

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1562

4
5 By: Representative Maloch
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For An Act To Be Entitled

8
9 AN ACT TO CLARIFY VOTING PROCEDURES FOR QUORUM
10 COURTS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO CLARIFY VOTING PROCEDURES FOR
14 QUORUM COURTS.
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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 § 14-14-905 is amended to read as follows:
20 14-14-905. Adoption and amendment of ordinances generally.

21 (a) Introduction of Ordinances and Amendments to Existing Ordinances.
22 A county ordinance or amendment to an ordinance may be introduced only by a
23 justice of the peace of the county or through the provisions of initiative
24 and referendum pursuant to Arkansas Constitution, Amendment 7.

25 (b) Style Requirements. (1) Generally. No ordinance or amendment to
26 an existing ordinance passed by a county quorum court shall contain more than
27 one (1) comprehensive topic and shall be styled "Be It Enacted by the Quorum
28 Court of the County of, State of Arkansas; an
29 Ordinance to be Entitled:". Each ordinance shall contain this comprehensive
30 title, and the body of the ordinance shall be divided into articles,
31 sequentially numbered, each expressing a single general topic related to the
32 single comprehensive topic.

33 (2) Amendment to Existing Ordinances. No county ordinance shall
34 be revised or amended, or the provisions thereof extended or conferred, by
35 reference to its title only, but so much thereof as is revised, amended,
36 extended, or conferred shall be reenacted and published at length.



1 (c)(1) Passage. On the passage of every ordinance or amendment to an
 2 existing ordinance, the yeas and nays shall be called and recorded. A
 3 concurrence by a majority of the whole number of members elected to the
 4 quorum court shall be required to pass any ordinance or amendment. All
 5 ordinances or amendments to existing ordinances of a general or permanent
 6 nature shall be fully and distinctly read on three (3) different days unless
 7 two-thirds (2/3) of the members composing the court shall dispense with the
 8 rule. ~~This subsection shall not serve to restrict the passage of emergency,~~
 9 ~~appropriation, initiative, or referendum measures in a single meeting as~~
 10 ~~provided by law.~~

11 (2) This subsection shall not serve to:

12 (A) Require a vote after each individual reading but only
 13 a vote after the third and final reading;

14 (B) Require the ordinance or amendment to be read in its
 15 entirety on the second and third readings; or

16 (C) Restrict the passage of emergency, appropriation,
 17 initiative, or referendum measures in a single meeting as provided by law.

18 (d) Approval and Publication. Upon passage, all ordinances or
 19 amendments shall be approved by the county judge within seven (7) days,
 20 unless vetoed, and shall become law without his signature if not signed
 21 within seven (7) days. The ordinances or amendments shall then be published
 22 by the county clerk as prescribed by law. Approval by the county judge shall
 23 be demonstrated by affixing his signature and his notation of the date signed
 24 on the face of an original copy of the proposed ordinance. This approval and
 25 authentication shall apply to all ordinances or amendments to existing
 26 ordinances unless the power of veto is invoked.

27 (e) Effective Date. No ordinance or amendment to existing ordinances
 28 other than an emergency ordinance or appropriation ordinance shall be
 29 effective until thirty (30) calendar days after publication has appeared. An
 30 ordinance or amendment to an existing ordinance may provide for a delayed
 31 effective date or may provide for the ordinance or amendment to an existing
 32 ordinance to become effective upon the fulfillment of an indicated
 33 contingency.

34 (f) Reference to Electors. Generally. A quorum court may, at the
 35 time of or within thirty (30) days of adoption and prior to the effective
 36 date of an ordinance, refer the ordinance to the electors for their

1 acceptance or rejection. The referral shall be in the form of a resolution
2 and shall require a three-fifths (3/5) affirmative vote of the whole number
3 of justices comprising a quorum court. This action by a court shall not be
4 subject to veto and shall constitute a referendum measure; from that point,
5 the procedure of election shall be as required by Arkansas Constitution,
6 Amendment 7 and by law.

7 (2) Manner and Procedure. Any ordinance enacted by the
8 governing body of any county in the state may be referred to a vote of the
9 electors of the county for approval or rejection in the manner and procedure
10 prescribed in Arkansas Constitution, Amendment 7, and laws enacted pursuant
11 thereto, for exercising the local initiative and referendum. The manner and
12 procedure prescribed therein shall be the exclusive method of exercising the
13 initiative and referendum regarding these local measures.

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15 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly of the State of Arkansas that the current law is unclear and
17 confusing; that due to the confusing nature of the current law there have
18 been delays in passing emergency legislation in the quorum courts of the
19 State of Arkansas; and that this act is immediately necessary to clarify the
20 current voting procedure and provide for more efficient county government.
21 Therefore, an emergency is declared to exist and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

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