

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1085

5 By: Representative L. Smith  
6  
7

## 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.  
17  
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).  
34

35 SECTION 2. Arkansas Code § 14-43-411(a), concerning the filling of an  
36 alderman vacancy, is amended to read as follows:



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

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

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

11  
12 SECTION 3. Arkansas Code § 14-43-501(a), concerning the organization  
13 of a city council, is amended to read as follows:

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

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

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

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

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

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

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

- 31 (a) The agenda for meetings;
  - 32 (b) The filing of resolutions and ordinances; and
  - 33 (c) Citizen commentary.
- 34

35 SECTION 4. Arkansas Code § 14-43-504(e), concerning a mayor's veto  
36 power, is amended to read as follows:

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

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

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

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

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

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