

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 185 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1085

5 By: Representative L. Smith
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THE PROCESS FOR SELECTION OF
10 CERTAIN CITY COUNCIL MEMBERS IN CITIES OF THE
11 FIRST CLASS; AND FOR OTHER PURPOSES.
12

Subtitle

14 TO CLARIFY THE PROCESS FOR SELECTION OF
15 CERTAIN CITY COUNCIL MEMBERS IN CITIES
16 OF THE FIRST CLASS.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-42-103 is amended to read as follows:

22 14-42-103. Vacancies in municipal offices.

23 (a)(1) Vacancies in municipal offices ~~which~~ that are authorized by
24 state law to be filled by appointment by the city or town governing body
25 ~~shall~~ require a majority vote of the remaining members of the governing body.

26 (2) However, ~~there must always be~~ a majority of a quorum of the
27 whole number of the governing body is required to fill the vacancy.

28 (b)(1) The governing body may appoint any qualified elector, including
29 members of a governing body, to fill the vacancy.

30 (2) However, a member of the governing body shall not vote on
31 his or her own appointment.

32 (c) This section does not apply to circumstances prescribed under §
33 14-43-501(a) or § 14-43-411(a).
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35 SECTION 2. Arkansas Code § 14-43-411(a), concerning the filling of an



1 alderman vacancy, is amended to read as follows:

2 (a)(1)(A) ~~Whenever a vacancy shall occur, for any reason, occurs~~
3 in the office of alderman in ~~any~~ a city of the first class, at any regular
4 meeting after the occurrence of the vacancy, the city council shall proceed
5 to elect by a majority vote of the remaining members elected to the council
6 an alderman to serve for the unexpired term.

7 (B) ~~Provided, however, it is necessary that~~ However, at
8 least a quorum of the whole number of the city council shall remain in order
9 to fill a vacancy.

10 (C) The election by the remaining members of the city
11 council is not subject to veto by the mayor.

12

13 SECTION 3. Arkansas Code § 14-43-501(a), concerning the organization
14 of a city council, is amended to read as follows:

15 (a)(1) The aldermen elected for each city or town shall annually, at
16 the first council meeting in January, assemble and organize the city council.

17 (2)(A) A majority of the whole number of aldermen ~~shall be~~
18 ~~necessary to constitute~~ constitutes a quorum for the transaction of business.

19 (B)(i) They shall be judges of the election returns and of
20 the qualifications of their own members.

21 (ii) These judgments are not subject to veto by the
22 mayor.

23 (C)(i) They shall determine the rules of their proceedings
24 and keep a journal of their proceedings, which shall be open to the
25 inspection and examination of any citizen.

26 (ii) They may also compel the attendance of absent
27 members in such a manner and under such penalties as they shall think fit to
28 prescribe.

29 (iii) They may consider the passage of rules ~~and~~
30 ~~regulations~~ on the following subjects, including, ~~but not limited to~~ without
31 limitation:

- 32 (a) The agenda for meetings;
 - 33 (b) The filing of resolutions and ordinances; and
 - 34 (c) Citizen commentary.
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SECTION 4. Arkansas Code § 14-43-504(e), concerning a mayor's veto

1 power, is amended to read as follows:

2 (e) The mayor of any city of the first class shall, in addition to the
3 powers and duties already pertaining to that office, be clothed with, and
4 exercise and perform, the following:

5 (1) A mayor ~~shall have the power to~~ may veto, within five (5)
6 days, Sundays excepted, after the action of the city council thereon, any
7 ordinance, resolution, or order adopted or made by the council, or any part
8 thereof, which in his or her judgment is contrary to the public ~~interests~~
9 interest.

10 (2)(A) In case of a veto, before the next regular meeting of the
11 council, the mayor shall file in the office of the city clerk, to be laid
12 before that meeting, a written statement of his or her reasons for so doing.

13 (B) ~~No such ordinance, resolution, or order~~ An ordinance,
14 an order, or a resolution or part thereof, vetoed by the mayor ~~shall have any~~
15 ~~force or validity~~ is invalid unless, after the written statement is laid
16 before it, the council ~~shall~~, by a vote of two-thirds (2/3) of all the
17 aldermen elected thereto, ~~pass~~ passes it over the veto.

18 (3) The mayor does not have the power of veto in circumstances
19 prescribed under § 14-43-501(a) or § 14-43-411(a).

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21 **APPROVED: 2/19/2009**
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