 council member is elected by ward under subsection (c) of this section.

11 (B) All of the qualified electors of the city shall be
12 entitled to vote in the election.

13 (C) Provision shall be made by the election commissioners
14 in these cities so that the qualified electors of each ward shall have at
15 least one (1) voting precinct in each ward where the resident electors
16 thereof may cast their ballots.

17 (2) If any duly elected ~~alderman~~ council member shall cease to
18 reside in the ward from which he or she was elected, that person shall be
19 disqualified to hold the office and a vacancy shall exist, which shall be
20 filled as prescribed by law.

21 (c)(1)(A) The city council of any such city is empowered and
22 authorized to provide, by ordinance, that all ~~aldermen~~ council members be
23 elected by ward, in which event each ~~alderman~~ council member shall be voted
24 upon by the qualified electors of the ward from which the person is a
25 candidate.

26 (B)(i) When so provided by city ordinance, the name of the
27 candidate shall appear upon the ballot only in the ward in which he or she is
28 a candidate.

29 (ii) The city council of these cities may provide
30 for the election of one (1) ~~alderman~~ council member from each ward citywide
31 and the other ~~aldermen~~ council members from each ward by the voters of the
32 ward only.

33 (2) All such cities choosing to elect all ~~aldermen~~ council
34 members by wards or part by wards shall provide, in the manner provided by
35 law, for the establishment of wards of substantially equal population in
36 order that each ~~alderman~~ council member elected from each ward shall

1 represent substantially the same number of people in the city.

2 (d) Cities of the second class that elect their ~~aldermen~~ council
3 members citywide may have one (1) public place only for holding elections.

4

5 SECTION 28. Arkansas Code § 14-44-104 is amended to read as follows:

6 14-44-104. Vacancy in ~~alderman's~~ council member's office.

7 (a) ~~Whenever~~ If a vacancy occurs in the office of ~~alderman~~ council
8 member in any city of the second class, at the first regular meeting after
9 the occurrence of the vacancy, the city council shall proceed to elect, by a
10 majority vote of the council, ~~an alderman~~ a council member to serve for the
11 unexpired term.

12 (b) The election to fill the vacancy under subsection (a) of this
13 section is not subject to veto by the mayor.

14

15 SECTION 29. Arkansas Code § 14-44-106 is amended to read as follows:

16 14-44-106. Vacancy in mayor's office.

17 ~~Whenever~~ If a vacancy occurs in the office of mayor in any city of the
18 second class, at the first regular meeting after the occurrence of the
19 vacancy, the city council shall proceed to either elect by a majority vote of
20 the ~~aldermen~~ council members a mayor to serve the unexpired term or call for
21 a special election to be held in accordance with § 7-11-101 et seq. to fill
22 the vacancy. At this election, a mayor shall be elected to ~~fill out~~ serve the
23 unexpired term.

24

25 SECTION 30. Arkansas Code § 14-44-107(b)(2)(B), concerning the powers
26 of the mayor, is amended to read as follows:

27 (B) ~~No~~ An ordinance, resolution, or order, or part
28 thereof, vetoed by the mayor shall not have any force or validity unless,
29 after the written statement is laid before it, the council ~~shall pass~~ passes
30 it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council
31 members elected thereto.

32

33 SECTION 31. Arkansas Code § 14-44-112 is amended to read as follows:

34 14-44-112. Vacancy in marshal's office.

35 ~~Whenever~~ If a vacancy ~~shall occur~~ occurs in the office of marshal in
36 any city of the second class, at the first regular meeting after the

1 occurrence of the vacancy, the city council shall proceed to elect by a
 2 majority vote of all the ~~aldermen~~ council members a marshal to serve for the
 3 unexpired term.

4
 5 SECTION 32. Arkansas Code § 14-44-116 is amended to read as follows:

6 14-44-116. Vacancy in office of recorder, treasurer, or recorder-
 7 treasurer.

8 ~~Whenever~~ If a vacancy occurs in the office of recorder, treasurer, or
 9 recorder-treasurer in any city of the second class, at the first regular
 10 meeting after the occurrence of the vacancy, the city council shall elect by
 11 a majority vote of all the ~~aldermen~~ council members a person to serve for the
 12 unexpired term.

13

14 SECTION 33. Arkansas Code § 14-45-101 is amended to read as follows:

15 14-45-101. Corporate authority.

16 (a) The corporate authority of incorporated towns shall vest in a town
 17 council composed of the five (5) ~~aldermen~~ council members who shall be
 18 qualified electors residing within the limits of the corporation and who
 19 shall hold office until their successors are elected and qualified.

20 (b) A majority of the whole number of ~~aldermen~~ council members shall
 21 constitute a quorum for the transaction of business.

22

23 SECTION 34. Arkansas Code § 14-45-102 is amended to read as follows:

24 14-45-102. Election of ~~aldermen~~ council members.

25 (a)(1) Except as provided in subdivision (a)(2) of this section, on
 26 the Tuesday following the first Monday in November 1982 and every two (2)
 27 years thereafter, the qualified voters of incorporated towns shall elect five
 28 (5) ~~aldermen~~ council members.

29 (2)(A) The town council of an incorporated town may refer to the
 30 voters an ordinance on the question of electing the five (5) ~~aldermen~~ council
 31 members to four-year terms.

32 (B)(i) The voters shall vote on the ordinance at a general
 33 election or at a special election called for that purpose.

34 (ii) The election to approve the four-year election
 35 procedure shall be held no later than February 1 of the year of the general
 36 election in which the procedure is proposed to be effective.

1 (C) If this procedure is adopted by an ordinance referred
 2 to and approved by the voters of the town, the initial terms for ~~aldermen~~
 3 council members representing positions numbered "one", "three", and "five"
 4 shall be four-year terms at the next general election and the initial terms
 5 for ~~aldermen~~ council members representing positions numbered "two" and "four"
 6 shall be two-year terms and thereafter four-year terms, resulting in
 7 staggered terms.

8 (D)(i) The town council may refer to voters an ordinance
 9 on the question of returning the town to electing ~~aldermen~~ council members to
 10 two-year terms using the procedures of subdivision (a)(2) of this section.

11 (ii) If the voters approve returning a town to two-
 12 year terms, all ~~aldermen~~ council members shall be elected to two-year terms
 13 at the next general election and thereafter.

14 (E) The town council may not refer to voters another
 15 question on electing ~~aldermen~~ council members to four-year terms or on
 16 returning the town to electing ~~aldermen~~ council members to two-year terms
 17 unless at least four (4) years have passed since the last election on
 18 changing the terms of ~~aldermen~~ council members.

19 (b)(1) A candidate for the office of ~~alderman~~ council member shall
 20 designate the number of the office for ~~alderman~~ council member that the
 21 candidate is seeking on the petition filed pursuant to § 14-42-206.

22 (2) If there is a designation under subdivision (b)(1) of this
 23 section, the candidate shall not change the designation on that petition.

24 (3) The county clerk shall not accept a petition for filing that
 25 does not designate the number of the office for ~~alderman~~ council member
 26 sought.

27 (4) Each town shall maintain in its records a document showing
 28 the name of each ~~alderman~~ council member and the number of the office that
 29 the candidate holds.

30

31 SECTION 35. Arkansas Code § 14-45-103 is amended to read as follows:
 32 14-45-103. Vacancies.

33 (a) When a vacancy occurs in the office of ~~alderman~~ council member in
 34 an incorporated town, at the first regular meeting after the occurrence of
 35 the vacancy, the town council shall elect by a majority vote of the town
 36 council an ~~alderman~~ a council member to serve for the unexpired term.

1 (b) When a vacancy occurs in the office of mayor in an incorporated
 2 town, at the first regular meeting after the occurrence of the vacancy, the
 3 town council shall:

4 (1) Elect by a majority vote of the ~~aldermen~~ council members a
 5 mayor to serve the unexpired term; or

6 (2)(A) Call for a special election to be held in accordance with
 7 § 7-11-101 et seq. to fill the vacancy.

8 (B) At the special election, a mayor shall be elected to
 9 complete the unexpired term.

10

11 SECTION 36. Arkansas Code § 14-45-105(b)(2)(B), concerning the powers
 12 of the mayor, is amended to read as follows:

13 (B) ~~No~~ An ordinance, resolution, or order, or part
 14 thereof, vetoed by the mayor shall not have any force or validity unless,
 15 after the written statement is laid before it, the council ~~shall pass~~ passes
 16 it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council
 17 members elected thereto.

18

19 SECTION 37. Arkansas Code § 14-47-105(b), concerning governmental
 20 forms, is amended to read as follows:

21 (b) The form of government of a municipality operating under the
 22 control of a municipal council, pursuant to either § 14-43-201 et seq. or §
 23 14-44-101 et seq., is called the ~~aldermanic~~ mayor-council form of government.

24

25 SECTION 38. Arkansas Code § 14-47-107 is amended to read as follows:

26 14-47-107. Subsequent election on ~~aldermanic~~ mayor-council form of
 27 government.

28 (a)(1) After the expiration of six (6) years after the date on which
 29 the first board of directors takes office in a city organized under this
 30 chapter, a petition may be presented to the mayor. It shall be signed by
 31 electors equal in number to fifteen percent (15%) of the aggregate number of
 32 ballots cast for the position of mayor in the immediately preceding mayoral
 33 general election. Whereupon, the mayor by proclamation shall submit the
 34 question of organization of the city under the ~~aldermanic~~ mayor-council form
 35 of government at a special election to be held in accordance with § 7-11-201
 36 et seq.

1 (2) The proclamation shall be published at length one (1) time
2 in some newspaper published in the city. Notice of the election shall be
3 published in some newspaper published in the city one (1) time a week for two
4 (2) weeks, the first publication to be not less than fifteen (15) days before
5 the date set for the election. No other notice of the election shall be
6 necessary.

7 (b) If the plan is not adopted by a majority of the voters voting upon
8 that issue at the special election called, the question of adopting the
9 ~~aldermanic~~ mayor-council form of government shall not be resubmitted to the
10 voters of the city for adoption within four (4) years thereafter. Then the
11 question to adopt shall be resubmitted upon the presentation to the mayor of
12 a petition signed by electors equal in number to fifteen percent (15%) of the
13 aggregate number of votes cast for the position of mayor in the immediately
14 preceding mayoral general election.

15 (c) At the special election for the submission or resubmission of the
16 proposition, the ballots shall read:

17
18 "FOR the proposition to organize this city under the ~~aldermanic~~ mayor-council
19 form of government

20
21 AGAINST the proposition to organize this city under the ~~aldermanic~~ mayor-
22 council form of government

23
24 (d)(1) The election thereupon shall be conducted, the votes canvassed,
25 and the result declared in the same manner as provided by law in respect to
26 other city elections.

27 (2)(A) The county board of election commissioners shall certify
28 the result to the mayor.

29 (B) The result shall be conclusive and not subject to
30 attack unless suit is brought within thirty (30) days after the certification
31 by the county board of election commissioners in the circuit court of the
32 county in which the city is situated to contest the certification.

33 (e) If the majority of the votes cast on the issue shall be in favor
34 thereof, the city shall thereupon proceed to the election of all of the city
35 officials who were subject to election in the city immediately prior to the
36 date on which the city was organized under the management form of city

1 government.

2 (f) If no suit is brought to contest the certification of the results
3 of the election within the thirty-day period after the certification, the
4 mayor shall file certificates stating that the proposition was adopted with
5 the Secretary of State and county clerk of the county in which the city is
6 situated.

7 (g)(1) The election of the city officials shall be held at the next
8 time provided for the election of city officials under the statutes then in
9 effect pertaining to the ~~aldermanic~~ mayor-council form of government
10 pertaining to the class of cities to which the particular city belongs.

11 (2)(A) All laws pertaining to the ~~aldermanic~~ mayor-council form
12 of government for such class of cities shall apply.

13 (B)(i) On the date as prescribed by such laws when newly
14 elected city officials take office, the term of office of all members of the
15 board of directors shall terminate, and the transition to the ~~aldermanic~~
16 mayor-council form of government shall be completed.

17 (ii) If, under the ~~aldermanic~~ mayor-council form of
18 government, the terms of ~~aldermen~~ council members are staggered,
19 determination shall be made by lot and the length of the terms fixed
20 accordingly.

21 (h) The provisions of this section for converting to the ~~aldermanic~~
22 mayor-council form of government shall be in addition to the right to change
23 to the ~~aldermanic~~ mayor-council or any other form of municipal government
24 that may exist under present law.

25 (i)(1) When a municipality elects to adopt the ~~aldermanic~~ mayor-
26 council form of government in the manner provided in this section, the
27 question of reorganizing the municipality under the manager form shall not be
28 submitted to the electors within a period of six (6) years, and thereafter
29 only in the manner provided in § 14-47-106.

30 (2) If the qualified electors of the municipality do not approve
31 the organization of the municipality under the manager form at the election,
32 the proposition shall not again be submitted to the electors of the city for
33 a period of four (4) years, and then only in the manner provided in § 14-47-
34 106.

35

36 SECTION 39. Arkansas Code § 14-47-108(a)(2)(A), concerning effect of

1 reorganization, is amended to read as follows:

2 (A) The office of mayor, as existing under the ~~aldermanic~~
3 mayor-council form of government, all memberships on the city council, and
4 all memberships on the board of public affairs shall become vacant, each of
5 these offices being abolished as to cities reorganized under this chapter;

6

7 SECTION 40. Arkansas Code § 14-47-120(4)(B)(i), concerning powers and
8 duties of a city manager, is amended to read as follows:

9 (B)(i) He or she may remove from office all officials and
10 employees, including, ~~without limiting the foregoing limitation,~~ members of
11 any board, authority, or commission who under laws, whether applicable to
12 cities under the ~~aldermanic~~ mayor-council or management form of government,
13 may be removed by the city's legislative body.

14

15 SECTION 41. Arkansas Code § 14-47-120(10), concerning powers of a city
16 manager, is amended to read as follows:

17 (10) He or she shall have all powers, except those involving the
18 exercise of sovereign authority, which, under statutes applicable to
19 municipalities under the ~~aldermanic~~ mayor-council form of government or under
20 ordinances and resolutions of the city in effect at the time of its
21 reorganization, may be vested in the mayor; and

22

23 SECTION 42. Arkansas Code § 14-47-133(b), concerning appointees, is
24 amended to read as follows:

25 (b) This section ~~shall be~~ is applicable even in respect to offices and
26 employments which, under statutes applicable to the ~~aldermanic~~ mayor-council
27 form of government, were held for a fixed term or on a salary basis fixed by
28 statute.

29

30 SECTION 43. Arkansas Code § 14-48-102(c), concerning savings
31 provisions, is amended to read as follows:

32 (c) In cities having the commission form of government immediately
33 preceding the adoption of the city administrator form of government, the
34 board of directors elected under the authority of this chapter may organize
35 or reorganize by ordinance duly adopted any municipal board, commission,
36 authority, agency, or department pursuant to the authority provided in the

1 general laws of the state for municipalities having the ~~mayor-aldermanic~~
2 mayor-council form of government. However, no reorganization shall be lawful
3 which impairs the validity of existing contracts.

4
5 SECTION 44. Arkansas Code § 14-48-104(a), concerning election on
6 governmental organization, is amended to read as follows:

7 (a) When petitions shall be filed with the county clerk containing the
8 signatures of qualified electors of a municipality equal in number to fifteen
9 percent (15%) of the aggregate number of votes cast at the preceding general
10 municipal election for all candidates for mayor in cases ~~where~~ in which a
11 municipality operates under the ~~aldermanic~~ mayor-council form of government
12 or the commission form of government and, for all candidates for the office
13 of director, then for the director position for which the greatest number of
14 votes were cast in the case of a municipality operating under the city
15 manager form of government, and the petition requests that an election be
16 called to submit the proposition of organizing the municipality under the
17 city administrator form of municipal government authorized by this chapter,
18 then within ten (10) days after the filing of the petition, the county clerk
19 shall certify to the Secretary of State the number of qualified electors
20 whose signatures appear on the petitions.

21
22 SECTION 45. Arkansas Code § 14-48-106(a)(2)(A), concerning effect of
23 reorganization, is amended to read as follows:

24 (A) The office of mayor and the offices of the members of
25 the city council in the case of the ~~mayor-aldermanic~~ mayor-council form of
26 government, the office of mayor and the offices of the other members of the
27 board of commissioners in the case of the commission form of government, and
28 the office of the mayor, the board of directors, and the city manager in the
29 case of the city manager form of government shall become vacant;

30
31 SECTION 46. Arkansas Code § 14-48-117(4), concerning powers and duties
32 of a city administrator, is amended to read as follows:

33 (4)(A) He or she shall nominate, subject to confirmation by the
34 board, persons to fill all vacancies at any time occurring in any office,
35 employment, board, authority, or commission to which the board's appointive
36 power extends.

1 (B)(i) He or she may remove from office all officials and
2 employees, including, ~~but not limited to~~ without limitation, members of any
3 board, authority, or commission who, under existing or future laws, whether
4 applicable to cities under the ~~aldermanic~~ mayor-council, manager, or
5 commission form of government, may be removed by the city's legislative body.

6 (ii)(a) Removal by the city administrator shall be
7 approved by the board.

8 (b) Where When, under the statute applicable
9 to any specific employment or office, the incumbent may be removed only upon
10 the vote of a specified majority of the city's legislative body, the removal
11 of the person by the city administrator may be confirmed only upon the vote
12 of the specified majority of the board members.

13 (C) However, ~~the provisions of~~ this subdivision (4) ~~shall~~
14 ~~have no application~~ does not apply to offices and employments controlled by
15 any civil service or merit plan lawfully in effect in the city;

16
17 SECTION 47. Arkansas Code § 14-48-117(10), concerning powers and
18 duties of a city administrator, is amended to read as follows:

19 (10) He or she shall have all powers except those involving the
20 exercise of sovereign authority, which under statutes applicable to
21 municipalities under the ~~aldermanic~~ mayor-council form of government or under
22 ordinances and resolutions of the city in effect at the time of its
23 reorganization may be vested in the mayor;

24
25 SECTION 48. Arkansas Code § 14-48-120(f), concerning board meetings,
26 is amended to read as follows:

27 (f) All laws in effect on February 2, 1967, regarding the proceedings
28 of the city council of a city operating under the ~~mayor-aldermanic~~ mayor-
29 council form of government and not inconsistent with the provisions of this
30 chapter, including those laws prescribing the procedure for the adoption,
31 enactment, and publication of ordinances and resolutions, shall govern the
32 proceedings of the board provided for in this section.

33
34 SECTION 49. Arkansas Code § 14-55-204 is amended to read as follows:

35 14-55-204. Approval of appropriations.

36 All bylaws, ordinances, resolutions, or orders for the appropriation of

1 money shall require for their passage or adoption the concurrence of a
 2 majority of the ~~aldermen~~ council members of any municipal corporation.

3

4 SECTION 50. Arkansas Code § 14-88-305 is amended to read as follows:

5 14-88-305. Removal of member.

6 (a)(1) The city or town council may remove a municipal board of
 7 improvement or any member of the board by a two-thirds vote of the whole
 8 number of ~~aldermen~~ council members elected to the council.

9 (2)(A) Removal shall be for cause only, including without
 10 limitation noncompliance with state or federal law or local ordinance, and
 11 after a hearing upon sworn charges proffered in writing by a real property
 12 owner in the improvement district.

13 (B) Ten (10) days' notice of the hearing of the charges
 14 shall be given.

15 (b) The council may remove the board or any member of the board by a
 16 vote of a majority of the whole number of ~~aldermen~~ council members elected to
 17 the council, upon the written petition of fifteen percent (15%) of the owners
 18 of real property located within the improvement district stating that the
 19 petitioners believe it to be in the best interest of the improvement
 20 district, and after a mandatory hearing upon ten (10) days' notice to each
 21 member of the board affected.

22

23 SECTION 51. Arkansas Code § 14-186-402 is amended to read as follows:

24 14-186-402. Definitions.

25 As used in this subchapter, ~~unless the context otherwise requires:~~

26 ~~(1) "Municipality" means any city of the first or second class,~~
 27 ~~or any incorporated town in the State of Arkansas;~~

28 ~~(2) "Mayor" means the mayor of municipalities having the mayor-~~
 29 ~~aldermanic mayor-council form of government and the presiding officer of~~
 30 ~~municipalities having a commission or other form of government;~~

31 ~~(3) "Legislative body" means the council of municipalities~~
 32 ~~having the mayor-aldermanic mayor-council form of government and the~~
 33 ~~commission, or other governing body, of municipalities having a commission or~~
 34 ~~other form of government;~~

35 (1) "Legislative body" means the council of municipalities
 36 having the mayor-council form of government and the commission, or other

1 governing body, of municipalities having a commission or other form of
 2 government;

3 (2) "Mayor" means the mayor of municipalities having the mayor-
 4 council form of government and the presiding officer of municipalities having
 5 a commission or other form of government;

6 (3) "Municipality" means a city of the first class, a city of
 7 the second class, or an incorporated town in the State of Arkansas; and

8 (4) "Port" means ports, harbors, and river-rail barge terminals,
 9 together with wharves, docks, piers, quays, elevators, compresses,
 10 refrigeration storage plants, warehouses, landing places and basins, and
 11 other structures, and ~~any and~~ all facilities needful for the convenient use
 12 of them, including:

13 (A) The dredging of approaches to them and the
 14 construction of belt line roads and highways and bridges and causeways on
 15 them;

16 (B) Other bridges and causeways necessary or useful in
 17 connection with them; and

18 (C) Shipyards, shipping facilities, and transportation
 19 facilities incident to them and useful or convenient for the use of them,
 20 including terminal railroads, in their entirety, or any integral part of
 21 them.

22
 23 SECTION 52. Arkansas Code § 14-201-325 is amended to read as follows:
 24 14-201-325. Disposition of profits.

25 Any profits derived by any of the boards of public utilities created
 26 under this subchapter, after there has been set aside from the earnings a sum
 27 sufficient to pay all outstanding indebtedness of the plants or sewerage
 28 systems under the control of the board and a sum sufficient to provide for
 29 expenses, extensions, and enlargements found necessary, or which may be
 30 reasonably anticipated, shall be used by the board to retire any outstanding
 31 bonds or interest thereon issued by any of the boards of improvement of the
 32 district constructing the plants under its control. In case there are no such
 33 outstanding bonds or interest or when all of such outstanding bonds and
 34 interest thereon have been paid, such profits shall be paid to the treasurer
 35 of the city or town wherein the board is created. These funds are to be used
 36 by the ~~board of aldermen of the city or town~~ council to defray any expense or

1 pay any debt of the city or town.

2

3 SECTION 53. Arkansas Code § 14-234-501 is amended to read as follows:
4 14-234-501. Definitions.

5 As used in this subchapter, ~~unless the context requires otherwise:~~

6 ~~(1) "Municipality" means any city of the first or second class~~
7 ~~or any incorporated town in the State of Arkansas;~~

8 ~~(2) "Waterworks system" means and includes the waterworks system~~
9 ~~in its entirety or any integral part thereof including mains, hydrants,~~
10 ~~meters, valves, standpipes, storage tanks, pumping plants, intakes, wells,~~
11 ~~impounding reservoirs, or purification plants;~~

12 ~~(3) "Mayor" means the mayor of municipalities having the mayor-~~
13 ~~aldermanic mayor council form of government and the presiding officer of~~
14 ~~municipalities having a commission or other form of government;~~

15 ~~(4) "Net revenues" means the revenues of the waterworks system~~
16 ~~remaining after the payment of the reasonable costs of operation, repair,~~
17 ~~maintenance, and depreciation~~

18 (1) "Mayor" means the mayor of municipalities having the mayor-
19 council form of government and the presiding officer of municipalities having
20 a commission or other form of government;

21 (2) "Municipality" means a city of the first class, a city of
22 the second class, or an incorporated town in the State of Arkansas;

23 (3) "Net revenues" means the revenues of the waterworks system
24 remaining after the payment of the reasonable costs of operation, repair,
25 maintenance, and depreciation; and

26 (4) "Waterworks system" means and includes the waterworks system
27 in its entirety or any integral part thereof including mains, hydrants,
28 meters, valves, standpipes, storage tanks, pumping plants, intakes, wells,
29 impounding reservoirs, or purification plants.

30

31 SECTION 54. Arkansas Code § 14-301-114(a), concerning certain deeds,
32 is amended to read as follows:

33 (a) All deeds or conveyances of any street, alley, or public ground,
34 or any portion of streets, alleys, or public grounds, executed by any city of
35 the first class, city of the second class, or incorporated town in the State
36 of Arkansas, conveying all or any portion of the street, alley, or public

1 ground which before the making of the deed had been dedicated to public use,
2 and made by authority of the city or town council ~~or board of aldermen~~ of the
3 city or incorporated town named as grantor in the deed, prior to 1960, shall
4 be validated.

5
6 SECTION 55. Arkansas Code § 26-77-102(a), concerning license taxes, is
7 amended to read as follows:

8 (a) Any city council, or board of commissioners, ~~or board of aldermen~~
9 of any municipal corporation in this state shall have the power to enact by a
10 two-thirds ~~(2/3)~~ vote of all members elected thereto ordinances requiring any
11 person, firm, individual, or corporation who shall engage in, carry on, or
12 follow any trade, business, profession, vocation, or calling, within the
13 corporate limits of the city or town, to pay a license fee or tax, except
14 such persons, firms, individuals, or corporations who pay a tax to the city,
15 town, or state on gross incomes or premium incomes and except their agents.

16
17 SECTION 56. Arkansas Code § 26-77-103(a), concerning liability, is
18 amended to read as follows:

19 (a) In ascertaining the persons, firms, individuals, or corporations
20 liable to pay license for the privilege of engaging in any trade, business,
21 profession, vocation, or calling in any city or town, the city council, or
22 board of commissioners, ~~or board of aldermen~~ may be governed by the list of
23 persons, firms, individuals, or corporations as shown by the latest records
24 of the county assessor of the county where the city or town is situated.

25
26 SECTION 57. Arkansas Code § 26-77-105(a), concerning rules and
27 regulations, is amended to read as follows:

28 (a) The city council, or board of commissioners, ~~or board of aldermen~~
29 of any city or town by ordinance shall provide all rules and regulations for
30 the payment of a license for the privilege of engaging in any trade,
31 business, profession, vocation, or calling in the city or town.

32
33
34
35
36

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY HOW A MUNICIPALITY MAY ACCEPT
9 COMPETITIVE BIDS; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT TO CLARIFY HOW A MUNICIPALITY MAY
12 ACCEPT COMPETITIVE BIDS.
13

14
15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 14-47-138(a), concerning competitive
20 bidding in a city manager form of government, is amended to read as follows:

21 (a)(1) Before making ~~any~~ a purchase of or contract for ~~any~~ supplies,
22 materials, or equipment, and before obligating the city under ~~any~~ a contract
23 for the performance of services or for the construction of municipal
24 improvements, ~~where~~ in which the anticipated cost to the city of the
25 transaction exceeds the maximum amount established by the board of directors
26 under the authority of § 14-47-120, opportunity for competitive bidding shall
27 be given under such rules and regulations as the board may prescribe by
28 ordinance, and the contract shall be consummated only on a bid approved by
29 the city manager and by the board.

30 (2) Competitive bids may be accepted in the form of a written
31 bid or by electronic media.
32

33 SECTION 2. Arkansas Code § 14-58-303(b)(2), concerning purchases and
34 contracts, is amended to add an additional subdivision to read as follows:

35 (C) Cities of the first class, cities of the second class,
36 and incorporated towns may accept competitive bids in the following forms:

1
2
3
4
5
6
7
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- (i) Written; or
- (ii) Electronic media.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO ALLOW DIFFERENT ADDRESSES OF RECORD TO BE
9 USED WHEN SENDING NOTICES TO PROPERTY OWNERS FOR CODE
10 VIOLATIONS THAT COULD RESULT IN LIENS; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13 TO ALLOW DIFFERENT ADDRESSES OF RECORD TO
14 BE USED WHEN SENDING NOTICES TO PROPERTY
15 OWNERS FOR CODE VIOLATIONS THAT COULD
16 RESULT IN LIENS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 14-54-903(c)(6)(B), concerning owner
24 compliance, is amended to read as follows:

25 (B) Notice to an owner is sufficient if sent to the
26 owner's address of record on file with the applicable county treasurer, ~~or~~
27 county collector, or county assessor.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
SENATE BILL

5 By: Senator J. Hutchinson
6

For An Act To Be Entitled

8 AN ACT CONCERNING CIVIL SUITS IN CONNECTION WITH
9 CRIMINAL ACTIVITY; AND FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING CIVIL SUITS IN CONNECTION WITH
12 CRIMINAL ACTIVITY.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 5-74-109(b), concerning the declaration of
20 a common nuisance, is amended to read as follows:

21 (b) Common Nuisance Declared. Any premises, building, or place ~~used to~~
22 ~~facilitate~~ in which the commission of a continuing series of three (3) or
23 more criminal violations of Arkansas law occurs is declared to be detrimental
24 to the law-abiding citizens of the state and may be subject to an injunction,
25 a court-ordered eviction, or a cause of action for damages as provided for in
26 this subchapter.
27

28 SECTION 2. Arkansas Code § 5-74-109(c)(1), concerning actions to
29 abate, is amended to read as follows:

30 (1)(A) ~~When~~ If there is reason to believe a common nuisance
31 under subsection (b) of this section is kept or maintained, or exists in ~~any~~
32 a county, the prosecuting attorney of the county in the name of the state, or
33 the city attorney of ~~any incorporated city~~ a municipality, or ~~any a~~ a citizen
34 of the state or a resident of the county in his or her own name, may enjoin
35 permanently the person conducting or maintaining the common nuisance and the
36 owner, lessee, or agent of the building or place in or upon which the common

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1 nuisance exists from directly or indirectly maintaining or permitting the
2 common nuisance.

3 (B)(i) An enjoining entity or citizen under subdivision
4 (c)(1)(A) of this section shall provide notice of the alleged common nuisance
5 to the owner, lessee, or agent of the premises, building, or place.

6 (ii) Within ninety (90) days of issuance of the
7 notice required under subdivision (c)(1)(B)(i) of this section, the owner,
8 lessee, or agent shall make a reasonable effort to cooperate with the
9 enjoining entity or citizen in making reasonable attempts to cure the common
10 nuisance.

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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
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 DISTRICT COURT
9 CLERK EMPLOYMENT; AND FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING DISTRICT COURT CLERK
12 EMPLOYMENT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 Section 1. Arkansas Code § 16-17-211(a), concerning district court
20 clerks, is amended to read as follows:

21 (a)(1) The judge of any district court may appoint a clerk for the
22 court, who shall be designated and known as the district court clerk.

23 (2) The district court clerk employed by a city or county is
24 governed by the employee handbook and policies of the city or county.

25 (3) If a district court clerk is employed by more than one (1)
26 city or county, then the employing cities or counties, or both, shall
27 determine by written agreement the apportionment of expenses and the
28 applicable employee handbook and policies.

29 (4) The district court judge shall ensure compliance with the
30 applicable employee handbook, policies, procedures, practices, ordinances,
31 and resolutions of the city or county, or both, consistent with Canon 2 of
32 the Arkansas Code of Judicial Conduct.
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE USE OF HIGHWAY REVENUES FOR
9 THE PAVING OF MUNICIPAL PARKING LOTS; AND FOR OTHER
10 PURPOSES.

Subtitle

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13 TO AUTHORIZE THE USE OF HIGHWAY REVENUES
14 FOR THE PAVING OF MUNICIPAL PARKING LOTS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 27-70-207(c)(1), concerning city and county
21 funds, is amended to add an additional subdivision to read as follows:

22 (C) A city may use these funds to construct and maintain
23 parking for city administration buildings, city recreation buildings, and
24 city parks, and to construct and maintain sidewalks that serve city
25 administration buildings, city recreational buildings, city-owned parking
26 lots, city-owned parking decks, city parks, and other publicly owned
27 property.
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND PORTIONS OF THE LAW RESULTING FROM
9 INITIATED ACT NO. 1 OF 1942 CONCERNING THE CONTROL OF
10 ALCOHOL SALES WITHIN A CITY OR TOWN; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AMEND PORTIONS OF THE LAW RESULTING
15 FROM INITIATED ACT NO. 1 OF 1942
16 CONCERNING THE CONTROL OF ALCOHOL SALES
17 WITHIN A CITY OR TOWN.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 3-8-305 is amended to read as follows:

24 3-8-305. Elections for entire county, district, or city – Effect.

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

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

34 (3) If, at an election for the entire county, the majority of
35 the legal votes cast are in favor of the sale, barter, or loan of any
36 liquors, the election shall not operate to make it legal to grant license to

1 sell, barter, or loan such liquors in any territorial division of the county
 2 from which the sale, barter, or loan has been excluded by an election held
 3 under this subchapter, but the status of the territorial division shall
 4 remain as if ~~no~~ an election for the entire county had not been held.

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

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

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

15 (c) This section does not limit, alter, or abridge the rights of a
 16 municipality under § 3-8-603.

17

18 SECTION 2. Arkansas Code § 3-8-601 is amended to read as follows:
 19 3-8-601. Definitions.

20 As used in this subchapter:

21 (1) “Alcoholic beverage” means a beverage containing more than
 22 one-half of one percent (0.5%) alcohol by weight;

23 ~~(1)(2)~~ (2) “Beer” means a fermented liquor made from malt or a malt
 24 substitute and containing not more than five percent (5%) alcohol by weight;

25 ~~(2)(3)~~ (3) “Defunct voting district” means a voting district that:

26 (A) Existed at the time its qualified voters voted to be
 27 dry;

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

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

31 ~~(3)(4)~~ (4) “Dry” means a county or territorial subdivision that
 32 voted to prohibit the manufacture or sale of intoxicating liquor under
 33 Initiated Act No. 1 of 1942, as amended, §§ 3-8-201 – 3-8-203 and 3-8-205 –
 34 3-8-209, or under §§ ~~3-8-302 [repealed]~~, 3-8-303, ~~3-8-304 [repealed]~~, 3-8-
 35 305, and 3-8-306;

36 ~~(4)(5)~~ (5) “Malt beverage” means a liquor brewed from the fermented

1 juices of grain and having an alcoholic content of not less than five percent
 2 (5%) and not more than twenty-one percent (21%) of alcohol by weight;

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

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

9 ~~(6)~~(8) "Territorial subdivision" means a township, municipality,
 10 ward, or precinct of a county of the state;

11 ~~(7)~~(9) "Vinous beverage" means the fermented juices of fruits or
 12 a mixture containing the fermented juices of fruits containing more than five
 13 percent (5%) and not more than twenty-one percent (21%) alcohol by weight;

14 ~~(8)~~(10) "Voting district" means a geographical area of qualified
 15 voters of a county in this state; and

16 ~~(9)~~(11) "Wet" means a county or territorial subdivision that
 17 voted to permit the manufacture or sale of intoxicating liquor under
 18 Initiated Act No. 1 of 1942, as amended, §§ 3-8-201 - 3-8-203 and 3-8-205 -
 19 3-8-209, or under §§ ~~3-8-302 [repealed]~~, 3-8-303, ~~3-8-304 [repealed]~~, 3-8-
 20 305, and 3-8-306.

21
 22 SECTION 3. Arkansas Code Title 3, Chapter 8, Subchapter 6, is amended
 23 to add an additional section to read as follows:

24 3-8-603. Local option election - Municipalities.

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

29 (2) The manufacture and sale of alcoholic beverages under this
 30 section includes without limitation:

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

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

35 (b) An election to permit the manufacture and sale of alcoholic
 36 beverages within the corporate boundaries of a municipality identified in

1 subdivision (a)(1) of this section shall be held as follows:

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

4 (2)(A) When thirty-eight percent (38%) of the qualified electors
5 of the municipality, as shown on county voter registration records, sign a
6 petition requesting a local option election, the county clerk shall determine
7 the sufficiency of the petition within ten (10) days of the filing of the
8 petition.

9 (B) If the county clerk verifies that thirty-eight percent
10 (38%) of the qualified electors of the municipality have signed the petition,
11 the county clerk shall certify that finding to the county board of election
12 commissioners.

13 (C) The question shall be placed upon the ballot in the
14 municipality at the next biennial November general election, as provided in §
15 3-8-101.

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

18 (3)(A) The election shall be conducted in the manner provided by
19 § 3-8-206(a) and (b).

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

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

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

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

36 (c)(1) A majority vote of the qualified electors residing within the

1 boundaries of the municipality shall determine whether or not alcoholic
2 beverages may be sold or manufactured under subdivision (a)(2) of this
3 section within the boundaries of the municipality.

4 (2) The local option elections for more than one (1)
5 municipality may be held simultaneously or on different dates.

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

9 (e) If the majority of the qualified voters in the local option
10 election vote:

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

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

21 (f) To the extent that any of the provisions of this section conflict
22 with proceedings pursuant to Initiated Act No. 1 of 1942, under § 3-8-201 et
23 seq., the provisions of this section control.

24
25 SECTION 4. Arkansas Code § 14-43-605 is amended to read as follows:
26 14-43-605. Alcoholic beverages.

27 No A municipality may authorize the sale or consumption of alcoholic
28 beverages by adoption of an ordinance referring the matter to the qualified
29 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 91st General Assembly
3 Regular Session, 2017
4

DRAFT KLC/KLC
HJR

5 By: Representative <NA>
6

7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
9 RETIREMENT SALARY AND PENSION FUNDS FOR MUNICIPAL
10 POLICE OFFICERS AND MUNICIPAL FIREFIGHTERS.
11

12 **Subtitle**

13 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
14 CONCERNING RETIREMENT SALARY AND PENSION
15 FUNDS FOR MUNICIPAL POLICE OFFICERS AND
16 MUNICIPAL FIREFIGHTERS.
17

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19
20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL
21 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
22 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
23

24 THAT the following is proposed as an amendment to the Constitution of
25 the State of Arkansas, and upon being submitted to the electors of the state
26 for approval or rejection at the next general election for Representatives
27 and Senators, if a majority of the electors voting thereon at the election
28 adopt the amendment, the amendment shall become a part of the Constitution of
29 the State of Arkansas, to wit:
30

31 SECTION 1. Arkansas Constitution Amendment 31, Section 1, is amended
32 to read as follows:

33 § 1. Election on question – Tax levy.

34 After consent of the majority of those voting on the question at any
35 general or special election in ~~cities of the first or second class~~ a city of
36 the first class, a city of the second class, or an incorporated town, the

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1 ~~cities may~~ city or town annually thereafter, after the vote may levy a tax on
2 the assessed value of real and personal property, not to exceed ~~two~~ four (4)
3 mills on the dollar, from which there shall be created a Fund to pay
4 Retirement Salaries and pensions to policemen and firemen theretofore or
5 thereafter earned, and pensions to the widows and minor children of such, as
6 may be provided by law. The annual levy for the Policeman's Retirement
7 Salary and Pension Fund shall not exceed ~~one mill~~ two (2) mills on the
8 dollar, and the annual levy for the Fireman's Retirement Salary and Pension
9 Funds, shall not exceed ~~one mill~~ two (2) mills on the dollar. The manner of
10 such levy of the tax, and the eligibility for the retirement salaries and
11 pensions, the several amounts thereof and when payable, shall be such as may
12 be provided by law.

13

14 SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed
15 amendment is submitted to the electors of this state on the general election
16 ballot:

17 (1) The title of this Joint Resolution shall be the ballot
18 title; and

19 (2) The popular name shall be "An Amendment to the Arkansas
20 Constitution Concerning Retirement Salary and Pension Funds for Municipal
21 Police Officers and Municipal Firefighters".

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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE PORTION OF A DISTRICT COURT'S
9 EXPENSES THAT ARE PAID BY A COUNTY, CITY, OR TOWN;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING THE PORTION OF A DISTRICT
13 COURT'S EXPENSES THAT ARE PAID BY A
14 COUNTY, CITY, OR TOWN.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

22 16-17-115. County's, town's, and city's portion of district court
23 expenses - Appropriation.

24 (a) Except as authorized otherwise or by local agreement, ~~the county~~
25 ~~in which a district court is held shall pay one half (1/2) of the salaries of~~
26 ~~the district court judge and each chief district court clerk of any necessary~~
27 expenses appropriated by a municipality for a district court organized in
28 that a county under § 16-17-901 et seq. or § 16-17-1110, and the quorum court
29 in a county subject to § 16-17-901 et seq., at its annual meeting shall make
30 an appropriation of a sum sufficient to pay the county's proportion of the
31 expenses of any such district court. These payments shall be made out of the
32 general revenues of the county shall be apportioned among and paid to the
33 municipality or county by the municipalities, the county, and the state as a
34 prorated amount based on the number of cases filed from each of the
35 municipalities and the county during the preceding year.

36 (b)(1)(A) ~~Except as authorized otherwise, the town or city in which a~~

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1 ~~district court is held shall pay:~~

2 ~~(i) One half (1/2) of the salaries of the district court judge~~
3 ~~and the chief district court clerk; and~~

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

7 (b) An itemized bill shall be prepared by the municipality under
8 subsection (a) of this section that lists the apportioned expenses, and
9 payment shall be made no later than sixty (60) days following the submission
10 by the municipality or the county of the itemized bill.

11 ~~(B)(c)(1) The governing body of the town or city in a town~~
12 ~~or city a municipality or county subject to § 16-17-901 et seq. or § 16-17-~~
13 ~~1110 shall make at its annual meeting an appropriation of a sum sufficient to~~
14 ~~pay the town's or city's municipality's or county's proportion of the~~
15 ~~salaries and operational necessary expenses of the district court under~~
16 ~~subsection (a) of this section.~~

17 ~~(2) These payments~~ A payment under subdivision (c)(1) of this
18 section shall be made out of the general revenues of the town or city
19 municipality or county.

20 ~~(c)(1) Any town or city operating a city court on December 31, 2011,~~
21 ~~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 (c)(1) of this section in calendar year 2012 and subsequent years~~
26 ~~shall be the amount paid by the city or town to the city court judge for the~~
27 ~~calendar year 2011.~~

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

33 ~~(2) Subdivision (d)(1) of this section does not apply to any~~
34 ~~town or city that has abolished a department of district court pursuant to~~
35 ~~state law.~~

36 ~~(e)(d)~~ A district court operated solely by the county shall have the

1 salaries and operational expenses of that district court paid solely by the
2 county unless otherwise agreed to by the political subdivisions that
3 contribute to the expenses of the district court.

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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
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 THE DISCOUNT
9 AVAILABLE TO TAXPAYERS FOR PROMPT SUBMISSION OF SALES
10 TAX RETURNS AND PAYMENTS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO AMEND THE LAW CONCERNING THE
13 DISCOUNT AVAILABLE TO TAXPAYERS FOR
14 PROMPT SUBMISSION OF SALES TAX RETURNS
15 AND PAYMENTS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

23 (a) The General Assembly finds that:

24 (1) The practice of compensating retailers for collecting sales
25 taxes originated in the 1930s;

26 (2) At the time this practice originated, records were kept
27 mainly by hand, and as a result, it made sense to compensate retailers for
28 the costs associated with collecting and remitting sales taxes;

29 (3) Retailers today use electronic cash registers and computers
30 to track their gross receipts and sales tax collections, which reduces the
31 time and resources required to collect and remit sales taxes; and

32 (4) As a result, there is less need to compensate retailers for
33 the costs associated with collecting and remitting sales taxes.

34 (b) The General Assembly intends for this act to more appropriately
35 compensate retailers today for the costs associated with collecting and
36 remitting sales taxes.

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SECTION 2. Arkansas Code § 26-52-503 is amended to read as follows:
26-52-503. Discount for ~~prompt~~ early payment.

(a) At the time of transmitting the returns required under this chapter to the Director of the Department of Finance and Administration, the taxpayer shall remit with the returns to the director ~~ninety-eight percent (98%)~~ ninety-eight and five-tenths percent (98.5%) of the state tax due under ~~the applicable provisions of this chapter and ninety-eight percent (98%)~~ ninety-eight and five-tenths percent (98.5%) of the city and county gross receipts taxes collected by the director.

(b) Failure of the taxpayer to remit the tax on or before the twentieth day of the applicable month shall cause the taxpayer to forfeit his or her claim to the discount, and the taxpayer ~~must~~ shall remit to the director one hundred percent (100%) of the amount of tax plus any penalty and interest due.

(c)(1)(A) ~~For tax payments made on or after February 1, 1993, the~~ The discount for ~~prompt~~ early payment of state tax shall not exceed ~~one thousand dollars (\$1,000)~~ five hundred dollars (\$500) per month for a taxpayer filing monthly gross receipts tax reports.

(B) A taxpayer filing a tax report on a quarterly, annual, or occasional basis ~~shall be~~ is entitled to the discount for early payment of state tax, which shall not exceed ~~one thousand dollars (\$1,000)~~ five hundred dollars (\$500) for each month included in the tax report.

(2)(A) The aggregate state tax discount available to a taxpayer who operates more than one (1) permitted business location within this state and who does not file a consolidated monthly gross receipts tax report for all locations shall not exceed ~~one thousand dollars (\$1,000)~~ five hundred dollars (\$500) per month.

(B) In the case of a corporate taxpayer, ~~that is a parent corporation, and that holds fifty percent (50%) or more of the outstanding shares of one (1) or more corporations, subsidiaries, that that are subsidiaries and that~~ are subject to the tax imposed by this chapter, the aggregate state tax discount available to the parent corporation and all subsidiaries shall not exceed ~~one thousand dollars (\$1,000)~~ five hundred dollars (\$500) per month.

(C) ~~There shall be no limitation~~ The limitations on the

1 ~~discount for state tax discount~~ under this section apply to ~~prompt~~ early
2 payment of city and county gross receipts taxes collected by the director.

3
4 SECTION 3. EFFECTIVE DATE. Section 2 of this act is effective on the
5 first day of the calendar quarter following the effective date of this act.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO ENHANCE LOCAL ECONOMIC DEVELOPMENT EFFORTS;
9 AND FOR OTHER PURPOSES.
10

Subtitle

11
12 TO ENHANCE LOCAL ECONOMIC DEVELOPMENT
13 EFFORTS.
14
15
16

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

19 SECTION 1. Arkansas Code Title 14, Subtitle 10, is amended to add an
20 additional chapter to read as follows:

Chapter 176

21 Local Job Creation, Job Expansion, and Economic Development Act of 2017
22
23

14-176-101. Title.

24 This chapter shall be known and may be cited as the "Local Job
25 Creation, Job Expansion, and Economic Development Act of 2017".
26
27

14-176-102. Definitions.

28 As used in this chapter:
29

30 (1) "Chief executive" means the mayor, city administrator, or
31 city manager of a municipality or the county judge of a county;

32 (2) "County" means a county in the State of Arkansas;

33 (3) "Economic and financial feasibility study" means a written
34 report of the financial records of a municipality or county by an independent
35 certified public accountant, actuary, or other person meeting the approval of
36 Arkansas Legislative Audit;

DRAFT

12-13-2016 12:57:22 KLC033

1 (4) "Economic development project" means the land, buildings,
 2 furnishings, equipment, facilities, infrastructure, and improvements that are
 3 required or suitable for the development, retention, or expansion of:

- 4 (A) Manufacturing, production, and industrial facilities;
- 5 (B) Research, technology, and development facilities;
- 6 (C) Recycling facilities;
- 7 (D) Distribution centers;
- 8 (E) Call centers;
- 9 (F) Warehouse facilities;
- 10 (G) Job training facilities; and
- 11 (H) Regional or national corporate headquarters

12 facilities;

13 (5) "Economic development service" means:

- 14 (A) Planning, marketing, and strategic advice and counsel
 15 regarding job recruitment, job development, job retention, and job expansion;
- 16 (B) Supervision and operation of industrial parks or other
 17 such properties; and
- 18 (C) Negotiation of contracts for the sale or lease of
 19 industrial parks or other such properties;

20 (6) "Economic impact and cost-benefit analysis" means the study
 21 of an economic development project prepared by an independent certified
 22 public accountant, actuary, or other person meeting the approval of Arkansas
 23 Legislative Audit, including without limitation the economic viability of the
 24 economic development project, the impact of the economic development project
 25 on the community, and whether or not a sufficient tax base will be created by
 26 the economic development project to warrant incentives;

27 (7) "General revenue" means those moneys in the general fund of
 28 the municipality or county that are not obligated in any way;

29 (8) "Governing body" means the quorum court of a county or the
 30 city council or board of directors of a municipality;

31 (9) "Infrastructure" means:

- 32 (A) Land acquisition;
- 33 (B) Site preparation;
- 34 (C) Road and highway improvements;
- 35 (D) Rail spur, railroad, and railport construction;
- 36 (E) Water service;

- 1 (F) Wastewater treatment;
- 2 (G) Employee training, that may include equipment for
- 3 employee training; and
- 4 (H) Environmental mitigation or reclamation;
- 5 (10) "Municipality" means a city of the first class, a city of
- 6 the second class, or an incorporated town; and
- 7 (11) "Reserves" means those moneys in county or municipal
- 8 accounts that are not part of general revenue or the general fund of the
- 9 municipality or county and are not obligated in any way.

11 14-176-103. Authorization for obtaining and appropriating money.

12 (a) A municipality or county may obtain or appropriate money for a

13 corporation, association, institution, political subdivision of the state,

14 the federal government, or individual to:

- 15 (1) Finance economic development projects; or
- 16 (2) Provide economic development services.

17 (b) Funds appropriated by a municipality or county under the authority

18 of this section shall be deemed to further the public purpose of economic

19 development.

20 (c) The funding for an economic development project or economic

21 development service by a municipality or county shall not create the loss of

22 the same or similar economic development project or economic development

23 service in another municipality or county.

24

25 14-176-104. Economic development projects – Control, restrictions,

26 prohibitions, and recapture.

27 (a)(1) Before entering into a contract for an economic development

28 project, the governing body shall review and approve an economic impact and

29 cost-benefit analysis of the economic development project.

30 (2) The economic impact and cost-benefit analysis under

31 subdivision (a)(1) of this section may be paid for by the governing body or

32 the proponents of the economic development project.

33 (b) Economic development project contracts shall:

- 34 (1) Be approved by the governing body in ordinance or resolution
- 35 form after following applicable bidding, procurement, and professional
- 36 services procedures in accordance with state law or local ordinance;

1 (2) Be memorialized in writing;

2 (3) Not exceed one (1) year in length unless there is a public
3 finding by the governing body that multiple years are necessary for the
4 success of the economic development project and that multiple years are both
5 lawful and a matter of public benefit;

6 (4) Not be renewed automatically without a vote of the governing
7 body;

8 (5) State a proper public purpose, such as the creation of new
9 jobs or the expansion of the tax base by construction or improvements to real
10 property;

11 (6) Articulate specific criteria to measure the progress toward,
12 or achievement of, the proper public purpose; and

13 (7) Contain a recapture provision, including without limitation:

14 (A) A specific time frame in which the recipient of the
15 funding shall provide a written financial accounting to the chief executive
16 and governing body of the use of the moneys with documentation generally
17 acceptable to Arkansas Legislative Audit's requirements and a report
18 detailing the recipient's progress toward, or achievement of, the specific
19 criteria in the economic development project contract;

20 (B) A specific time frame in which the governing body may
21 formally demand by resolution the refunding of the money by the recipient
22 upon the governing body's decision that the reporting in subdivision
23 (b)(7)(A) of this section was insufficient and without merit or that the
24 agreed-upon progress or criteria has not been made or achieved in a timely
25 manner as provided for in the economic development project contract; and

26 (C) If the moneys are not returned when demand is made by
27 the municipality or county, the governing body may authorize a cause of
28 action to recapture the moneys in the circuit court of the county with proper
29 jurisdiction and venue.

30 (c)(1) The following are exempt from the Freedom of Information Act of
31 1967, § 25-19-101 et seq., as related to economic development projects:

32 (A) Files and materials that if disclosed would give
33 advantage to the competitors or bidders; and

34 (B) Records maintained by the city or county related to
35 any economic development project's:

36 (i) Planning;

1 (ii) Site location;

2 (iii) Expansion;

3 (iv) Operations; or

4 (v) Product development and marketing.

5 (2)(A) However, quarterly reports shall be provided to the
6 governing body by parties to the economic development project contract and
7 shall be available to the public.

8 (B) The reports shall include a statement of the specific
9 items contained in the economic development project contract and articulation
10 of compliance as to each of those items.

11
12 14-176-105. Economic development services – Control, restrictions, and
13 prohibitions.

14 (a) Economic development service contracts shall:

15 (1) Be approved by the governing body in ordinance or resolution
16 form after following applicable bidding, procurement, and professional
17 services procedures in accordance with state law or local ordinance;

18 (2) Be memorialized in writing;

19 (3) Not exceed one (1) year in length unless there is a public
20 finding by the governing body that multiple years are necessary for the
21 success of the economic development project and that multiple years are both
22 lawful and a matter of public benefit;

23 (4) Not be renewed automatically without a vote of the governing
24 body;

25 (5) State a proper public purpose, such as the creation of new
26 jobs or the expansion of the tax base by construction or improvements to real
27 property;

28 (6) Articulate specific criteria to measure the progress toward,
29 or achievement of, the proper public purpose; and

30 (7) Contain a recapture provision, including without limitation:

31 (A) A specific time frame in which the recipient of the
32 funding shall provide a written financial accounting to the chief executive
33 and governing body of the use of the moneys with documentation generally
34 acceptable to Arkansas Legislative Audit's requirements and a report
35 detailing the recipient's progress toward, or achievement of, the specific
36 criteria in the economic development service contract;

1 (B) A specific time frame in which the governing body may
2 formally demand by resolution the refunding of the money by the recipient
3 upon the governing body's decision that the reporting in subdivision
4 (a)(7)(A) of this section was insufficient and without merit or that the
5 agreed-upon progress or criteria has not been made or achieved in a timely
6 manner as provided for in the economic development service contract; and

7 (C) If the moneys are not returned when demand is made by
8 the municipality or county, the governing body may authorize a cause of
9 action to recapture the moneys in the circuit court of the county with proper
10 jurisdiction and venue.

11 (b)(1) The following are exempt from the Freedom of Information Act of
12 1967, § 25-19-101 et seq., as related to economic development projects:

13 (A) Files and materials that if disclosed would give
14 advantage to the competitors or bidders; and

15 (B) Records maintained by the city or county related to
16 any economic development project's:

- 17 (i) Planning;
- 18 (ii) Site location;
- 19 (iii) Expansion;
- 20 (iv) Operations; or
- 21 (v) Product development and marketing.

22 (2)(A) However, quarterly reports shall be provided to the
23 governing body by parties to the economic development project contract and
24 shall be available to the public.

25 (B) The reports shall include a statement of the specific
26 items contained in the economic development project contract and articulation
27 of compliance as to each of those items.

28
29 14-176-106. Tax exemption.

30 Contracts, agreements, and actions taken under this chapter do not
31 affect the tax-exempt status of the state or any municipality or county
32 engaged in work under this chapter.

33
34 14-176-107. State participation.

35 (a) A municipality or county may participate in an economic
36 development project under this chapter if the state participates in the

1 economic development project.

2 (b)(1) The governing body may waive the requirement under subsection
3 (a) of this section upon a finding of good cause adopted by ordinance.

4 (2) If the waiver is adopted by ordinance under subdivision
5 (b)(1) of this section, the waiver information shall be included in the
6 economic development project contract.

7
8 14-176-108. Immunity and liability.

9 (a) The provisions of § 21-9-301 et seq. apply to this chapter.

10 (b) A municipality or county is not liable for any action related to
11 the providing of, or contractual agreement to enter into, an economic
12 development project or economic development service, except as provided by
13 law.

14
15 14-176-109. Limitation on budget.

16 (a) Except as provided in this section, appropriations by a governing
17 body under this chapter shall not exceed in a fiscal year five percent (5%)
18 of the total of the municipality's or county's unobligated general fund and
19 reserves of the previous fiscal year for economic development projects or
20 economic development services, without regard to the number of economic
21 development projects or economic development services.

22 (b)(1) If a governing body chooses to participate in economic
23 development projects or economic development services that exceed the five
24 percent (5%) cap in a fiscal year, the governing body shall secure an
25 economic and financial feasibility study to determine whether or not the
26 municipality or county can afford to participate in the additional economic
27 development project or economic development service.

28 (2) An economic and financial feasibility study under
29 subdivision (b)(1) of this section shall be undertaken each time the five
30 percent (5%) cap has been met.

31 (c) The use of the whole or partial amount of revenue specifically
32 dedicated by law, ordinance, or resolution and public vote for economic
33 development for the purposes in this chapter are excluded from this section.

34
35 14-176-110. Singular contract methodology.

36 A municipality or county may engage the services of a singular entity

1 to administer economic development projects and economic development services
2 under this chapter.

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