

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/7/97

A Bill

SENATE BILL 613

5 By: Senators Mahony, Brown, Edwards, Hill, Kennedy, and Ross
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7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 14-43-501 TO PROVIDE A
10 MECHANISM FOR MEMBERS OF CITY COUNCILS IN FIRST CLASS
11 CITIES TO REMOVE ALDERMEN FOR EXCESSIVE ABSENCES FROM
12 COUNCIL MEETINGS; AND FOR OTHER PURPOSES."
13

Subtitle

14 "TO PROVIDE A MECHANISM FOR MEMBERS OF
15 CITY COUNCILS IN FIRST CLASS CITIES TO
16 REMOVE ALDERMEN FOR EXCESSIVE ABSENCES
17 FROM COUNCIL MEETINGS."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-43-501 is amended to read as follows:

23 "14-43-501. Organization of city council.

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

26 (2)(A) A majority of the whole number of aldermen shall be
27 necessary to constitute a quorum for the transaction of business.

28 (B) They shall be judges of the election returns and of the
29 qualifications of their own members.

30 (C) They shall determine the rules of their proceedings and
31 keep a journal thereof, which shall be open to the inspection and examination
32 of any citizen. They may also compel the attendance of absent members in such
33 manner and under such penalties as they shall think fit to prescribe or may
34 remove absent members and declare a vacancy when absences are excessive as is
35 otherwise provided for by law.

36 (b)(1)(A) The mayor shall be ex officio president of the council and

1 shall preside at its meetings.

2 (B) The mayor shall have a vote when his vote is needed to
3 pass any ordinance, bylaw, resolution, order, or motion.

4 (2) In the absence of the mayor, the council shall elect a
5 president pro tempore.

6 (c)(1) Any alderman who misses three (3) regular and consecutive
7 council meetings during a single calendar year for any reason other than
8 military service of the alderman or an illness verified by a written sworn
9 statement of the alderman's attending physician may be removed from office by
10 a majority vote of the remaining aldermen, without regard to any requirement
11 for a quorum, and his or her office declared to be vacant, but only after an
12 opportunity for a hearing before the city council upon fifteen (15) days
13 notice received by personal delivery or by certified mail return receipt
14 signed by addressee only requested.

15 (2) If the council takes action to remove the alderman and
16 declare the office vacant, the vacancy shall be filled by a majority vote of
17 the remaining alderman, without regard to any requirement for a quorum, and
18 they shall serve the remainder of the unexpired term of the removed alderman."

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20 SECTION 2. The provisions of this act shall be effective on and after
21 January 1, 1998.

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23 SECTION 3. All provisions of this act of general and permanent nature
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 4. If any provisions of this act or the application thereof to
28 any person or circumstance is held invalid, the invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provisions or application, and to this end the provisions of this
31 act are declared to be severable.

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33 SECTION 5. All laws and parts of laws in conflict with this act are
34 hereby repealed.

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/s/Mahony et al