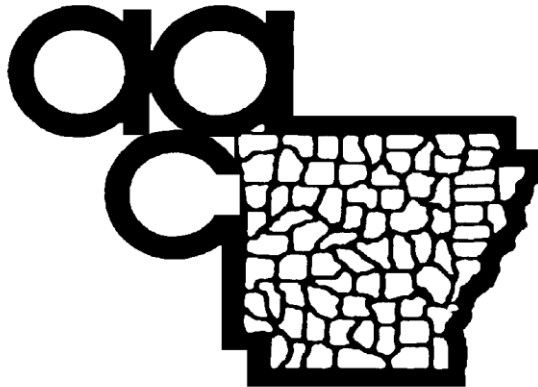


ARKANSAS COUNTY GOVERNMENT

Amendment 55 Act 742 of 1977, as amended



January, 2010

Association of Arkansas Counties

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January, 2010

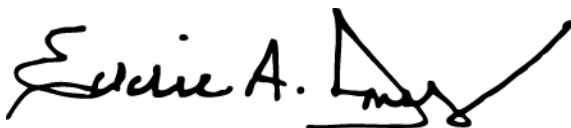
Dear County and District Official:

Act 742 of 1977 is the implementing legislation for Arkansas Constitutional Amendment 55, the revision of county government, which was passed by the voters in November 1974.

This publication was compiled by the staff of the Association of Arkansas Counties and reflects the status of the law through the 2009 legislative session. Please familiarize yourself with its contents as the answers to many questions related to county government can be found in these pages.

This publication is for your information and guidance. It is not to be construed as legal advice. Specific legal questions should be directed to your county attorney or to AAC Legal Counsel.

Sincerely,

A handwritten signature in black ink that reads "Eddie A. Jones". The signature is written in a cursive style with a large, stylized initial "E" and a checkmark-like flourish at the end.

Eddie A. Jones
Executive Director

AMENDMENT 55

§1. Power of quorum court. - (a) A county acting through its Quorum Court may exercise local legislative authority not denied by the Constitution or by law.

(b) No county may declare any act a felony or exercise any authority but relating to county affairs.

(c) A county may, for any public purpose, contract, cooperate, or join with any other county, or with any political subdivision of the State or any other states or their political subdivisions, or with the United States.

§2. Composition of quorum court – Power over elective offices. - (a) No county's Quorum Court shall be comprised of fewer than nine (9) justices of the peace, nor comprised of more than fifteen (15) justices of the peace. The number of justices of the peace that comprise a county's Quorum Court shall be determined by law. The county's Election Commission shall, after each decennial census, divide the county into convenient and single member districts so that the Quorum Court shall be based upon the inhabitants of the county with each member representing, as nearly as practicable, an equal number thereof.

(b) The Quorum Court may create, consolidate, separate, revise, or abandon any elective county office or offices except during the term thereof; provided, however, that a majority of those voting on the question at a general election have approved said action.

§3. Power of county judge. - The County Judge, in addition to other powers and duties provided for by the Constitution and by law, shall preside over the Quorum Court without a vote but with the power of veto; authorize and approve disbursement of appropriated county funds; operate the system of county roads; administer ordinances by the Quorum Court; have custody of county property; hire county employees, except those persons employed by other elected officials of the county.

§4. Powers of quorum court. - In addition to other powers conferred by the Constitution and by law, the Quorum Court shall have the power to override the veto of the County Judge by a vote of three-fifths of the total membership; fix the number and compensation of deputies and county employees; fill vacancies in elective county offices; and adopt ordinances necessary for the government of the county. The Quorum Court shall meet and exercise all such powers as provided by law.

§5. Compensation of county officers fixed by quorum court. - Compensation of each county officer shall be fixed by the Quorum Court within a minimum and maximum to be determined by law. Compensation may not be decreased during the current term; provided, however, during the interim, from the date of adoption of this Amendment until the first day of the next succeeding month following the date of approval of salaries by the Quorum Court, salaries of county officials shall be determined by law. Fees of the office shall not be the basis of compensation for officers or employees of county offices. Per diem compensation for members of the Quorum Court shall be fixed by law.

§6. Bonding of county officers. - All County Officers shall be bonded as provided by law.

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CHAPTER 1

GENERAL PROVISIONS

SECTION.

- 14-14-101. Title.
- 14-14-102. County defined.
- 14-14-103. Construction.
- 14-14-104. Publication requirements
- 14-14-105. Notice by publication
- 14-14-106. Notice by mailing.

14-14-101. Title. - This chapter constitutes the Arkansas "County Government Code." [Acts 1977, No. 742, § 1; A.S.A. 1947, § 17-3101.]

14-14-102. County defined. - A county is a political subdivision of the state for the more convenient administration of justice and the exercise of local legislative authority related to county affairs and is defined as a body politic and corporate operating within specified geographic limitations established by law. [Acts 1977, No. 742, § 11; A.S.A. 1947, § 17-3201.]

14-14-103. Construction. - (a) Except when a specific definition is given or a technical interpretation is required, words and phrases used in this chapter shall be construed according to their ordinary usage in the English language.
(b) Words in the present tense include the future tense. [Acts 1977, No. 742, § 2; A.S.A. 1947, § 17-3102.]

14-14-104. Publication requirements. - (a) Unless otherwise specifically provided, when a county government is required to publish, publication shall be by a one-time insertion in a newspaper of general circulation in the county.
(b) Where no newspaper of general circulation exists in a county, publication may be made by posting in three (3) public places which have been designated by ordinance. [Acts 1977, No. 742, § 3; A.S.A. 1947, § 17-3103.]

14-14-105. Notice by publication. - Unless otherwise specifically provided, when notice of a hearing or other official act is required by a county government, the following provisions shall apply:

- (1) The notice shall be published two (2) times with at least six (6) days separating each publication. The first publication shall be no more than thirty (30) days prior to the action, and the last publication shall be no less than three (3) days prior to the action;
- (2) The published notice shall contain:
 - (A) The date, time, and place at which the hearing or other action will occur;
 - (B) A brief statement of the action to be taken; and
 - (C) Any other information which may be required by the specific provision of law requiring notice. [Acts 1977, No. 742, § 4; A.S.A. 1947, § 17-3104.]

14-14-106. Notice by mailing. - (a)(1) Notice by mailing shall be as provided by law or the ordinance of the county quorum court providing for notice by mailing.

SECTION.

- 14-14-107. Petitions.
- 14-14-108. Public hearings.
- 14-14-109. Public meetings.
- 14-14-110. Public records.
- 14-14-111. Electronic records.

(2) In those instances where a county government requires that notice of hearing or other official act be given by mail and the procedures therefore are not set forth by law or ordinance, the notice by mailing shall be made not less than seven (7) days nor more than thirty (30) days prior to the action to be taken, and the requirements of the notice shall be met by:

- (A) Deposit of the notice properly addressed in the United States mail, with postage paid at the first class rate;
- (B) Sending the notice by registered or certified mail rather than first class; or
- (C) Mailing the notice at the bulk rate instead of first class when notice is to be given by mail to all electors or residents of a county government.
 - (b) All notices by mailing shall contain:
 - (1) The date, time, and place at which the hearing or other action will be taken;
 - (2) A brief statement of the action to be taken; and
 - (3) Any other information required by the specific section requiring mail notice. [Acts 1977, No. 742, § 5; 1979, No. 413, § 1; A.S.A. 1947, § 17-3105.]

14-14-107. Petitions. - (a) **Requirements.** Whenever a petition is authorized in the conduct of county affairs, except initiative and referendum petitions as provided in §§ 14-14-914 - 14-14-918, unless the statute authorizing the petition establishes different criteria, the petition shall be valid if it is signed by fifteen percent (15%) of the qualified electors of the county or portion of the county affected by the petition, with the number of electors of the county or portion of the county to be determined in the manner set forth in subdivision (6) of this subsection, and if the petition meets the following requirements:

- (1) **Qualified Electors.** Petitions shall be signed only by qualified electors of the county in which the measure of local application is sought by petition. A qualified elector shall be defined as any person duly registered and qualified to vote pursuant to the provisions of Arkansas Constitution, Amendment 51;
- (2)(A) **Signatures.** The signatures on all petitions shall be the signatures evidenced by voter registration. A signature which is in substantial compliance with these requirements and which is readily identifiable from the additional information required from the signer on the petition shall be counted as sufficient;
- (B) **Penalty For Fraudulent Signature.** Any person who shall sign any name other than his own to a petition, who shall knowingly sign his name more than once for the

same measure, or who shall sign the petition when he is not a legal voter of the county when the measure is of local application to the county only shall be guilty of a felony and may be imprisoned in the state penitentiary for not less than one (1) year nor more than five (5) years;

(3) **Statement Of Purpose.** The petition shall contain a statement of the purpose for which it is circulated sufficient to meet the specific criteria set out in the statute authorizing the petition;

(4) **Filing Of Petitions.** All petitions relating to county affairs shall be directed to the judge of the county court and filed with the county clerk. All petitions, upon verification of sufficiency by the county clerk, shall be referred to the county quorum court during the next regular meeting of that body for consideration and disposition. However, a special meeting of the quorum court may be called as provided by law for the consideration and disposition of petitions;

(5) **Verification Of Petitions.** Only legal voters shall be counted upon petitions. Petitions may be circulated and presented in parts, but each part of any petition shall have attached thereto the affidavit of the persons circulating them affirming that:

(A) All signatures thereon were made in the presence of the affiant; and

(B) To the best of the affiant's knowledge and belief, each signature is genuine and the person signing is a legal voter. No other affidavit or verification shall be required to establish the genuineness of such signatures.

(6) **Sufficiency Of Petitions.** The sufficiency of all county petitions shall be decided in the first instance by the county clerk, subject to review by the chancery court. The number of signatures required in a county petition shall be based on the total number of votes cast in the last general election for the office of circuit clerk, or the office of Governor in cases where the office of circuit clerk may have been abolished;

(7) **Challenge Of Petition.** If the sufficiency of any petition is challenged, that cause shall be a preference cause and shall be tried at once. However, the failure of the courts to reach a decision prior to the election, if an election is required, as to the sufficiency of any petition shall not prevent the question from being placed upon the ballot at the election named in the petition, nor militate against the validity of the measure if it shall have been approved by a vote of the people;

(8) **Amendment Of Petitions.** If the county clerk shall decide any petition to be insufficient, he shall, without delay, notify the sponsors of the petition and permit at least thirty (30) days from the date of the notification for correction. In the event of legal proceedings to prevent giving legal effect to any petition upon any grounds, the burden of proof shall be upon the person attacking the validity of the petition.

(b)(1) **Unwarranted Restrictions Prohibited.** No law shall be passed to prohibit any person from giving or receiving compensation for circulating petitions, nor to prohibit the circulation of petitions, nor in any manner to interfere with the freedom of the people procuring petitions.

(2) Laws shall be enacted prohibiting and penalizing perjury, forgery, and all other felonies or other fraudulent practices in the securing of signatures or filing of petitions.

(c) **Declaration Of Sufficiency.** Within ten (10) calendar days from the date a petition was filed with the county clerk, the clerk shall determine the adequacy of the petition.

(d) **Withdrawal Of Signatures.** Any person may in writing withdraw his signature from a petition at any time prior to the time of filing the petition with the county clerk. Unless otherwise specifically provided by law, no elector shall be permitted to withdraw his signature from a petition after it has been filed.

(e) **Publication; Costs.** All petitions under the provisions of this section shall be published as provided by law. All costs of any petition shall be borne by the petitioners. [Acts 1977, No. 742, § 6; 1979, No. 413, § 2; A.S.A. 1947, § 17-3106.]

14-14-108. Public hearings. - Unless otherwise specifically provided, when a county court or county quorum court is required to conduct a public hearing for the purpose of providing reasonable opportunity for citizen participation prior to any final decision by either court, the hearing shall meet the following requirements:

(1) At a minimum, a public hearing shall provide for submission of both oral and written testimony for and against the action or matter at issue. If the hearing is not held before the ultimate decision makers, provision shall be made for the transmittal of a summary or transcript of the testimony received to the ultimate decision makers prior to their determination;

(2) Public hearings may be held at regular or special meetings of each of the courts;

(3) The person or authority holding the public hearing may include in the notice calling the hearing any special procedures or guidelines to be followed at the hearing;

(4) Petitions and letters received by the respective body conducting a public hearing prior to the hearing shall be entered into the minutes of the hearing and considered as other testimony received at the hearing;

(5) Except for budget and appropriation hearings, the quorum court may designate a subcommittee to conduct any public hearings on county legislative affairs. [Acts 1977, No. 742, § 7; 1979, No. 413, § 3; A.S.A. 1947, § 17-3107.]

14-14-109. Public meetings. - (a)(1) All meetings of a county government governing body, board, committee, or any other entity created by, or subordinate to, a county government shall be open to the public except as provided in subdivision (2) of this subsection.

(2) A meeting, or part of a meeting, which involves or affects the employment, appointment, promotion, demotion, disciplining, dismissal, or resignation of a county government official or employee need not be open to the public unless the local government officer or employee requests a public meeting.

(b) In any meeting required to be open to the public, the county quorum court, committee, board, or other entity shall adopt rules for conducting the meeting which afford citizens a reasonable opportunity to participate prior to the final decision.

(c) Appropriate minutes shall be kept of all public meetings and shall be made available to the public for

inspection and copying. [Acts 1977, No. 742, §§ 8, 9; A.S.A. 1947, § 17-3108, 17-3109.]

14-14-110. Public records. - (a) Except as provided in subsection (b) of this section, all records and other written materials in the possession of a local government shall be available for inspection and copying by any person during normal office hours.

(b) Personal records, medical records, and other records which relate to matters in which the right to individual privacy exceeds the merits of public disclosure shall not be available to the public unless the person they concern requests they be made public. [Acts 1977, No. 742, § 10; A.S.A. 1947, § 17-3110.]

14-14-111. Electronic records. (a)(1) County governments in Arkansas are the repository for vast numbers of public records necessary for the regulation of commerce and vital to the health, safety, and welfare of the citizens of the state.

(2) These records are routinely kept in electronic format by the county officials who are the custodians of the records.

(3) It is the intent of this section to:

(A) Ensure that all public records kept by county officials are under the complete care, custody, and control of the county officials responsible for the records; and

(B) Prevent a computer or software provider doing business with a county from obtaining complete care and control of county records and from becoming the de facto custodian of the records.

(b) As used in this section:

(1) "Administrative rights" means permissions and powers, including without limitation the permissions and powers to access, alter, copy, download, read, record, upload, write, or otherwise manipulate and maintain records kept by a county official;

(2) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means; and

(3)(A) "Public records" means writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or other agency wholly or partially supported by public funds or expending public funds. All records maintained in county offices or by county employees within the scope of employment are public records.

(B) "Public records" does not mean software acquired by purchase, lease, or license.

(c)(1) A county official required by law to maintain public records and who in the normal performance of official

duties chooses to keep and maintain the records in an electronic record retains administrative rights and complete access to all the records.

(2) A contract between a county and an electronic record provider shall include the information under subdivision (c)(1) of this section. [Acts 2009, No. 569, § 1.]

CHAPTER 2

BOUNDARIES

SECTION.

- 14-14-201. Power to change.
- 14-14-202. Initiation of alteration.
- 14-14-203. Petition to General Assembly.

14-14-201. Power to change. - (a) The power to change county boundaries is inherent in the General Assembly, subject to express constitutional restrictions.

(b)(1) No county now established shall be reduced to an area of less than six hundred (600) square miles nor to less than five thousand (5,000) inhabitants; nor shall any new county be established with less than six hundred (600) square miles and five thousand (5,000) inhabitants.

(2) This section shall not apply to the counties of Lafayette, Pope, and Johnson, nor be so construed as to prevent the General Assembly from changing the line between the counties of Pope and Johnson.

(c) No part of a county shall be taken off to form a new county, or a part thereof, without the consent of a majority of voters in the part to be taken off.

(d) In the formation of new counties, no line thereof shall run within ten (10) miles of the county seat of the county proposed to be divided, except the county seat of Lafayette County.

(e) Sebastian County may have two (2) districts and two (2) county seats, at which county, probate, and circuit courts shall be held as may be provided by law, each district paying its own expenses. However, nothing in this section shall be construed as requiring Sebastian County to maintain two (2) districts or two (2) county seats, nor construed as authorizing the establishment of two (2) county quorum courts and two (2) county courts. [Acts 1977, No. 742, §§ 12-16; A.S.A. 1947, § 17-3202.]

14-14-202. Initiation of alteration. - Alteration of county boundaries may be initiated by the General Assembly or by a petition to the General Assembly by persons whose rights and interests would be affected by the boundary change. [Acts 1977, No. 742, § 17; A.S.A. 1947, § 17-3203.]

14-14-203. Petition to General Assembly. - (a)(1)(A) A petition signed by not less than fifteen percent (15%) of the legal voters residing in the areas to be affected by a proposed county boundary change may be submitted to the General Assembly for consideration.

(B) A petition to form a new county shall be preceded by an election on the issue and consent by the majority of the voters in the part proposed to be taken off.

(2) The number of signatures required upon any petition shall be computed pursuant to subdivision (a)(1)(A) of this section as a percentage of the total vote cast for the office of Governor at the preceding general election in the various townships affected by the petition.

SECTION.

- 14-14-204. Accompanying documentation.
- 14-14-205. Costs.
- 14-14-206. Apportionment of property and indebtedness.

(b) All petitions under the provisions of this section shall be published as provided by law. [Acts 1977, No. 742, §§ 18, 19; A.S.A. 1947, §§ 17-3204, 17-3205.]

14-14-204. Accompanying documentation. Petitions for the alteration of county boundaries shall be accompanied by the following documentation:

(1)(A) A survey of the proposed boundary alterations, except where common boundaries are being dissolved.

(B) The survey shall be performed by a registered professional surveyor of the State of Arkansas; and

(2) A map drawn to scale of the area affected by the petition. [Acts 1977, No. 742, § 20; Acts 2005, No. 1178, § 1; A.S.A. 1947, § 17-3206]

14-14-205. Costs. - All costs of petitions, surveys, and mapping shall be borne by the petitioners. [Acts 1977, No. 742, § 21; A.S.A. 1947, § 17-3207.]

14-14-206. Apportionment of property and indebtedness. - All property, bonded indebtedness, and outstanding indebtedness of counties affected by a change in boundaries shall be apportioned by the General Assembly. [Acts 1977, No. 742, § 22; A.S.A. 1947, § 17-3208.]

CHAPTER 3

COUNTY SEATS

SECTION.

- 14-14-301. Definition.
- 14-14-302. Establishment or change.
- 14-14-303. Petition for change.
- 14-14-304. Form of ballots.
- 14-14-305. Designation of new site.

14-14-301. Definition. - (a) A "county seat" shall be defined as the principal site for the conducting of county affairs and maintaining records of the various courts.

(b) Nothing in this section, however, shall be construed as a limitation on a county to maintain several sites throughout the county for conducting of county affairs. [Acts 1977, No. 742, § 23; A.S.A. 1947, § 17-3301.]

14-14-302. Establishment or change. - (a) Unless for the purpose of the temporary location of county seats in the formation of new counties, it shall be unlawful to establish or change any county seat in this state without the consent of a majority of the qualified voters of the county to be affected by the change; nor will a county seat be located until the place at which it is proposed to established or change any county seat shall be fully designated, with the designation embracing a complete and intelligible description of the proposed locations, together with an abstract of the title thereto, and the terms and conditions upon which it can be purchased or donated by or to the county.

(b) The county court shall not order the election provided in this subchapter unless it shall be satisfied that a good and valid title can and will be made to the proposed new locations or one (1) of them. [Acts 1977, No. 742, § 24; A.S.A. 1947, § 17-3302.]

14-14-303. Petition for change. - (a) Whenever fifteen percent (15%) of the legal voters of any county in this state shall join in a petition to the county court of the county for the change or removal of the county seat, the county court shall order an election to be held at the voting places in the county directing that the proposition of the petitioners for the change or removal shall be submitted to the qualified electors.

(b) The number of signatures required upon a petition for change of a county seat shall be computed upon the total vote cast for the Office of Governor at the preceding general election in the county affected by the petition. [Acts 1977, No. 742, § 26; A.S.A. 1947, § 17-3304.]

14-14-304. Form of ballots. - The ballots of the voters shall have written or printed upon them the words "FOR CHANGE," or "AGAINST CHANGE," meaning for or against change from the existing county seat location, and the words "FOR (one of the localities allowed by the act to be voted for, naming and describing the place to which the change or removal is proposed). [Acts 1875, No. 86, § 5, p. 201; C. & M. Dig. 1874; Pope's Dig., 2393; A.S.A. 1947, § 17-205.]

SECTION.

- 14-14-306. Deed to county required.
- 14-14-307. Temporary location of county seat for new county.
- 14-14-308. Emergency temporary location for political subdivisions.

14-14-305. Designation of new site. - (a) Where a majority of the qualified voters of the county have voted in favor of the change from the existing location and are in a majority agreement as to the location in cases where more than one (1) location is proposed, the county court shall proceed to carry into effect the will of the majority.

(b) Where a majority agreement is rendered in favor of a change but is not rendered on a specific location, where more than one (1) location is proposed, the court shall immediately order an election to decide which of the two (2) locations receiving the highest number of votes in the initial election on the issue shall be designated as the new site for the county seat. [Acts 1977, No. 742, § 28; A.S.A. 1947, § 17-3306.]

14-14-306. Deed to county required. - Before proceeding to carry into effect the will of a majority voting on the issue of changing a county seat, the county court shall require the vendor or donor of the new location to deliver a good and sufficient deed, conveying to the county the land or location so sold or donated in fee simple, without reservation or condition, and also an abstract of the title, papers, deeds, and conveyances, and assurances by or through which the title thereof is derived, who shall file the deed for record in the recorder's office of the county, to be recorded as other title deeds and papers. The place so deeded shall then be the permanent county seat, and the title shall be vested in the county. [Acts 1977, No. 742, § 27; A.S.A. 1947, § 17-3305.]

14-14-307. Temporary location for new county. - (a) The temporary location for the county seat of any new county shall be fixed by the act of the General Assembly authorizing the formation and organization of the new county.

(b) The temporary location shall be considered the permanent and established location unless changed as provided in this subchapter for the change of county seats. [Acts 1977, No. 742, § 25; A.S.A. 1947, § 17-3303.]

14-14-308. Emergency temporary location for political subdivisions. - (a)(1) Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient, or impossible to conduct the affairs of local government at the regular or usual place thereof, the governing body of each political subdivision of this state may meet at any place within or without the territorial limits of the political subdivisions on the call of the presiding officer or any two (2) members of the governing body. The governing

body shall proceed to establish and designate by ordinance, resolution, or other manner alternate or substitute sites or places as the emergency temporary location of government where all, or any part, of the public business may be transacted and conducted during the emergency situation.

(2) The sites or places may be within or without the territorial limits of the political subdivisions and may be within or without this state.

(b)(1) During the period when the public business is being conducted at an emergency temporary location, the governing body and other officers of a political subdivision of this state shall have and possess and shall exercise at the location all of the executive, legislative, and judicial powers and functions conferred upon the body and officers by or under the laws of this state.

(2) The powers and functions of the governing body and officers may be exercised without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto. All acts of the body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

(c) "Political subdivisions" shall mean all duly formed and constituted governing bodies created and established under authority of the Arkansas Constitution and laws of this state. [Acts 1977, No. 742, §§ 29-31; A.S.A. 1947, §§ 17-3307 - 17-3309.]

CHAPTER 4

QUORUM COURT DISTRICTS

SECTION.

- 14-14-401. Establishment - Townships continued.
- 14-14-402. Number of districts.
- 14-14-403. Apportionment of districts.
- 14-14-404. Federal Decennial Census data.

14-14-401. Establishment - Townships continued. (a) Each county of the state shall divide its land area into convenient county quorum court districts in a manner and at times prescribed by the General Assembly.

(b) The county court of each county in this state shall have the authority to divide the county into convenient townships, subdivide those already established and alter township lines.

(c) It shall be the duty of the clerk of the county court to enter on the minutes of the court a description of each township established by the court, containing the name and boundaries of the township and the place appointed for holding elections; and shall also note in the minutes every alteration that is made in any township lines.

(d) The clerk of the county court shall within thirty (30) days after establishing any new township or altering any existing township line, provide the Secretary of State a certified copy of the record made.

(e) If any county clerk in this state has not furnished the Secretary of State with a description of the several townships in the county, it shall be the duty of the county court to direct the clerk of that court to provide the Secretary of State with the description.

(f) Whenever the county court of any county in this state orders the formation of one (1) or more new townships or changes the boundary lines of any of the townships in the county, which formation or change shall require additional township officers, the additional township officer or officers shall be filled in accordance with Arkansas Constitution, Article 7, Sec. 50. [Acts 1977, No. 742, § 32; 1979, No. 413, § 4; Acts 1997, No. 1090, § 1; A.S.A. 1947, § 17-3401.]

14-14-402. Number of districts. - The number of convenient quorum court districts to be established in each county shall be determined according to the following population categories:

Quorum Court Districts	Population
9	0 to 19,999
11	20,000 to 49,999
13	50,000 to 199,999
15	200,000 and above

[Acts 1977, No. 742, § 33; 1979, No. 413, § 4; A.S.A. 1947, § 17-3402.]

14-14-403. Apportionment of districts. - (a) The county board of election commissioners in each county shall be responsible for the apportionment of the county into quorum court districts. Until otherwise changed in the method set

SECTION.

- 14-14-405. Filing and publishing of plan.
- 14-14-406. Contest of apportionment.
- 14-14-407. Certification of plan.

forth in this subchapter, the districts of each county shall consist of the territory of the township established by the county board of election commissioners on or before November 3, 1975, pursuant to the provisions of Acts 1975, No. 128 [Repealed]. Thereafter, districts shall be apportioned on or before the first Monday after January 1, 1982, and each ten (10) years thereafter.

(b) All apportionments shall be based on the population of the county as of the last Federal Decennial Census, and the number of districts apportioned shall be equal to the number the county is entitled by law.

(c) The provisions of this chapter shall not be construed to affect the composition of the county committees of the political parties, and the county committee of each political party shall designate the geographic area within the county from which county committeemen shall be selected. [Acts 1977, No. 742, § 34; 1979, No. 413, § 4; A.S.A. 1947, § 17-3403.]

14-14-404. Federal Decennial Census Data. - The State Board of Apportionment shall provide each of the respective county boards of election commissioners with the appropriate and necessary Federal Decennial Census information, not less than ninety (90) days prior to the date established for apportionment of county quorum court districts. [Acts 1977, No. 742, § 35; 1979, No. 413, § 4; A.S.A. 1947, § 17-3404.]

14-14-405. Filing and publishing of plan. - (a) Not later than the date set for the apportionment of county quorum court districts, the county board of election commissioners shall file its report with the clerk of the county court, setting forth the district boundaries and the number of inhabitants within them.

(b) Within fifteen (15) days of the filing of an apportionment plan, the clerk of the county court shall cause to be published in a newspaper of general circulation in the county the district boundaries apportioned and the number of inhabitants within them. [Acts 1977, No. 742, § 36; 1979, No. 413, § 4; A.S.A. 1947, § 17-3405.]

14-14-406. Contest of apportionment. - Original jurisdiction of any suit to contest the apportionment made for county quorum court districts by a county board of election commissioners is vested in the circuit court of the affected county. Any such contest shall be filed with the circuit court within thirty (30) days following the date publication appears in a newspaper of general circulation. [Acts 1977, No. 742, § 37; 1979, No. 413, § 4; A.S.A. 1947, § 17-3406.]

14-14-407. Certification of plan. - The clerk of the county court, within seven (7) calendar days following the expiration of the time period provided for the filing of contest of an apportionment plan, shall transmit to the Secretary of State a certified copy of the record made of an apportionment plan. [Acts 1977, No. 742, § 38; A.S.A. 1947, § 17-3407.]

CHAPTER 5

ORGANIZATION GENERALLY

SECTION.

14-14-501. Body politic and corporate.

14-14-501. Body politic and corporate. - A county government is a body politic and corporate created by the General Assembly and subject to its exercise of power. However, county governments shall possess legislative powers not denied by the Arkansas Constitution or by law. As a corporate body, county governments shall have corporate and governmental powers, a corporate name, and perpetual succession subject to limitations imposed by the General Assembly. [Acts 1977, No. 742, § 39; A.S.A. 1947, § 17-3501.]

14-14-502. Distribution of powers. - (a) DIVISION. The powers of the county governments of the State of Arkansas shall be divided into three (3) distinct departments, each of them to be confined to a separate body, to wit: Those that are legislative to one, those that are executive to a second, and those that are judicial to a third.

(b)(1) LEGISLATIVE. All legislative powers of the county governments are vested in the quorum court. The people reserve to themselves the power to propose county legislative measures and to enact or reject them at the polls independent of the quorum court. The people also reserve to themselves the power, at their option, to approve or reject at the polls any entire ordinance enacted by a quorum court.

(2)(A) EXECUTIVE. The executive divisions of a county government shall consist of:

(i) The county judge, who shall perform the duties of the chief executive officer of the county as provided in Arkansas Constitution, Amendment 55, Section 3, and as implemented in this chapter and who shall preside over the quorum court without a vote but with the power of veto;

(ii) One (1) sheriff, who shall be ex officio collector of taxes, unless otherwise provided by law;

(iii) One (1) assessor;

(iv) One (1) coroner;

(v) One (1) treasurer, who shall be ex officio treasurer of the common school fund of the county;

(vi) One (1) surveyor; and

(vii) One (1) clerk of the circuit court, who shall be ex officio clerk of the county and probate courts and recorder.

(B) There may be elected a county clerk in like manner as a circuit clerk, and in such cases, the county clerk may be ex officio clerk of the probate division of circuit court, if such division exists, of the county until otherwise provided by the General Assembly.

SECTION.

14-14-502. Distribution of powers.

(3) JUDICIAL. The judicial divisions of a county government are vested in the county court, except with respect to those powers formerly vested in the county court which, by the provisions of Arkansas Constitution, Amendment 55, are to be performed by the county judge, and in the respective courts of this state as provided by law.

(c) LIMITATIONS. No person or collection of persons being one of these departments, legislative, executive, or judicial, shall exercise any power belonging to either of the others, except in the instances expressly directed or permitted.

[Acts 1977, No. 742, § 40; 1979, No. 413, § 5; Acts 2001, No. 997, § 1; .A.S.A. 1947, § 17-3502]

CHAPTER 6

ALTERNATIVE ORGANIZATIONS

SECTION.

- 14-14-601. Legislative Determination - Purpose.
- 14-14-602. Definitions.
- 14-14-603. Offices included.
- 14-14-604. Offices excluded.
- 14-14-605. Authority to adopt alternative provisions - Options.
- 14-14-606. Analysis of each office required.
- 14-14-607. Initiation and conduct of analysis.
- 14-14-608. Limitations on adoption of alternatives.

14-14-601. Legislative determination - Purpose. - (a) It is determined by the General Assembly that:

- (1) The present structure of county government does not meet the needs of every county in the state;
- (2) County Government can be made more responsive to the wishes of the people through selected structural changes and consolidation; and
- (3) Greater economy, efficiency, and effectiveness in providing governmental services can be achieved through modernization of county government.

(b) It is the purpose of this subchapter to:

(1) Establish the basic procedures for the adoption and implementation of alternative county government organization pursuant to Arkansas Constitution, Amendment 55, Section 2, Part (b), which provides "The quorum court may create, consolidate, separate, revise, or abandon any elective county office or offices except during the term thereof; provided, however, that a majority of those voting on the question at a general election have approved said action;" and

(2) Provide the citizens of each county the opportunity to select the form of county government organization which best serves their needs and desires. [Acts 1977, No. 742, §§ 54, 55; A.S.A. 1947, §§ 17-3701, 17-3702.]

14-14-602. Definitions. - As used in this subchapter, unless the context otherwise requires:

- (1) "Create" means to bring into being, to cause to exist, to produce;
- (2) "Consolidate" means to unite offices into one (1) office;
- (3) "Separate" means to disunite, divide, disconnect, or sever;
- (4) "Revise" means to review, re-examine for correction or for the purpose of amending, correcting, rearranging, or otherwise improving; and
- (5) "Abandon" means to desert, surrender, forsake, or to give up absolutely. [Acts 1977, No. 742, § 58; A.S.A. 1947, §§ 17-3705.]

14-14-603. Offices included. - (a) Within the purposes of this chapter, the term "elective county office" shall mean any office created under the provisions of Arkansas Constitution, Article 7, Sections 19 and 46, as amended by Amendment 24, Section 3.

SECTION.

- 14-14-609. Referendum on proposed plan.
- 14-14-610. Election results.
- 14-14-611. Appointment of interim officers.
- 14-14-612. Abandonment of alternative plan.
- 14-14-613. Multicounty consolidations of offices and departments.
- 14-14-614. Severability of ballot titles

(b) The elective county offices established by these constitutional provisions are:

- (1) One (1) sheriff, who shall be ex-officio collector of taxes, unless otherwise provided by law;
- (2) One (1) collector of taxes, where established by law;
- (3) One (1) assessor;
- (4) One (1) coroner;
- (5) One (1) treasurer, who shall be ex-officio treasurer of the common school fund;
- (6) One (1) surveyor;
- (7) One (1) clerk of the circuit court, who shall be ex-officio clerk of the county and probate courts and recorder, unless otherwise provided by law; and
- (8) One (1) county clerk, where established by law. [Acts 1977, No. 742, § 56; A.S.A. 1947, § 17-3703.]

14-14-604. Offices excluded. - Offices expressly excluded from the provisions of this subchapter are:

- (1) The judge of the county court created pursuant to Arkansas Constitution, Article 7, Section 28, such office being an "elective county office" but not deemed separable from the county court which serves as a principal element of county government and constitutional organization;
- (2) Justices of the peace who are deemed district offices; and
- (3) Constables who are deemed township offices and who are not within the provisions of Arkansas Constitution, Amendment 55, Section 2, Part (b). [Acts 1977, No. 742, § 57; 1979, No. 413, § 11; A.S.A. 1947, § 17-3704.]

14-14-605. Authority to adopt alternative provisions - Options. - (a) Each county quorum court may adopt, by ordinance, any one (1) or more of the alternative county government organizational provisions established in this subchapter if the electors have approved the adoption of the proposed provisions by majority vote at a general election.

(b) Alternative organizational proposals may include any one (1) or all of the following options. The principal officer of the office to be affected by the alternate organizational proposal shall be:

- (1) Elected;
- (2) Appointed in a manner prescribed by ordinance;
- (3) Appointed by a county government board in a manner prescribed by ordinance;

(4) Selected as provided by ordinance; or

(5) Not included in the proposed alternative county organization as a separate office. [Acts 1977, No. 742, § 59; A.S.A. 1947, § 17-3706.]

14-14-606. Analysis of each office required. - (a) All proposals for alternative county government organization adopted by a county quorum court through ordinance for referral to the electors, or an initiative petition referring an alternative organization proposal to the electors, shall be based on a comprehensive analysis of each office or department included in the ordinance or proposal.

(b) The analysis of each office or department shall consist of the following requirements:

(1) A comprehensive analysis of the existing office or department organization included in the proposal and the procedures established for providing governmental services;

(2) A comprehensive comparative analysis of the proposed alternative organization with regard to improved efficiency, effectiveness, responsiveness, and accountability to the people;

(3) The preparation of a proposed plan of organization embodying the selected characteristics to be referred to the electors. The plan shall:

(A) Establish the procedures for the election or appointment of any new officers. However, any appointive officer shall be deemed a part of the executive branch and, as such, shall be appointed by, and be responsible to, the county judge;

(B) Provide for the scheduling of any necessary transfer of powers, records, documents, properties, assets, funds, liabilities, and bonding which result from the changes in a proposed county organization;

(C) Provide for the continuity, where necessary, of existing officers and offices, the abolition of offices or their change from elective to appointive status, and the making of interim and temporary appointments; and

(D) Provide that the plan may be prepared in narrative form but shall be finally embodied in a single or series of ordinances styled in a manner provided by law. [Acts 1977, No. 742, § 60; 1979, No. 413, § 12; A.S.A. 1947, § 17-3707.]

14-14-607. Initiation and conduct of analysis. - (a) INITIATION. Any justice of the peace of each county may propose the initiation of an analysis for alternative county organization through the introduction and passage of an ordinance, or the initiation may be accomplished by an initiative petition of the electors.

(b) CONDUCT OF ANALYSIS. An ordinance adopted for conduct of an analysis of alternative county organizations shall provide for:

(1) The final date of completion of the analysis;

(2) The employment of any staff or other financial support where deemed necessary;

(3) The conduct of the analysis; and

(4) The selection of any one, or any combinations, of the following methods of conduct:

(A) Directly by the county quorum court through the establishment of an office or department;

(B) By interlocal agreement;

(C) By purchasing the analysis services from a private or public vendor; or

(D) By establishing a county board in a manner prescribed by the ordinance. [Acts 1977, No. 742, § 61; A.S.A. 1947, § 17-3708.]

14-14-608. Limitations on adoption of alternatives. -

(a) SERVICES TO BE MAINTAINED. A county government serving as a political subdivision of the state for the more convenient administration of justice is compelled by law to provide certain services relating to judicial administration, law enforcement, and other matters. No county ordinance adopted by the electors for the establishment of alternative county organizations shall serve to repeal or diminish any general law of the state directing or requiring a county government or any officer or employee of a county government to carry out any function or provide any service. However, nothing in this section shall be construed to limit or prevent counties from adopting alternative county organizations nor the assignment of statutorily delegated functions or services where such alternative organization or reassignment shall not alter the obligation of the county to continue providing the services or functions which are or may be established by state law.

(b) TRANSFER OF DUTIES. To encourage that a minimum level of consistency shall be maintained in county governments throughout the state, the following organizational limitations may apply where any one (1) or all elective county offices are abolished and consolidated. However, nothing in this section shall be construed to limit the consolidation of any nonelected county office or department by two (2) or more adjoining counties through interlocal agreement:

(1) All duties prescribed by law for the clerk of the circuit court may be assigned to a county department of records and court services;

(2) All duties prescribed by law for a county clerk exclusive of county financial management duties may be assigned to a county department of records and court services;

(3) All duties prescribed by law for a county clerk relating to county financial management may be assigned to a county department of financial management;

(4) All duties prescribed by law for the sheriff serving as an officer of the courts and law enforcement may be assigned to a county department of public safety;

(5) All duties prescribed by law for a sheriff serving as the collector of taxes may be assigned to a county department of financial management;

(6) All duties prescribed by law for a collector of taxes may be assigned to a county department of financial management;

(7) All duties prescribed by law for an assessor may be assigned to a county department of records and court services;

(8) All duties prescribed by law for a surveyor may be assigned to a county department of records and court services;

(9) All duties prescribed by law for a coroner may be assigned to a county department of records and court services;

(10) All duties prescribed by law for a treasurer may be assigned to a county department of financial management. However, any plan for alternative county organization adopted by the electors which includes the abolishment of the treasurer as an elective office shall provide in that plan for the establishment of financial controls. The plan of financial controls shall not vest sole financial administration in a single elected official or in a department which is administratively controlled by the elected official. [Acts 1977, No. 742, § 62; 1979, No. 413, § 13; A.S.A. 1947, § 17-3709.]

14-14-609. Referendum on proposed plan. - (a) All questions on alternative county organization as proposed by ordinance of the county quorum court, or as proposed by initiated petitions filed by electors of the county pursuant to Arkansas Constitution, Amendment 7, shall be submitted to the electors of a county only at the general election following the adoption of the ordinance or filing of the petitions.

(b)(1) Any ordinance or initiative petition submitting an alternative organization proposal to the voters shall be published in a newspaper of general circulation within the county no later than the first day of filing for the preferential primary immediately preceding the general election at which the alternative county government proposal shall be decided.

(2) If approved by a majority of those voting on the question, the proposed plan for alternative county organization shall become effective on January 1 following the general election at which the plan was approved by the electors, or two (2) years following the general election at which the plan was approved by the electors. [Acts 1977, No. 742, § 63; 1979, No. 413, § 14; A.S.A. 1947, § 17-3710.]

14-14-610. Election results. - (a) An affirmative majority vote by the electors voting on the adoption of an alternative county organization plan shall be deemed the will of the people.

(b) The election of any candidate during the same general election for any office consolidated, abandoned, or established as an appointive office by an adopted plan of alternative county organization shall be considered null and void. [Acts 1977, No. 742, § 64; A.S.A. 1947, § 17-3711.]

14-14-611. Appointment of interim officers. - Where a proposed plan approved by the electors for alternative county organization provides for the creation of any elective office by consolidation of two (2) or more offices, the proposed plan shall establish procedures for the appointment of an interim officer, who shall serve in the office so created from the effective date of the plan and until the next general election, or until a successor is elected and qualified. The appointee shall meet all requirements prescribed by law for appointment to an elective office. [Acts 1977, No. 742, § 65; A.S.A. 1947, § 17-3712.]

14-14-612. Abandonment of alternative plan. - (a) A county quorum court may abandon any alternative county organization plan, or any part or section thereof, adopted by the electors pursuant to this subchapter, by referral and adoption of a revised organizational plan at a general election. However, no revised alternative county organization

plan shall be considered by the electors until four (4) years have elapsed after the date of the referendum at which the original plan was adopted.

(b) Nothing in this section, however, shall be construed as a limitation on a quorum court to submit a proposal to the electors at a general election for multicounty consolidation of an elective office. [Acts 1977, No. 742, § 66; A.S.A. 1947, § 17-3713.]

14-14-613. Multicounty consolidations of offices and departments. - Any two (2) or more adjoining counties may consolidate functionally similar county offices or departments, either elective or appointive pursuant to the provisions of Arkansas Constitution, Amendment 55, Section 1, Part (c) and Section 2, Part (b).

(1) CONSOLIDATION OF ELECTIVE OFFICES. (A) INITIATION. Proposals for the consolidation of elective county offices may be initiated by the county quorum courts of each affected county by entering into an interlocal agreement and adoption of an ordinance for referral to the electors of each respective county, or by the filing of an initiative petition signed by not less than fifteen percent (15%) of the qualified voters as provided by law.

(B) PLAN OF PROPOSED ALTERNATIVE ORGANIZATION REQUIRED. All proposals for multicounty consolidation of elective offices referred to the electors shall be prepared in the manner prescribed by law for alternative county government organization proposals affecting a single county. Where applicable and possible, multicounty elective office consolidation proposals should be planned, combined, and referred to electors jointly with proposals referring alternative single county organizations.

(C) MULTICOUNTY CONSOLIDATION AGREEMENTS REQUIRED. All interlocal agreements for consolidation of any elective office shall specify the offices to be consolidated, the duties and responsibilities of the consolidated offices, procedures for the selection and reassignment of personnel, procedures for the transfer of powers, records, documents, properties, assets, funds, and liabilities, and for the possible termination of the agreement. The agreement shall also provide for apportionment of the cost of the consolidated office, based on the equalized taxable valuation or the population, or a combination thereof, of the counties involved. The agreement may contain other provisions pertaining to the consolidated office that the participating counties deem necessary or advisable. Each interlocal agreement shall be adopted through ordinance by the quorum court of each county affected prior to submission to the electors.

(D) REFERENDUM ON ELECTIVE OFFICE CONSOLIDATION. The question of multicounty consolidation of elective county offices shall be submitted to the electors in the affected counties at the next general election following the adoption of the agreements by the quorum courts. If approved by a majority of those voting on the question in each county, the proposed consolidation shall become effective on January 1 following the general election at which such consolidation was approved by the electors.

(E) APPOINTMENT OF INTERIM OFFICER. All proposed multicounty consolidation agreements for a county elective office referred to the electors shall establish procedures for the appointment of an interim officer who

shall serve in the consolidated office from the effective date of such agreement until the next general election or until his successor is elected and qualified. Such an appointee to an elective office shall meet all requirements prescribed by law for appointment to an office. The appointee to a multicounty elective office shall be deemed to be a district officer and shall be appointed by the Governor.

(F) PRECEDENCE OF ELECTION. An affirmative majority vote by the electors voting on the issue of multicounty consolidation of elective offices in each respective county shall be deemed the will of the people. The election of a candidate in each respective county for the offices affected by such adopted consolidation proposals shall be considered null and void.

(G) ELECTIONS FOR MULTICOUNTY CONSOLIDATED OFFICES. Elections for multicounty consolidated offices shall be conducted at the next general election following the establishment of the consolidated office. Elections of persons for consolidated county offices shall be held in same manner as prescribed for the election of district offices. A candidate for a consolidated county office shall possess the same qualifications for election as required of a candidate for the same office in a single county. The candidate for a consolidated county office receiving a majority of votes cast for the office in the affected counties, taken together, shall be elected. If no candidate receives a majority of votes cast for the office, a runoff election between the two (2) candidates receiving the highest number of votes cast shall be held in the same manner as a runoff election for district officers.

(H) ABANDONMENT OF A MULTICOUNTY CONSOLIDATED ELECTIVE OFFICE PLAN. A quorum court may abandon any multicounty consolidated elective office plan, or any part or section thereof, adopted by the electors in their respective county by referring the revised plan to the electors at a general election. However, no revised plan for multicounty elective office consolidation shall be considered by the electors until four (4) years have elapsed after the date of the referendum at which the original plan for consolidation was adopted.

(2) CONSOLIDATION OF NON-ELECTIVE COUNTY OFFICES OR DEPARTMENTS. (A) AUTHORITY TO ADOPT CONSOLIDATION PLANS. Proposals for multicounty consolidation of non-elective county offices or departments may be introduced and adopted by the quorum court of each respective county by entering into an interlocal agreement by ordinance in each affected county. The consolidation of non-elective county offices or departments need not be referred to the electors for approval. However, any such ordinance shall be subject to the provisions of initiative and referendum in each respective county entering into such agreements.

(B) MULTICOUNTY CONSOLIDATION AGREEMENTS REQUIRED. All interlocal agreements for consolidation of non-elective county offices shall conform to the requirements of interlocal agreements prescribed by law. [Acts 1977, No. 742, § 67; A.S.A. 1947, § 17-3714.]

14-14-614. Severability of ballot titles. - (a)(1) BALLOT TITLE. Upon receipt of an alternative county organization proposal for either a single county or multicounty which is to be referred to the electors, it shall be the duty of the members of the county board of election commissioners to

take due cognizance and to certify the results of the vote cast thereon.

(2) Where the proposed measure is referred through more than one (1) or a series of ordinances, the board shall cause the ballot title of each separate ordinance to be placed on the ballot to be used in the election. The ballot shall state plainly and separately the title of each ordinance referred to the electors.

(b) SEVERABILITY. If a single ordinance relating to a proposal for alternative county organization is rejected by the electors, the rejection shall not affect any other ordinance so adopted by the electors; or if any provision of an ordinance adopted by the electors for alternative county organization or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application. The provisions of any single ordinance and the validity of each voted upon by separate ballot titles are declared to be severable. [Acts 1977, No. 742, § 68; A.S.A. 1947, § 17-3715.]

CHAPTER 7

SERVICE ORGANIZATIONS

SECTION.

- 14-14-701. Legislative determination - Purpose.
- 14-14-702. Authority to establish - Restrictions.
- 14-14-703. Office organization of county government.
- 14-14-704. Establishment of county departments.
- 14-14-705. County advisory or administrative boards.
- 14-14-706. Register of board appointment.
- 14-14-707. Conduct of affairs of county boards.

14-14-701. Legislative determination - Purpose. - (a) It is determined by the General Assembly that:

(1) The present service organization of county government does not meet the needs of every county in this state; and

(2) County governments can be made more responsive to the service needs of the people through the reorganization of county government into departments, boards, and subordinate service districts which are consistent in their organization and assignment of duties, responsibilities, and authorities.

(b) It is therefore the purpose of this subchapter to:

(1) Establish the basic procedures for the establishment of service organizations in county government; and

(2) Establish the authorities and limitations of these service organizations. [Acts 1977, No. 742, §§ 98, 99; A.S.A. 1947, §§ 17-4101, 17-4102.]

14-14-702. Authority to establish - Restrictions. - The county quorum court of each county may prescribe, by ordinance, the department, board structure, and organization of their respective county governments and may prescribe the functions of all offices, departments, and boards. However, no ordinance shall be enacted by a quorum court which:

(1) Divests the county court of any of its original jurisdictions granted by the Arkansas Constitution. However, where any county ordinance establishing a department or board and the assignment of functions thereof interferes with the jurisdictions of the county court, it shall be implied that the functions and acts may be performed on order of the county court or proper order of superior courts on appeal;

(2) Alters the organization of elected county officials established by the Arkansas Constitution, except through the provisions of Arkansas Constitution, Amendment 55, Section 2, Part (b). However, any function or duty assigned by statute may be reassigned by ordinance; or

(3) Limits any provision of state law directing or requiring a county government or any officer or employee of a county government to carry out any function or provide any service. However, nothing in this section shall be construed to prevent the reassignment of functions or services assigned by statute where Arkansas reassignment does not alter the obligation of the county to continue providing such function or service. [Acts 1977, No. 742, § 100; A.S.A. 1947, § 17-4103.]

SECTION.

- 14-14-708. Subordinate service districts generally.
- 14-14-709. Establishment of subordinate service districts.
- 14-14-710. Modification or dissolution of subordinate service districts.
- 14-14-711. Administration of subordinate service districts.
- 14-14-712. Reorganization of existing county boards and commissions.

14-14-703. Office organization of county government. -

(a) Unless otherwise provided or permitted by the Arkansas Constitution, county governments shall maintain the following organization of elected county offices:

(1) OFFICE OF THE COUNTY JUDGE. The judge of the county court serves as the principal executive officer of the county and may establish divisions of his office to carry out any jurisdiction of the county court or duties assigned by county ordinance. No such delegation of administrative functions among departments of the office shall be construed as limiting or delegating any jurisdiction of the county court. Further, the county court may appoint advisory committees to assist in the formulation of policy for any department of the office. However, confirmation by the county quorum court of advisory committees so appointed or the oath of office is not required;

(2) OTHER EXECUTIVE OFFICES OF THE COUNTY. As established by the Arkansas Constitution, the organization of county offices shall include:

(A) The office of treasurer;

(B) The office of county clerk, as may be provided by law;

(C) The office of assessor;

(D) The office of clerk of the circuit court;

(E) The office of sheriff;

(F) The office of collector of taxes, as may be provided by law;

(G) The office of surveyor; and

(H) The office of coroner.

(b) Any executive officer of the county may establish divisions of the office to conduct any function or duty assigned by the Arkansas Constitution or by law. [Acts 1977, No. 742, § 101; A.S.A. 1947, § 17-4104.]

14-14-704. Establishment of county departments. - The county quorum court of each county, by ordinance, may establish any number of departments for the conduct of county affairs and may prescribe the functions and duties of each department. This authority of a quorum court to establish county departments shall be conclusive and shall supersede any department organizations established by any elected county officer:

(1) DIRECTION OF DEPARTMENTS. All departments established by ordinance of the quorum court shall be under the direction and supervision of the county judge except departments assigned to other elected officers of the county.

Departments established and assigned to an elected officer other than the county judge shall be under the direction and supervision of the respective county officer;

(2) JOINT DEPARTMENTS. Two (2) or more county governments may provide for the establishment of joint departments for the conduct of county affairs. Joint departments so created shall be established by interlocal agreements. The direction and supervision of joint departments shall be under the combined authorities of the county judge of each respective county in a manner to be prescribed by ordinance;

(3) EMPLOYMENT OF DEPARTMENT ADMINISTRATOR. An ordinance establishing a department of county government may provide for the employment of a department administrator; such ordinance may prescribe minimum qualifications for the person so employed as administrator. However, the county judge alone shall employ all county personnel, except employees of other elected county officers. Where a department is established by the quorum court and the responsibility for direction and supervision of the department is assigned to an elected county officer other than the county judge, the elected county officer so designated shall employ all personnel authorized to be employed by the ordinance;

(4) MANAGEMENT REPORTS. A quorum court may require, by ordinance, reports for any purpose from any elective county office, department, board, or subordinate service district, or any administrator or employee of them. [Acts 1977, No. 742, § 102; A.S.A. 1947, § 17-4105.]

14-14-705. County advisory or administrative boards. - A county quorum court, by ordinance, may establish county advisory or administrative boards for the conduct of county affairs.

(1) ADVISORY BOARDS. (A) An advisory board may be established to assist a county office, department, or subordinate service district. The advisory board may furnish advice, gather information, make recommendations, and perform other activities as may be prescribed by ordinance. A county advisory board shall not have the power to administer programs or set policy.

(B) All advisory board members shall be appointed by the county judge. Confirmation of advisory board members by a quorum court shall not be required.

(C) An advisory board may contain any number of members as may be provided by the ordinance creating the advisory board.

(D) The term of all advisory board members shall not exceed three (3) years.

(2) ADMINISTRATIVE BOARDS. (A) Administrative boards may be established to exercise administrative powers granted by county ordinance, except that the board may not be authorized to pledge the credit of the county. The administrative board shall be a body politic and corporate, with power to contract and be contracted with and sue and be sued. As to actions of tort, the board shall be considered as an agency of the county government and occupy the same status as a county. No board member shall be liable in court individually for an act performed by him as a board member unless the damages caused thereby were the results of the board member's malicious acts.

(B) No member of any administrative board shall be interested, either directly or indirectly, in any contract made with the administrative board. A violation of subdivision (2)(B) of this section shall be deemed a felony

(C) An administrative board may be assigned responsibility for a county department or a subordinate service district.

(D) All administrative board members shall be appointed by the county judge. These appointments shall require confirmation by a quorum court.

(E) An administrative board shall contain five (5) members. Provided, a county library board created after August 1, 1997, shall consist of not less than five (5) members nor more than seven (7) members and shall serve until their successors are appointed and qualified.

(F) The term of any administrative board member shall be for a period of five (5) years. However, the initial appointment of any administrative board shall provide for the appointment of one (1) member for a one-year term, one (1) member for a two-year term, one (1) member for a three-year term, one (1) member for a four-year term, and the remaining member or members for a five-year term, thereby providing, except for county library boards with more than five (5) members, for the appointment of one (1) member annually thereafter.

(3) BOARDS GENERALLY. (a) No board member, either advisory or administrative, shall be appointed for more than two (2) consecutive terms.

(B) All persons appointed to an advisory or administrative board shall be qualified electors of the county. A quorum court may prescribe by ordinance additional qualifications for appointment to county administrative board.

(C) All board members appointed to either an advisory or administrative board shall subscribe to the oath of office within ten (10) days from the date of appointment. Evidence of oath of office shall be filed with the county clerk. Failure to do so shall be deemed to constitute rejection of the office, and the county judge shall appoint a board member to fill the vacancy.

(D) No member of a quorum court shall serve as a member of a county advisory or administrative board.

(E) A person may be removed from a county board for cause by the county judge with confirmation by resolution of the quorum court. Written notification stating the causes for removal shall be provided to the board member prior to the date established for quorum court consideration of removal, and the board member shall be afforded the opportunity to meet with the quorum court in their deliberation of removal.

(F) Appeals from removal of a county board member shall be directed to the circuit court of the respective county within thirty (30) days after the removal is confirmed by the quorum court. [Acts 1977, No. 742, § 103; Acts 1997, No. 359, § 1; A.S.A. 1947, § 17-4106]

14-14-706. Register of board appointment. - The clerk of the county court shall maintain a register of county advisory and administrative board appointments established by a county quorum court, including:

(1) The name of the board;

(2) The ordinance reference number establishing the

board;

(3) The name of the board member;

(4) The date of appointment; and

(5) The expiration date of the appointments.

[Acts 1977, No. 742, § 104; A.S.A. 1947, § 17-4107.]

14-14-707. Conduct of affairs of county boards. - (a) INITIAL MEETING. The time and place for the initial meeting of a county board shall be established by the county judge through written notification of each board member.

(b) MEETING DATES AND NOTIFICATION. All boards shall by rule provide for the date, time, and place of regular monthly meetings or other regularly scheduled meetings. This information shall be filed with the county court, and notification of all meetings shall be conducted as established by law for public meetings.

(c) SPECIAL MEETINGS. Special meetings may be called by two (2) or more board members upon written notification of all members not less than two (2) calendar days prior to the calendar day fixed for the time of the meeting.

(d) QUORUM. A majority of board members shall constitute a quorum for the purpose of conducting business and exercising powers and responsibilities. Board action may be taken by a majority vote of those present and voting unless the ordinance creating the board requires otherwise.

(e) ORGANIZATION AND VOTING. At its initial meeting of a quorum of members, each county board shall elect one (1) of their members to serve as chairperson of the board for a term of one (1) year. The chairperson shall thereafter preside over the board throughout his term as chairperson. In the absence of the chairperson, a quorum of the board may select one (1) of its members to preside and conduct the affairs of the board.

(f) MINUTES. All boards shall provide for the keeping of written minutes which include the final vote on all board actions indicating the vote of each individual member on the question. [Acts 1977, No. 742, § 105; A.S.A. 1947, § 17-4108.]

14-14-708. Subordinate service districts generally. -

(a) AUTHORITY TO ESTABLISH. Subordinate service districts to provide one (1) or more of the services authorized to be provided by county governments may be established, operated, altered, combined, enlarged, reduced, or abolished by the county quorum court by ordinance.

(b) AREA SERVED. A subordinate service district may include all, or any part, of the jurisdictional areas of county government. Two (2) or more county governments may create a joint subordinate service district by interlocal agreement.

(c) PURPOSES OF DISTRICT. A subordinate service district is defined as a county service organization established to provide one (1) or more county services or additions to county services and financed from revenues secured from within the designated service area through the levy and collection of service charges. These districts may be created for the following purposes:

(1) Emergency services, including ambulance services, civil defense services, and fire prevention and protection services;

(2) Solid waste services, including recycling services, and solid waste collection and disposal services;

(3) Water, sewer, and other utility services, including sanitary and storm sewers and sewage treatment services, water supply and distribution services, water course, drainage, irrigation, and flood control services;

(4) Transportation services, including roads, bridges, airports and aviation services, ferries, wharves, docks, and other marine services, parking services, and public transportation services.

(d) FINANCING. Notwithstanding any provisions of law requiring uniform taxation within a county, a quorum court, by ordinance, may establish subordinate service districts and levy service charges to provide and finance any county service or function which a county is otherwise authorized to undertake. [Acts 1981, No. 874, § 1; 1983, No. 233, § 2; A.S.A. 1947, § 17-4109.]

14-14-709. Establishment of subordinate service districts. -

(a) PROCEDURE GENERALLY. A subordinate service district may be established by ordinance of the quorum court in the following manner:

(1) Upon petition to the quorum court by twenty-five percent (25%) of the number of realty owners within the proposed subordinate service district, the owners of twenty-five percent (25%) of the realty in the area of the proposed subordinate service district, and the owners of twenty-five percent (25%) of the assessed value of the realty within the proposed subordinate service district, the quorum court shall set a date for a public hearing and shall give notice of the hearing on the petition to form the proposed subordinate service district. Following the public hearing, the court may either adopt an ordinance creating the subordinate service district or refuse to act further on the matter.

(2) If hearings indicate that a geographic area desires exclusion from the proposed subordinate service district, the quorum court may amend the boundaries of the proposed subordinate service district to exclude the property in that area.

(3) Where an ordinance is adopted establishing a subordinate service district, the quorum court shall, in addition to all other requirements, publish notice of the adoption of the ordinance. The notice shall include a statement setting out the elector's right to protest. If within thirty (30) days of the notice, twenty-five percent (25%) or more of the number of realty owners within the proposed subordinate service district, the owners of twenty-five percent (25%) of the realty in the area of the proposed subordinate service district, and the owners of twenty-five percent (25%) of the assessed value of the realty within the proposed subordinate service district file a written protest, by individual letter or petition, then the ordinance creating the subordinate service district shall be void.

(b) ORDINANCE REQUIREMENTS. An ordinance to establish a subordinate service district shall include:

(1) The name of the proposed district;

(2) A map containing the boundaries of the proposed district;

(3) The convenience or necessity of the proposed district;

(4) The services to be provided by the proposed district;

(5) The estimated cost of services to be provided and methods of financing the proposed services. Service charges adopted by a quorum court shall be equally administered on a per capita, per household, per unit of service, or a combination of these methods. Service charges adopted by the court on a per capita or per household method shall be administered equally without regard to an individual or household availing themselves of the service; and

(6) The method for administering the proposed district.

(C) INITIATIVE AND REFERENDUM. All provisions of Arkansas Constitution, Amendment 7, shall apply to the establishment of county subordinate service areas. [Acts 1981, No. 874, § 1; 1983, No. 233, § 2; 1993, No. 317, § 1; A.S.A. 1947, § 17-4109.]

14-14-710. Modification or dissolution of subordinate service districts. - (a) MODIFICATION. A quorum court may, after adoption of an ordinance, with notice and public hearing:

(1) Increase, decrease, or terminate the type of services that the subordinate service district is authorized to provide unless fifty percent (50%) of the electors residing in the district protest;

(2) Enlarge the district to include adjacent land if fifty percent (50%) or more of the electors residing in the proposed addition do not protest;

(3) Combine the subordinate service district with another subordinate service district unless fifty percent (50%) of the electors in either district protest;

(4) Abolish the subordinate service district unless fifty percent (50%) of the electors in the district protest;

(5) Reduce the area of a district by removing property from the district unless fifty percent (50%) of the electors residing in the territory to be removed from the district protest;

(6) Change the method for administering the subordinate service district unless fifty percent (50%) of the electors in the district protest;

(7) All changes in subordinate service districts may be submitted to the electors of the existing or proposed district, whichever is larger, by initiative or referendum.

(b) DISSOLUTION. As provided in this section, a quorum court may abolish or combine subordinate service districts by ordinance. Dissolution or any combination of service districts shall provide for the following considerations:

(1) The transfer or other disposition of property and other rights, claims, and assets of the district;

(2) The payment of all obligations from the resources of the district;

(3) The payment of all costs of abolishing or combining a district from the resources of the districts involved;

(4) The honoring of any bond, debt, contract, obligation, or cause of action accrued or established under the subordinate district;

(5) The provision for the equitable disposition of the assets of the district, for adequate protection of the legal rights of employees of the district, and for adequate protection of legal rights of creditors; and

(6) The transfer of all property and assets to the jurisdiction of the county court. [Acts 1981, No. 874, § 1; 1983, No. 233, § 2; A.S.A. 1947, § 17-4109.]

14-14-711. Administration of subordinate service districts. - (a) GENERALLY. A subordinate service district may be administered directly as a part of the office of the county judge, as a part of a department with or without an advisory or administrative board, or as a separate department with or without an advisory or administrative board;

(b) BUDGET. The budget for each subordinate service district shall be appropriated as other funds of the county;

(c) TAX LISTS. Upon request, the county assessor shall provide the quorum court with the assessed or taxable value of all property in a proposed established subordinate service district and a list of property owners and residential structures based on the last completed assessment roll of the county;

(d) SERVICE CHARGES. (1) Service charges for subordinate service districts shall be entered on tax notices and are to be collected with the real and personal property taxes of the county. No collector of taxes shall accept payment of any property taxes where such taxpayer has been billed for services authorized by a subordinate service district unless the service charge is also receipted. If a property owner fails to pay the service charge, it shall become a lien on the property.

(2) A subordinate service district may choose to forgo county collection of its annual service charges and instead collect its service charges on a suitable periodic basis if the subordinate service district provides its own billing and collection service.

(e) USE OF FUNDS. Funds raised through service charges for a subordinate service district may be used only for subordinate service district purposes. These public funds shall be maintained in the county treasury and accounted for as an enterprise fund. Disbursements of all subordinate service district funds shall be made only upon voucher or claim presented to and approved by the county judge, acting in his capacity as the chief executive officer of the county, unless otherwise provided by ordinance establishing the district. [Acts 1981, No. 874, § 1; 1983, No. 233, § 2; Acts 1995, No. 552, § 1; A.S.A. 1947, § 17-4109]

14-14-712. Reorganization of existing county boards and commissions. - (a) All laws providing for the organization, jurisdiction, and operation of county boards and commissions, except the laws relating to county hospital boards of governors and except laws relating to county nursing home boards, shall be given the status of county ordinance until June 30, 1978. These organizations shall continue to function under those respective laws until reorganized by county ordinance. The organizations subject to reorganization by county ordinance are, but are not limited to, the following:

- (1) County library boards;
- (2) County planning boards;
- (3) County park commissions;
- (4) County welfare boards.

(b) Advisory board members appointed as a result of a reorganizational ordinance shall have a term of appointment as specified in this subchapter.

(c) Ordinances enacted by a county quorum court for the reorganization of county government into county departments, with or without advisory or administrative boards or subordinate service districts, may be adopted in a single reading of the court. [Acts 1977, No. 742, § 107; 1977 (Ex. Sess.), No. 13, § 6; 1979, No. 741, § 1; A.S.A. 1947, § 17-4110.]

CHAPTER 8

LEGISLATIVE POWERS

SECTION.

- 14-14-801. Powers generally.
- 14-14-802. Providing of services generally.
- 14-14-803. Providing of facilities.
- 14-14-804. Regulatory powers.
- 14-14-805. Powers denied.
- 14-14-806. Powers requiring state delegation.
- 14-14-807. Restrictive provisions.
- 14-14-808. Consistency with state regulations required

14-14-801. Powers generally. - (a) As provided by Arkansas Constitution, Amendment 55, Section 1, Part (a), a county government, acting through its county quorum court, may exercise local legislative authority not expressly prohibited by the Arkansas Constitution or by law for the affairs of the county.

(b) These powers include, but are not limited to, the power to:

- (1) Levy taxes in a manner prescribed by law;
- (2) Appropriate public funds for the expenses of the county in a manner prescribed by ordinance;
- (3) Preserve peace and order and secure freedom from dangerous or noxious activities. However, no act may be declared a felony;
- (4) For any public purpose, contract or join with any other county, with any political subdivision, or with the federal government;
- (5) Create, consolidate, separate, revise, or abandon any elected office, except during the term thereof, if a majority of those voting on the question at a general election have approved the action;
- (6) Fix the number and compensation of deputies and county employees;
- (7) Fix the compensation of each county officer within a minimum and maximum to be determined by law;
- (8) Fill vacancies in elected county offices;
- (9) Have the power to override the veto of the county judge by a vote of three-fifths (3/5) of the total membership of the quorum court;
- (10) Provide for any service or performance of any function relating to county affairs;
- (11) Impose a special assessment reasonably related to the cost of any special service or special benefit provided by county government or impose a fee for the provisions of a service;
- (12) Provide for its own organization and management of its affairs; and
- (13) Exercise other powers, not inconsistent with law, necessary for effective administration of authorized services and functions. [Acts 1977, No. 742, § 69; A.S.A. 1947, § 17-3801.]

14-14-802. Providing of services generally. - (a) A county government, acting through the county quorum court, shall provide, through ordinance, for the following necessary services for its citizens:

SECTION.

- 14-14-809. Concurrent powers.
- 14-14-810. Improvements to roadways serving private property.
- 14-14-811. County judge's salary.
- 14-14-812. Cemetery access roads.
- 14-14-813. Authority to regulate unsanitary conditions
- 14-14-814. Authority to regulate private communities.

(1) The administration of justice through the several courts of record of the county;

(2) Law enforcement protection services and the custody of persons accused or convicted of crimes;

(3) Real and personal property tax administration, including assessments, collection, and custody of tax proceeds;

(4) Court and public records management, as provided by law, including registration, recording, and custody of public records; and

(5) All other services prescribed by state law for performance by each of the elected county officers or departments of county government.

(b)(1) A county government, acting through the quorum court, may provide through ordinance for the establishment of any service or performance of any function not expressly prohibited by the Arkansas Constitution or by law.

(2) These legislative services and functions include, but are not limited to, the following services and facilities:

(A) Agricultural services, including:

- (i) Extension services, including agricultural, home economic, and community development;
- (ii) Fairs and livestock shows and sales services;
- (iii) Livestock inspection and protection services;
- (iv) Market and marketing services;
- (v) Rodent, predator, and vertebrate control services; and
- (vi) Weed and insect control services;

(B) Community and rural development services, including:

- (i) Economic development services;
- (ii) Housing services;
- (iii) Open spaces;
- (iv) Planning, zoning, and subdivision control services;
- (v) Urban and rural development, rehabilitation, and redevelopment services; and
- (vi) Watercourse, drainage, irrigation, and flood control services;

(C) Community services, including:

- (i) Animal control services;
- (ii) Cemetery, burial, and memorial services;
- (iii) Consumer education and protection services;
- (iv) Exhibition and show services;
- (v) Libraries, museums, civic center auditoriums, and

- historical, cultural, or natural site services;
- (vi) Park and recreation services; and
- (vii) Public camping services;
- (D) Emergency services, including:
 - (i) Ambulance services;
 - (ii) Civil defense services;
 - (iii) Fire prevention and protection services; and
 - (iv) Juvenile attention services;
- (E) Human services, including:
 - (i) Air and water pollution control services;
 - (ii) Child care, youth, and senior citizen services;
 - (iii) Public health and hospital services;
 - (iv) Public nursing and extended care services; and
 - (v) Social and rehabilitative services;
- (F) Solid waste services, including:
 - (i) Recycling services; and
 - (ii) Solid waste collection and disposal services;
- (G) Transportation services, including:
 - (i) Roads, bridges, airports, and aviation services;
 - (ii) Ferries, wharves, docks, and other marine services;
 - (iii) Parking services;
 - (iv) Public transportation services; and
- (H) Water, sewer, and other utility services, including:
 - (i) Sanitary and storm sewers and sewage treatment services; and
 - (ii) Water supply and distribution services;
- (I) Other services related to county affairs. [Acts 1977, No. 742, § 70; A.S.A. 1947, § 17-3802.]

14-14-803. Providing of facilities. - The power of county government to provide services includes the power to provide necessary and convenient facilities to support the services. [Acts 1977, No. 742, § 71; A.S.A. 1947, § 17-3803.]

14-14-804. Regulatory powers. - The power of a county government to provide services includes the powers in conjunction with the services. [Acts 1977, No. 742, § 72; A.S.A. 1947, § 17-3804.]

14-14-805. Powers denied. - Each county quorum court in the State of Arkansas exercising local legislative authority is prohibited the exercise of the following:

- (1) Any legislative act that applies to or affects any private or civil relationship, except as an incident to the exercise of local legislative authority;
- (2) Any legislative act that applies to or affects the provision of collective bargaining, retirement, workers' compensation, or unemployment compensation. However, subject to the limitations imposed by the Arkansas Constitution and state law regarding these subject areas, a quorum court may exercise any legislative authority with regard to employee policy and practices of a general nature, including, but not limited to, establishment of general vacation and sick leave policies, general office hour policies, general policies with reference to nepotism, or general policies to be applicable in the hiring of county employees. Legislation promulgated by a quorum court dealing with matters of employee policy and practices shall be applicable only to employees of the county and shall not apply to the elected county officers of the county. Legislation applying to employee policy practices shall be only of a general nature

and shall be uniform in application to all employees of the county. The day-to-day administrative responsibility of each county office shall continue to rest within the discretion of the elected county officials;

(3) Any legislative act that applies to or affects the public school system, except that a county government may impose an assessment, where established by the General Assembly, reasonably related to the cost of any service or specific benefit provided by county government and shall exercise any legislative authority which it is required by law to exercise regarding the public school system;

(4) Any legislative act which prohibits the grant or denial of a certificate of public convenience and necessity;

(5) Any legislative act that establishes a rate or price otherwise determined by a state agency;

(6) Any legislative act that defines as an offense conduct made criminal by state law, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of five hundred dollars (\$500) for any one (1) specified offense or violation, or double that sum for repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed two hundred fifty dollars (\$250) for each day that it may be unlawfully continued;

(7) Any legislative act that applies to or affects the standards of professional or occupational competence as prerequisites to the carrying on of a profession or occupation;

(8) Any legislative act of attainder, ex post facto law, or law impairing the obligations of contract shall not be enacted, and no conviction shall work corruption of blood or forfeiture of estate;

(9) Any legislative act which grants to any citizen or class of citizens privileges or immunities which upon the terms shall not equally belong to all citizens;

(10) Any legislative act which denies the individual right of property without just compensation;

(11) Any legislative act which lends the credit of the county for any purpose whatsoever or upon any interest-bearing evidence of indebtedness, except bonds as may be provided for by the Arkansas Constitution. This subdivision does not apply to revenue bonds which are deemed not to be a general obligation of the county;

(12) Any legislative act that conflicts with the exercise by municipalities of any expressed, implied, or essential powers of municipal government;

(13) Any legislative act contrary to the general laws of the state. [Acts 1977, No. 742, § 73; 1979, No. 413, § 15; A.S.A. 1947, § 17-3805.]

14-14-806. Powers requiring state delegation. - Each county quorum court in the State of Arkansas exercising local legislative authority is prohibited the exercise of the following powers, unless the power is specifically delegated by the General Assembly:

- (1) The legislative power to authorize a tax on income or the sale of goods or services. This subdivision shall not be construed to limit the authority of county government to levy any other tax or establish the rate of any other tax which is not inconsistent with the Arkansas Constitution or law;

(2) The legislative power to regulate private activities beyond its geographic limits;

(3) The legislative power to impose a duty on or regulate another unit of local government. However, nothing in this limitation shall affect the right of a county to enter into and enforce an agreement of intergovernmental cooperation;

(4) The legislative power to regulate any form of gambling, lotteries, or gift enterprises. [Acts 1977, No. 742, § 74; A.S.A. 1947, § 17-3806.]

14-14-807. Restrictive provisions. - A county exercising local legislative power is subject to the following provisions. These provisions are a prohibition on the legislative power of a county acting other than as provided:

(1) All state laws providing for the corporation or disincorporation of cities and towns; for the annexation, disannexation, or exclusion of territory from a city or town; and for the creation, abandonment, or boundary alteration of counties;

(2) All state laws establishing legislative procedures or requirements for county government;

(3) All laws requiring elections;

(4) All laws which regulate planning or zoning. However, a county quorum court, in the exercise of its local legislative power, may accept, modify, or reject recommendations of the county planning board. Modifications of the recommendations shall be made by the procedures provided in 14-17-201 et seq. The quorum court is empowered to initiate its own planning and zoning laws;

(5) All laws directing or requiring a county government, or any officer or employee of a county government, to carry out any function or provide any service. However, nothing in this subdivision shall be construed to prevent counties from abolishing or consolidating an office under the provisions of Arkansas Constitution, Amendment 55, Section 2, Part (b), nor the reassignment of statutory delegated functions or services which such reassignment is permitted by law if the abolition, consolidation, or reassignment shall not alter the obligation of the county to continue providing the services previously provided by the abolished or consolidated office;

(6) All laws regulating finance or borrowing procedures and powers of local government;

(7) All laws governing eminent domain;

(8) All laws governing public information and open meetings; and

(9) All laws governing the vacation of roads, streets, or alleys. [Acts 1977, No. 742, § 75; 1981, No. 278, § 1; A.S.A. 1947, § 17-3807.]

14-14-808. Consistency with state regulations required. - (a) A county government exercising local legislative authority is prohibited the exercise of any power in any manner inconsistent with state law or administrative regulation in any area affirmatively subjected by law to state regulation or control.

(b) The exercise of legislative authority is inconsistent with state law or regulation if it establishes standards or requirements which are lower or less stringent than those imposed by state law or regulation.

(c) An area is affirmatively subjected to state control if a state agency or officer is directed to establish

administrative rules and regulations governing the matter or if enforcement of standards or requirements established by statute is vested in a state officer or agency. [Acts 1977, No. 742, § 76; A.S.A. 1947, § 17-3808.]

14-14-809. Concurrent powers. - (a) If a county government is authorized to regulate an area which the state by statute or administrative regulation also regulates, the local government may regulate the area only by enacting ordinances which are consistent with state law or administrative regulation.

(b) If state statute or administrative regulation prescribes a single standard of conduct, an ordinance is consistent if it is identical to the state statute or administrative regulation.

(c) If state statute or administrative regulation prescribes a minimal standard of conduct, an ordinance is consistent if it establishes a standard which is the same as, or higher or more stringent than the state standard.

(d) A county government may adopt ordinances which incorporate by reference state statutes and administrative regulations in areas in which a local government is authorized to act. [Acts 1977, No. 742, § 77; A.S.A. 1947, § 17-3809.]

14-14-810. Improvements to roadways serving private property. - (a)(1) In the passage of this section, the General Assembly is cognizant of the responsibilities of the county judge and of the county quorum court with respect to the establishment and operation of public roads and for the construction, maintenance, repair, and upkeep of county roads. The General Assembly is also mindful of the importance of providing reasonable access to the public roads system for the procurement of emergency medical services; the education of school-age children transported by school buses; the obtaining of mail and the goods of commerce; the marketing of the agricultural, livestock and poultry products produced on Arkansas farms; and access to numerous other services essential to the health, safety, and welfare of thousands of rural families in this state.

(2)(A) It is, therefore, the purpose and intent of this section to authorize the quorum courts of counties having a population of no less than seven thousand (7,000) nor more than seven thousand five hundred (7,500), according to the 1980 Federal Decennial Census, to enact ordinances authorizing the county judge to provide for the use of county road machinery and equipment, materials, supplies, and labor to make improvements to the roadways serving private property that are deemed essential, under standards and procedures established by the court, to provide access to the public roads of the county in cases of bad weather or the occurrence of other events which may impair citizens of this state from obtaining reasonable and necessary access to the public roads of this state.

(B)(i) The ordinance enacted by the quorum court shall prescribe the conditions, circumstances, and limitations under which the county judge is authorized to make improvements or to perform work upon roads used for access from private property to the public roads.

(ii) In addition, the court may request the county judge to file reports from time to time, outlining the work performed in providing access of private property to the

public roads, in such detail and at such frequencies as may be requested by the court.

(b)(1) All work performed by the county judge on improvements necessary to make private property accessible to the public roads, as authorized in this section, and which is performed in compliance with the ordinance adopted by the county quorum court authorizing the work, shall be deemed to be public work for which public funds may be expended.

(2) All expenditures of county funds made by the county judge in compliance with this section are determined to be for a public purpose, as defined in this section. [Acts 1981, No. 268, §§ 1, 2; A.S.A. 1947, §§ 17-3810, 17-3811.]

14-14-811. County Judge's salary. - (a) The quorum court of each county is authorized to pay a portion of the salary and related matching benefits of the county judge from the county road fund and the county solid waste fund.

(b)(1) The portion of the county judge's salary paid from the county road fund shall not exceed fifty percent (50%); and

(2) The portion paid from the county solid waste fund shall not exceed thirty-four percent (34%).

(c) However, the portion to be paid from the county general fund shall be at least one-third (1/3) of the total salary and matching benefits. [Acts 1987, No. 675, § 2; 1999 No. 725, § 1.]

14-14-812. Cemetery access roads. - (a) A "cemetery", as used in this section, means any burying place for the dead, a burial plot, a graveyard, or any land, public or private, dedicated and used for the interment of human remains which includes at least six (6) grave markers.

(b)(1) The county judges of the several county governments in Arkansas shall be authorized to improve and maintain any roads across public or private lands used or to be used for access to a cemetery.

(2) The cemetery access roads shall be constructed to a standard and nature to permit their use by automobiles. [Acts 1995, No. 1317, § 2; 1997, No. 1286, § 2.]

14-14-813. Authority to regulate unsanitary conditions. - (a) To the extent that it is not inconsistent with the powers exercised by incorporated towns and cities of the first class and cities of the second class under § 14-54-901 et seq., counties are empowered to order the owner of real property within the county to:

(1) Abate, remove, or eliminate garbage, rubbish, and junk as defined in § 27-74-402, and other unsightly and unsanitary articles upon property situated in the county; and

(2) Abate, eliminate, or remove stagnant pools of water or any other unsanitary thing, place, or condition that might become a breeding place for mosquitoes and germs harmful to the health of the community.

(b) A copy of the order issued under subsection (a) of this section shall be:

(1) Posted upon the property; and

(2)(A) Mailed to the last known address of the property owner by the county clerk or other person designated by the quorum court; or

(B) Published in accordance with § 14-14-104 if there is no last known address for the property owner.

(c)(1) If the property owner has not complied with the order within thirty (30) days after notice is given in accordance with subsection (b) of this section, the county may:

(A)(i) Take any necessary corrective actions, including repairs, to bring the property into compliance with the order; or

(ii) Remove or raze any structure ordered by the county to be removed or razed; and

(B) Charge the cost of any actions under subdivision (c)(1)(A) of this section to the owner of the real property.

(2) The county shall have a lien against the property for any unpaid cost incurred under subdivision (c)(1) of this section in addition to interest at the maximum legal rate.

(d) In all successful suits brought to enforce liens granted under this section, the county shall be reimbursed its costs, including title search fees and a reasonable attorney's fee.

(e) This section does not apply to:

(1) Land valued as agricultural property that is being farmed or otherwise used for agricultural purposes; or

(2) A parcel of land larger than ten (10) acres if the unsanitary condition on the parcel is not visible from a public road or highway. [Acts 2005, No. 1984, § 1; 2007, No. 126, § 1; 2007, No. 250, § 1.]

14-14-814. Authority to regulate private communities. -

Upon the written request of a property owners' association of a private community which has a population at least equal to that prescribed for cities of the second class and which is located outside the boundaries of a municipality, a county may by ordinance regulate the health, safety, and welfare of the citizens of the private community within all or any part of the area included in the private community. [Acts 2007, No. 144, § 1.]

CHAPTER 9

LEGISLATIVE PROCEDURES

SECTION.

- 14-14-901. Legislative authority.
- 14-14-902. Quorum court administration.
- 14-14-903. Record of proceedings.
- 14-14-904. Procedures generally.
- 14-14-905. Adoption and amendment of ordinances generally.
- 14-14-906. Penalties for violation of ordinances.
- 14-14-907. Appropriation ordinances.
- 14-14-908. Emergency ordinances or amendments.
- 14-14-909. Incorporation by reference.
- 14-14-910. Interlocal agreements.
- 14-14-911. Veto of ordinances or amendments.

14-14-901. Legislative authority. - The legislative power of county government is vested in the quorum court of each county of the state, subject to the limitations imposed by the Arkansas Constitution and by state law. [Acts 1977, No. 742, § 84; A.S.A. 1947, § 17-4001.]

14-14-902. Quorum court administration. - (a) SECRETARIAT. (1) The secretariat of the county quorum court shall be the clerk of the county court of each county unless otherwise provided by county ordinance.

(2) ALTERNATIVE DESIGNATION. A quorum court, by ordinance, may provide for the establishment of minimum qualifications and an appropriation for the employment of a secretariat of the court. The employee so designated shall be a staff member of the county clerk or the county judge as may be specified by the ordinance. Where the separate position of secretariat is created by ordinance, all legislative duties prescribed in this chapter for a county clerk shall thereafter become the duties of the secretariat.

(3) DUTIES OF THE COUNTY CLERK. Unless otherwise provided for by county ordinance, the clerk or the deputy clerk shall:

(A) Attend all regular and special meetings of the court;

(B) Perform all administrative and record keeping duties prescribed in this chapter; and

(C) Perform all other duties as may be required by the quorum court through county ordinance.

(b) COUNSEL. (1) LEGAL COUNSEL. The prosecuting attorney or his deputy serving each county shall serve as legal counsel of the quorum court unless otherwise provided by county ordinance.

(2) ALTERNATIVE DESIGNATION OF LEGAL COUNSEL. A quorum court may, by ordinance, provide for the appropriation of county funds for the employment of legal counsel to serve the court.

(3) DUTIES OF LEGAL COUNSEL. The legal counsel of a quorum court shall:

(A) Attend all regular and special meetings of the court;

(B) Perform all duties prescribed in this chapter; and

SECTION.

- 14-14-912. Veto override.
- 14-14-913. Adoption and amendment of resolutions.
- 14-14-914. Initiative and referendum generally.
- 14-14-915. Initiative and referendum requirements.
- 14-14-916. Judicial jurisdiction over initiative and referendum.
- 14-14-917. Initiative and referendum elections.
- 14-14-918. Passage of initiative and referendum measures.
- 14-14-919. Referendum petitions on county bond issue.

(C) Perform all other duties as may be required by a quorum court.

(c) OTHER ADMINISTRATIVE SERVICES. A quorum court may authorize and provide, through ordinance, for the employment of any additional staff or the purchase of technical services in support of legislative affairs. [Acts 1977, No. 742, § 97; 1979, No. 413, §§ 25-27; A.S.A. 1947, § 17-4014.]

14-14-903. Record of proceedings. - (a) MINUTES. The quorum court of each county shall provide for the keeping of written minutes which include the final vote on each ordinance or resolution indicating the vote of each individual member on the question.

(b) COUNTY ORDINANCE AND RESOLUTION REGISTER. (1) There shall be maintained by each quorum court a county ordinance and resolution register for all ordinances, resolutions, and amendments to each, adopted and approved by the court.

(2)(A) Entries in this register shall be sequentially numbered in the order adopted and approved and shall be further designated by the year of adoption and approval.

(B) A separate sequential numbering system shall be maintained for both ordinances and resolutions.

(3) The register number shall be the official reference number designating an enactment.

(4) The register shall be maintained as a permanent record of the court and shall contain, in addition to the sequential register number, the following items of information:

(A) An index number which shall be the originating legislative agenda number of the enactment;

(B) The comprehensive title of the enactment;

(C) The type of ordinance or amendment: general, emergency, appropriation, initiative, or referendum;

(D) The date adopted by the quorum court;

(E) The date approved by the county judge, date of veto override, or date enacted by the electors;

(F) The effective date of the enactment;

(G) The expiration date of the enactment; and

(H) A recording index number designating the location of the enactments.

(c)(1)(A) PERMANENT RECORD OF ORDINANCES AND RESOLUTIONS. There shall be maintained a permanent record of all ordinances and resolutions in which each enactment is entered in full after passage and approval, except when a code or budget is adopted by reference.

(B) When a code or budget is adopted by reference, the date and source of the code shall be entered.

(2)(A) The permanent record shall be so indexed to provide for efficient identification, location, and retrieval of all ordinances and resolutions by subject, register number, and date enacted.

(B) The permanent record indexing may be by book and page.

(d) CODIFICATION OF ORDINANCES. No later than 1980 and at five year intervals thereafter, all county ordinances enacted in each of the several counties shall be compiled into a uniform code and published. [Acts 1977, No. 742, § 96; A.S.A. 1947, § 17-4013.]

14-14-904. Procedures generally. - (a) TIME AND PLACE OF QUORUM COURT ASSEMBLY. (1)(A)(i) The justices of the peace elected in each county shall assemble and organize as a county quorum court body on a date chosen by the county judge and held within five (5) days, excepting holidays, after the beginning of the justices' term in office.

(ii) If the first meeting is not held on the quorum court's established regular meeting day, the quorum court may declare the first meeting to be in lieu of the established January meeting.

(B)(i) Thereafter, the justices shall assemble each calendar month in their respective counties to perform the duties of a quorum court, except that more frequent meetings may be required by ordinance.

(ii)(a) The time and place of the initial assembly of justices shall be designated by written notice of the county judge.

(b) Thereafter, the justices shall meet as a quorum court at a regular time and place established by ordinance.

(B) LEVY OF TAXES AND MAKING OF APPROPRIATIONS.

(1)(A)(i) The quorum court at its regular meeting in November of each year shall levy the county taxes, municipal taxes, and school taxes for the current year.

(ii) Before the end of each fiscal year, the quorum court shall make appropriations for the expenses of county government for the following year.

(B) The Director of the Assessment Coordination Department may authorize an extension of up to sixty (60) days of the date for levy of taxes upon application by the county judge and county clerk of any county for good cause shown resulting from reappraisal or rollback of taxes.

(2) Nothing in this subsection shall prohibit the quorum court from making appropriation amendments at any time during the current fiscal year.

(3) If the levy of taxes is repealed by referendum, the county may adopt a new ordinance levying taxes within thirty (30) days after the referendum vote is certified.

(4) If a county court determines that the levy of taxes by the quorum court is incorrect due to clerical errors, scrivener's errors, or failure of a taxing entity to report the correct millage rate to the quorum court, the county court

shall issue an order directing the county clerk to correct the error in order to correct the millage levy.

(5) If a determination is made under this subchapter or § 26-80-101 et seq. that the taxes levied by the quorum court are out of compliance with Arkansas Constitution, Article 14, § 3, as amended by Arkansas Constitution, Amendments 11, 40, and 74, then upon notice from the Director of the Department of Education, the county court shall immediately issue an order directing the county clerk to change the millage levy to bring the taxes levied into compliance with Arkansas Constitution, Article 14, § 3, as amended by Arkansas Constitution, Amendments 11, 40, and 74.

(c) SPECIAL MEETINGS OF QUORUM COURT. The county judge or a majority of the elected justices may call a special meeting of the quorum court upon at least twenty-four (24) hours' notice in such manner as may be prescribed by local ordinance. In the absence of procedural rules, the county judge or a majority of the elected justices may call a special meeting of the quorum court upon written notification of all members not less than two (2) calendar days prior to the calendar day fixed for the time of the meeting. The notice of special meeting shall specify the subjects, date, time, and designated location of the special meeting.

(d) PRESIDING OFFICER. The county judge shall preside over the quorum court without a vote but with the power of veto. In the absence of the county judge, a quorum of the justices by majority vote shall elect one (1) of their number to preside but without the power to veto. The presiding officer shall appoint all regular and special committees of a quorum court, subject to any procedural rules that may be adopted by ordinance.

(e) PROCEDURAL RULES AND ATTENDANCE AT MEETINGS. Except as otherwise provided by law, the quorum court of each county shall determine its rules of procedure and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

(f) QUORUM. A majority of the whole number of justices composing a quorum court shall constitute a quorum and is necessary to conduct any legislative affairs of the county.

(g) LEGISLATIVE AFFAIRS. All legislative affairs of a quorum court shall be conducted through the passage of ordinances, resolutions, or motions.

(h) MAJORITY VOTE REQUIRED. All legislative actions of a quorum court, excluding the adoption of a motion, shall require a majority vote of the whole number of justices composing a quorum court unless otherwise provided by the Arkansas Constitution or by law. A motion shall require a majority vote of the whole number of justices composing a quorum for passage.

(i) COUNTY ORDINANCE. A county ordinance is defined as an enactment of compulsory law for a quorum court that defines and establishes the permanent or temporary organization and system of principles of a county government for the control and conduct of county affairs.

(j) COUNTY RESOLUTION. A county resolution is defined as the adoption of a formal statement of policy by a quorum court, the subject matter of which would not properly constitute an ordinance. A resolution may be used whenever the quorum court wishes merely to express an opinion as to

some matter of county affairs, and a resolution shall not serve to compel any executive action.

(k) MOTION. A motion is defined as a proposal to take certain action or an expression of views held by the quorum court body. As such, a motion is merely a parliamentary procedure that precedes the adoption of resolutions or ordinances. Motions shall not serve to compel any executive action unless such action is provided for by a previously adopted ordinance or state law.

(l) ORDINANCES. Ordinances may be amended and repealed only by ordinances.

(m) RESOLUTIONS. Resolutions may be amended and repealed only by resolutions.

(n) INITIATIVE AND REFERENDUM. All ordinances shall be subject to initiative and referendum as provided for through Arkansas Constitution, Amendment 7. [Acts 1977, No. 742, § 85; 1979, No. 413, § 21;; Acts 1991, No. 406, § 1; 1997, No. 1300, § 24; 2001, No. 901, § 1; 2003 (2nd Ex. Sess.), No. 105, § 5; 2005, No. 252, § 1; A.S.A. 1947, § 17-4002]

14-14-905. Adoption and amendment of ordinances generally. - (a) INTRODUCTION OF ORDINANCES AND AMENDMENTS TO EXISTING ORDINANCES. A county ordinance or amendment to an ordinance may be introduced only by a justice of the peace of the county or through the provisions of initiative and referendum pursuant to Arkansas Constitution, Amendment 7.

(b) STYLE REQUIREMENTS. (1) GENERALLY. (A) No ordinance or amendment to an existing ordinance passed by a county quorum court shall contain more than one (1) comprehensive topic and shall be styled "Be It Enacted by the Quorum Court of the County of _____, State of Arkansas; an Ordinance to be Entitled:".

(B) Each ordinance shall contain this comprehensive title, and the body of the ordinance shall be divided into articles, sequentially numbered, each expressing a single general topic related to the single comprehensive topic.

(2) AMENDMENT TO EXISTING ORDINANCES. No county ordinance shall be revised or amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revised, amended, extended, or conferred shall be reenacted and published at length.

(c) PASSAGE. (1)(A) On the passage of every ordinance or amendment to an existing ordinance, the yeas and nays shall be called and recorded.

(B) A concurrence by a majority of the whole number of members elected to the quorum court shall be required to pass any ordinance or amendment.

(2)(A) All ordinances or amendments to existing ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days unless two-thirds (2/3) of the members composing the court shall dispense with the rule.

(B) This subdivision (c)(2) shall not serve to:

(i) Require a vote after each individual reading, but only a vote after the third and final reading;

(ii) Require the ordinance or amendment to be read in its entirety on the first, second, or third reading; or

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

(d) APPROVAL AND PUBLICATION. (1)(A) Upon passage, all ordinances or amendments shall be approved by the county judge within seven (7) days unless vetoed and shall become law without his or her signature if not signed within seven (7) days.

(B) The ordinances or amendments shall then be published by the county clerk as prescribed by law.

(2)(A) Approval by the county judge shall be demonstrated by affixing his or her signature and his or her notation of the date signed on the face of an original copy of the proposed ordinance.

(B) This approval and authentication shall apply to all ordinances or amendments to existing ordinances unless the power of veto is invoked.

(e) EFFECTIVE DATE. (1) No ordinance or amendment to an existing ordinance other than an emergency ordinance or appropriation ordinance shall be effective until thirty (30) calendar days after publication has appeared.

(2) An ordinance or amendment to an existing ordinance may provide for a delayed effective date or may provide for the ordinance or amendment to an existing ordinance to become effective upon the fulfillment of an indicated contingency.

(f) REFERENCE TO ELECTORS. (1) GENERALLY. (A)(i) At the time of or within thirty (30) days of adoption and prior to the effective date of an ordinance, a quorum court may refer the ordinance to the electors for their acceptance or rejection.

(ii) The referral shall be in the form of a resolution and shall require a three-fifths (3/5) affirmative vote of the whole number of justices constituting a quorum court.

(B) This action by a court shall not be subject to veto and shall constitute a referendum measure.

(2) MANNER AND PROCEDURE. (A) Any ordinance enacted by the governing body of any county in the state may be referred to a vote of the electors of the county for approval or rejection in the manner and procedure prescribed in Arkansas Constitution, Amendment 7, and laws enacted pursuant thereto, for exercising the local initiative and referendum.

(B) The manner and procedure prescribed therein shall be the exclusive method of exercising the initiative and referendum regarding these local measures. [Acts 1977, No. 742, § 86; 1981, No. 220, § 1;; Acts 2005, No. 543, § 1; A.S.A. 1947, §§ 17-4003, 17-4003.1]

14-14-906. Penalties for violation of ordinances. - (a)

AUTHORITY TO ESTABLISH. (1)(A) A county quorum court may fix penalties for the violation of any ordinance, and these penalties may be enforced by the imposition of fines, forfeitures, and penalties on any person offending against or violating the ordinance.

(B) The fine, forfeiture, or penalty shall be prescribed in each particular ordinance or in an ordinance prescribing fines, forfeitures, and penalties in general.

(2)(A) A quorum court shall have power to provide, by ordinance, for the prosecution, recovery, and collection of the fines, forfeitures, and penalties.

(B)(i) A quorum court shall not have the power to define an offense as a felony or to impose any fine or penalty in excess of one thousand dollars (\$1,000) for any one (1) specified offense or violation, or double that sum for each repetition of the offense or violation.

(ii) If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed five hundred dollars (\$500) for each day that it may be unlawfully continued.

(b) DISPOSITION. All fines and penalties imposed for violation of any county ordinance shall be paid into the county general fund. [Acts 1977, No. 742, § 95; Acts 2009, No. 319, § 1. A.S.A. 1947, § 17-4012.]

14-14-907. Appropriation ordinances. - (a)(1) GENERALLY. An appropriation ordinance or amendment to an appropriation ordinance is defined as a measure by which the county quorum court designates a particular fund, or sets apart a specific portion of county revenue in the treasury, to be applied to some general object of expenditure or to some individual purchase or expense of the county.

(2) An appropriation ordinance or amendment to an existing appropriation ordinance may be introduced in the manner provided by law for the introduction of ordinances.

(3) Appropriation measures enacted by a quorum court shall include the following categories of financial management:

(A) The levy of taxes and special property tax assessments as provided by law;

(B) The enactment of specific appropriations by which a specified sum has been set apart in the treasury and devoted to the payment of a particular demand. Specific appropriations may be enacted through the adoption of an annual budget, a statement of estimated receipts and expenditures, in a manner prescribed by law.

(b) ADOPTION AND AMENDMENT BY REFERENCE. Any quorum court may adopt, amend, or repeal an appropriation ordinance which incorporates by reference the provisions of any county budget or portion of a county budget, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of the adopted budget in full. At least one (1) copy of a budget, portion, or amendment which is incorporated or adopted by reference shall be filed in the office of the county clerk and there kept available for public use, inspection, and examination.

(c) DESIGNATION. All appropriation ordinances or an amendment to an appropriation ordinance shall be designated "appropriation ordinance."

(d) READINGS AND PUBLICATION. An appropriation ordinance may be enacted without separate readings or publication prior to passage. However, publication shall be initiated within two (2) calendar days, excepting holidays, after approval of the measure by the county judge.

(e) VOTING REQUIREMENTS. The passage of appropriation ordinances or amendments to existing appropriation ordinances enacted without separate readings shall require a two-thirds (2/3) vote of the whole number of justices comprising a quorum court. On the passage of every appropriations measure, the yeas and nays shall be called and recorded in the minutes of the meeting.

(f) EFFECTIVE DATE. An appropriation measure is effective immediately upon passage by the quorum court and approval by the county judge. [Acts 1977, No. 742, § 87; A.S.A. 1947, § 17-4004.]

14-14-908. Emergency ordinances or amendments. - (a) GENERALLY. An emergency ordinance or emergency amendments to existing ordinances may be introduced in the manner provided by law for the introduction of ordinances. An emergency ordinance may be enacted only to meet public emergencies affecting life, health, safety, or the property of people.

(b) LIMITATIONS. An emergency ordinance or amendment shall not levy taxes, impose special property tax assessments, impose or change a service rate, or be enacted on any franchise or special privilege creating any vested right or interest or alienating any property. Every extension, enlargement, grant, or conveyance of franchise or any rights, property, easements, lease, or occupation of, or in, any road, street, alley, or any part thereof in real property or interest in real property owned by a county government exceeding in value three hundred dollars (\$300), whether it be by ordinance or otherwise, shall be subject to referendum and shall not be subject to emergency enactment.

(c) DECLARATION OF EMERGENCY. An emergency ordinance must contain a declaration that an emergency exists and define the emergency. All emergency ordinances shall be designated "emergency ordinance."

(d) READINGS AND PUBLICATION. An emergency measure does not require separate readings or publication prior to passage. However, publication shall be initiated within seven (7) calendar days, excepting holidays, after approval of the emergency measure by the county judge.

(e) VOTING REQUIREMENTS. The passage of emergency ordinances or emergency amendments to existing ordinances shall require a two-thirds (2/3) vote of the whole number of justices comprising a quorum court. On the passage of every emergency measure, the yeas and nays shall be called and recorded in the minutes of the meeting.

(f) EFFECTIVE DATE. An emergency ordinance or emergency amendment to an existing ordinance is effective immediately upon passage by the quorum court and approval by the county judge. [Acts 1977, No. 742, § 88; 1979, No. 413, § 22; A.S.A. 1947, § 17-4005.]

14-14-909. Incorporation by reference. - (a) For the purpose of this section, "code" means any published compilation of rules which has been prepared by various technical trade associations, model code organizations, federal agencies, or this state, or any agency thereof, and shall include specifically, but shall not be limited to, building codes, plumbing codes, electrical wiring codes, health or sanitation codes, together with any other code which embraces rules pertinent to a subject which is a proper local county affair.

(b) Any county quorum court may adopt or repeal an ordinance that incorporates by reference the provisions of any code, or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of the code in full. Notice of the intent to adopt a code by reference shall be published after the second reading and prior to final adoption of the code. At

least one (1) copy of the code, portion, or amendment which is incorporated or adopted by reference shall be filed in the office of the county clerk and there kept available for public use, inspection, and examination. The filing requirements prescribed in this subsection shall not be considered to be complied with unless the required copies of the codes, portion, amendment, or public record are filed with the county clerk for a period of thirty (30) days prior to final adoption of the ordinance which incorporates the code, portion, or amendment by reference.

(c) The quorum court may adopt or amend a code by reference by an emergency ordinance and without notice.

(d) The process for repealing an ordinance which adopted or amended a code by reference shall be the same as for repealing any other ordinance.

(e) Any ordinance adopting a code, portion, or amendment by reference shall state the penalty for violating the code, portion, or amendment, or any provision thereof, separately, and no part of any penalty shall be incorporated by reference. [Acts 1977, No. 742, § 89; 1979, No. 413, § 23; A.S.A. 1947, § 17-4006.]

14-14-910. Interlocal agreements. - (a) GENERALLY. The county court of each county may contract, cooperate, or join with any one (1) or more other governments or public agencies, including any other county, or with any political subdivisions of the state or any other states, or their political subdivisions, or with the United States to perform any administrative service, activity, or undertaking which any contracting party is authorized by law to perform.

(b)(1) DEFINITIONS. "County interlocal agreement" means any service contract entered into by the county court which establishes a permanent or perpetual relationship thereby obligating the financial resources of a county. Grant-in-aid agreements enacted through an appropriation ordinance shall not be considered an interlocal agreement.

(2) "Permanent or perpetual relationship" means for purposes of this section any agreement exhibiting an effective duration greater than one (1) year, twelve (12) calendar months, or an agreement exhibiting no fixed duration but where the apparent intent of the agreement is to establish a permanent or perpetual relationship. Such interlocal agreements shall be authorized by ordinance of the quorum court. Any interlocal agreement enacted by ordinance may provide for the county to:

(A) Cooperate in the exercise of any function, power, or responsibility;

(B) Share the services of any officer, department, board, employee, or facility; and

(C) Transfer or delegate any function, power, responsibility, or duty.

(c) CONTENTS. An interlocal agreement shall:

(1) Be authorized and approved by the governing body of each party to the agreement;

(2) Set forth fully the purposes, powers, rights, obligations, and responsibilities of the contracting parties; and

(3) Specify the following:

(A) Its duration;

(B) The precise organization, composition, and nature of any separate legal entity created;

(C) The purposes of the interlocal agreement;

(D) The manner of financing the joint or cooperative undertaking and establishing and maintaining a budget;

(E) The permissible methods to be employed in accomplishing the partial or complete termination of an agreement and for disposing of property upon partial or complete termination. The methods for termination shall include a requirement of six (6) months written notification of the intent to withdraw by the governing body of the public agency wishing to withdraw;

(F) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking including representation of the contracting parties on the joint board;

(G) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking; and

(H) Any other necessary and proper matters.

(d) SUBMISSION TO LEGAL COUNSEL. Every agreement made shall, prior to and as a condition precedent to its final adoption and performance, be submitted to legal counsel who shall determine whether the agreement is in proper form and compatible with all applicable laws. The legal counsel shall approve any agreement submitted to him unless he finds it does not meet the conditions set forth in this section. Then he shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement within thirty (30) days of its submission shall constitute approval.

(e) SUBMISSION TO ATTORNEY GENERAL. Every agreement including a state or a state agency shall, prior to and as a condition precedent to its final adoption and performance, be submitted to the Attorney General who shall determine whether the agreement is in proper form and compatible with the laws of the State of Arkansas. The Attorney General shall approve any agreement submitted to him unless he finds it does not meet the conditions set forth in this section. Then he shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement within thirty (30) days of its submission shall constitute approval. [Acts 1977, No. 742, § 90; A.S.A. 1947, § 17-4007.]

14-14-911. Veto of ordinances or amendments. - (a) AUTHORITY TO VETO. The county judge of each county shall preside over the county quorum court with the power of veto.

(b) LIMITATIONS OF VETO. The power of veto shall be limited to the total text of an ordinance or amendment to an existing ordinance, and this veto power shall not be construed to permit the veto of any single part, section, or line item of any ordinance or amendment. The power of veto shall not apply to measures enacted through the provisions of initiative and referendum.

(c) TIME LIMITATIONS FOR VETO. The veto of any ordinance of a general or permanent nature must be exercised within seven (7) calendar days after passage by a quorum court.

(d) PROCEDURE AND AUTHENTICATION OF VETO. The veto of any ordinance or amendment of a general or

permanent nature shall be authenticated by the county judge and shall be demonstrated by the filing of a written statement of the reasons of veto with the county clerk.

(e) NOTIFICATION OF VETO. Upon filing of the written notification of veto by the county judge, the county clerk shall immediately provide written notification to each member of the quorum court and provide each member with a copy of the veto statement filed by the judge.

(f) SUSPENSION OF FORCE. No ordinance vetoed shall have any force or validity unless, at the next regular meeting after the filing of the veto statement, the quorum court shall exercise their power to override a veto pursuant to Arkansas Constitution, Amendment 55, Section 4. [Acts 1977, No. 742, § 91; A.S.A. 1947, § 17-4008.]

14-14-912. Veto override. - (a) POWER OF VETO OVERRIDE. The quorum court of each county shall have the power to override the veto of the county judge.

(b) VOTE REQUIRED. An affirmative vote of three-fifths (3/5) of the total membership of a quorum court shall be required to override the veto of any ordinance or amendment to an existing ordinance. On the consideration of a veto override by a court, the yeas and nays shall be called and recorded in the minutes of the meeting.

(c) TIME OF VETO OVERRIDE. A quorum court shall exercise the power of veto override over permanent and temporary ordinances at the next regular session of the court following the written notification of veto. Failure to override a veto in a single vote of the court shall constitute a confirmation of veto by a court, and no further consideration of veto override on the measure shall be introduced in subsequent sessions of the court. However, any ordinance or amendment so vetoed and confirmed by failure to override the veto may be reintroduced in the manner prescribed by law for the introduction of ordinances and amendments to ordinances. [Acts 1977, No. 742, § 92; A.S.A. 1947, § 17-4009.]

14-14-913. Adoption and amendment of resolutions. -

(a) A county resolution or amendment to a resolution may be introduced only by a justice of the peace of the county.

(b) No resolution or amendment to a resolution passed by a county quorum court shall contain more than one (1) comprehensive topic and shall be styled "Be It Resolved by the Quorum Court of the County of _____, State of Arkansas That:".

(c) No county resolution shall be revised or amended, or the provisions thereof extended or conferred, by references to its title only, but so much thereof as is revised, amended, extended, or conferred shall be reenacted and published at length.

(d) A proposed resolution must be read and adopted by a majority vote of the whole number of justices comprising a quorum court. On the passage of every resolution or amendment to an existing resolution, the yeas and nays shall be called and recorded in the minutes of the meeting.

(e) Resolutions or an amendment to an existing resolution may be introduced and adopted in a single meeting of the quorum court.

(f) Upon passage, all resolutions or amendments to existing resolutions shall be entered into the records of the quorum court. Publication of resolutions shall not be required

except where publication is specified in the resolution adopted by a court.

(g) All resolutions shall be immediately effective unless a delayed effective date is specified.

(h) The power of veto shall not apply to the adoption of resolutions or amendments to resolutions. [Acts 1977, No. 742, § 93; A.S.A. 1947, § 17-4010.]

14-14-914. Initiative and referendum generally. - (a) COUNTY LEGISLATIVE POWERS RESERVED. The powers of initiative and referendum are reserved to the electors of each county government pursuant to Arkansas Constitution, Amendment 7.

(b) RESTRICTIONS. No county legislative measure shall be enacted contrary to the Arkansas Constitution or any general state law which operates uniformly throughout the state, and any general law of the state shall have the effect of repealing any county ordinance which is in conflict therewith. All ordinances adopted by the county quorum court providing for alternative county organizations and all proposed reorganizations of county government that may be proposed by initiative petition of electors of the county under Arkansas Constitution, Amendment 7 shall be submitted to the electors of the county only at the next following general election. However, such referendum shall be subject to initiative petition.

(c) PETITION BY ELECTORS. The qualified electors of each county may initiate and amend ordinances and require submission of existing ordinances to a vote of the people by petition if signed by not less than fifteen percent (15%) of the qualified electors voting in the last general election for the office of circuit clerk, or the office of Governor where the electors have abolished the office of circuit clerk.

(d) SUSPENSION OF FORCE. (1) GENERAL ORDINANCE. A referendum petition on a general ordinance, or any part thereof, shall delay the effective date on such part included in the petition until the ordinance is ratified by the electors. However, the filing of a referendum petition against one (1) or more items, sections, or parts of any ordinance shall not delay the remainder from becoming operative.

(2) EMERGENCY ORDINANCE. A referendum petition on an emergency ordinance shall not suspend the force of the law, but the measure may be law until it is voted upon by the electors. [Acts 1977, No. 742, § 94; 1979, No. 413, § 24; A.S.A. 1947, § 17-4011.]

14-14-915. Initiative and referendum requirements. -

(a) STYLE REQUIREMENTS OF PETITIONS. A petition for county initiative or referendum filed by the electors shall:

(1) Embrace only a single comprehensive topic and shall be styled and circulated for signatures in the manner prescribed for county ordinances and amendments to ordinances established in this section and § 7-9-101 et seq.;

(2) Set out fully in writing the ordinance sought by petitioners; or in the case of an amendment, set out fully in writing the ordinance sought to be amended and the proposed amendment; or in the case of referendum, set out the ordinance, or parts thereof, sought to be repealed; and

(3) Contain a written certification of legal review by an attorney at law duly registered and licensed to practice in the State of Arkansas. This legal review shall be conducted

for the purpose of form, proper title, legality, constitutionality, and conflict with existing ordinances. Legal review shall be concluded prior to the circulations of the petition for signatures. No change shall be made in the text of any initiative or referendum petition measure after any or all signatures have been obtained.

(b) TIME REQUIREMENTS FOR FILING PETITIONS.

(1) INITIATIVE PETITIONS. All petitions for initiated county measures shall be filed with the county clerk not less than ninety (90) calendar days nor more than one hundred twenty (120) calendar days prior to the date established for the next regular election.

(2) REFERENDUM PETITIONS. All petitions for referendum on county measures must be filed with the county clerk within sixty (60) calendar days after passage and publication of the measure sought to be repealed.

(3) CERTIFICATION. All initiative and referendum petitions must be certified sufficient to the county board of election commissioners not less than seventy (70) calendar days prior to a regular general election to be included on the ballot. If the adequacy of a petition is determined by the county clerk less than seventy (70) days prior to the next regular election, the election on the measure shall be delayed until the following regular election unless a special election is called on a referendum measure as provided by law.

(c) FILING OF PETITIONS. Initiative and referendum petitions ordering the submission of county ordinances or measures to the electors shall be directed to and filed with the county clerk.

(d) SUFFICIENCY OF PETITION. Within ten (10) days after the filing of any petition, the county clerk shall examine and ascertain its sufficiency. Where the petition contains evidence of forgery, perpetuated either by the circulator or with his or her connivance, or evidence that a person has signed a name other than his or her own to the petition, the prima facie verity of the circulator's affidavit shall be nullified and disregarded, and the burden of proof shall be upon the sponsors of petitions to establish the genuineness of each signature. If the petition is found sufficient, the clerk shall immediately certify such finding to the county board of election commissioners and the quorum court.

(e) INSUFFICIENCY OF PETITION AND RECERTIFICATION. If the county clerk finds the petition insufficient, the clerk shall, within ten (10) days after the filing thereof, notify the petitioners or their designated agent or attorney of record, in writing, setting forth in detail every reason for the findings of insufficiency. Upon notification of insufficiency of petition, the petitioners shall be afforded ten (10) calendar days, exclusive of the day notice of insufficiency is received, in which to solicit and add additional signatures, or to submit proof tending to show that signatures rejected by the county clerk are correct and should be counted. Upon resubmission of a petition which was previously declared insufficient, the county clerk shall, within five (5) calendar days, recertify its sufficiency or insufficiency in the same manner as prescribed in this section and, thereupon, the clerk's jurisdiction as to the sufficiency of the petition shall cease.

(f) APPEAL OF SUFFICIENCY OR INSUFFICIENCY FINDINGS. Any taxpayer aggrieved by the action of the clerk in certifying the sufficiency or insufficiency of any initiative or

referendum petition, may within fifteen (15) calendar days, but not thereafter, may file a petition in circuit court for a review of the findings. [Acts 1977, No. 742, § 94; 1979, No. 891, § 1; Acts 2009, No. 1480, § 50. A.S.A. 1947, § 17-4011.]

14-14-916. Judicial jurisdiction over initiative and referendum.

(a) JURISDICTION OF CIRCUIT COURT. Jurisdiction is vested upon the circuit courts to hear and determine petitions for writs of mandamus, injunctions, and all other actions affecting the submission of any proposed county initiative or referendum petitions. All such proceedings and actions shall be heard summarily upon five (5) calendar days' notice in writing and shall have precedence over all other suits and matters before the court.

(b) LIMITATION OF INJUNCTION OR STAY OF PROCEEDINGS. No procedural steps in submitting an initiative or referendum measure shall be enjoined, stayed, or delayed by the order of any court or judge after the petition has been declared sufficient, except in circuit court on petition to review as provided in this section. During the pendency of any proceeding to review, the findings of the county clerk shall be conclusive and binding and shall not be changed or modified by any temporary order or ruling, and no court or judge shall entertain jurisdiction of any action or proceeding questioning the validity of any such ordinance or measure until after it shall have been adopted by the people. [Acts 1977, No. 742, § 94; Acts 2003, No. 1185, § 21; A.S.A. 1947, § 17-4011.]

14-14-917. Initiative and referendum elections. - (a) TIME OF ELECTION FOR INITIATIVE AND REFERENDUM MEASURES.

(1) INITIATIVE. Initiative petition measures shall be considered by the electors only at a regular general election at which state and county officers are elected for regular terms.

(2) REFERENDUM. Referendum petition measures may be submitted to the electors during a regular general election and shall be submitted if the adequacy of the petition is determined within the time limitation prescribed in this section. A referendum measure may also be referred to the electors at a special election called for the expressed purpose proposed by petition. However, no referendum petition certified within the time limitations established for initiative measures shall be referred to a special election, but shall be voted upon at the next regular election. No referendum election shall be held less than sixty (60) days after the certification of adequacy of the petition by the county clerk.

(3) CALLING SPECIAL ELECTIONS. The jurisdiction to establish the necessity for a special election on referendum measures is vested in the electors through the provisions of petition. Where such jurisdiction is not exercised by the electors, the county court of each of the several counties may determine such necessity. However, a quorum court may compel the calling of a special election by a county court through resolution adopted during a regularly scheduled meeting of the quorum court. The resolution may specify a reasonable time limitation in which a county court order calling the special election shall be entered.

(4) TIME OF SPECIAL ELECTION. The county court shall fix the date for the conduct of any special elections on referendum measures. The date shall be not less than established under § 7-11-201 et seq. When the electors exercise their powers to establish the necessity for a special election, the county court shall order an election according to the dates stated in § 7-11-201 et seq.

(b) CERTIFICATION REQUIREMENTS. (1) NUMERIC DESIGNATION OF INITIATIVE AND REFERENDUM MEASURES. The county clerk shall, upon finding an initiative or referendum petition sufficient and prior to delivery of such certification to a board of election commissioners and quorum court, cause the measure to be entered into the legislative agenda register of the quorum court. This entry shall be in the order of the original filing of petition, and the register entry number shall be the official numeric designation of the proposed measure for election ballot purposes.

(2) CERTIFICATION OF SUFFICIENCY. The certification of sufficiency for initiative and referendum petitions transmitted by the county clerk to the county board of election commissioners and quorum court shall include the ballot title of the proposed measure, the legislative agenda registration number, and a copy of the proposed measure, omitting signatures. The ballot title certified to the board shall be the comprehensive title of the measure proposed by petition, and the delivery of the certification to the chairman or secretary of the board shall be deemed sufficient notice to the members of the board and their successors.

(c) NOTICE OF ELECTION. (1) INITIATIVE PETITIONS. The county clerk shall, upon certification of any initiative or referendum petition measure submitted during the time limitations for a regular election, give notice, through publication by a two-time insertion, at not less than a seven-day interval, in a newspaper of general circulation in the county or as provided by law. Publication notice shall state that the measure will be submitted to the electors for adoption or rejection at the next regular election and shall include the full text, the ballot title, and the official numeric designation of the measure.

(2) REFERENDUM PETITION. The county clerk shall, upon certifying any referendum petition prior to the time limitations of filing measures established for a regular election, give notice through publication by a one-time insertion in a newspaper of general circulation in the county or as provided by law. Publication notice shall state that the measure will be submitted to the electors for adoption or rejection at the next regular election or a special election when ordered by the county court and shall include the full text, the ballot title, and the official numeric designation of the measure.

(3) PUBLICATION OF SPECIAL REFERENDUM ELECTION NOTICE. Upon filing of a special election order by the county court, the county clerk shall give notice of the election through publication by a two-time insertion, at not less than a seven-day interval, in a newspaper of general circulation in the county or as provided by law. Publication shall state that the measure will be submitted to the electors for adoption or rejection at a special election and shall include the full text, the date of the election, the ballot title, and official numeric designation of the measure.

(4) COSTS. The cost of all publication notices required in this section shall be paid out of the county general fund.

(d) BALLOT SPECIFICATIONS FOR INITIATIVE AND REFERENDUM MEASURES. Upon receipt of any initiative or referendum measure certified as sufficient by a county clerk, it shall be the duty of the members of the county board of election commissioners to take due cognizance and to certify the results of the vote cast thereon. The board shall cause the ballot title to be placed on the ballot to be used in the election, stating plainly and separately the title of the ordinance or measure so initiated or referred to the electors with these words:

FOR PROPOSED INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT)

NO. _____

AGAINST PROPOSED INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT)

NO. _____

so electors may vote upon such ordinance or measure. In arranging the ballot title on the ballot, the commissioners shall place it separate and apart from the ballot titles of the state acts, constitutional amendments, and the like. If the board of election commissioners fails or refuses to submit a proposed initiative or referendum ordinance when it is properly petitioned and certified as sufficient, the qualified electors of the county may vote for or against the ordinance or measure by writing or stamping on their ballots the proposed ballot title, followed by the word "FOR" or "AGAINST", and a majority of the votes so cast shall be sufficient to adopt or reject the proposed ordinance.

(e) CONFLICTING MEASURES. Where two (2) or more ordinances or measures shall be submitted by separate petition at any one (1) election, covering the same subject matter and being for the same general purpose, but different in terms, words, and figures, the ordinance or measure receiving the greatest number of affirmative votes shall be declared the law, and all others shall be declared rejected.

(f) CONTEST OF ELECTION. The right to contest the returns and certification of the vote cast upon any proposed initiative or referendum measure is expressly conferred upon any ten (10) qualified electors of the county. The contest shall be brought in the circuit court and shall be conducted under the procedure for contesting the election of county officers, except that the complaint shall be filed within sixty (60) days after the certification of the vote and no bond shall be required of the contestants.

(g) VOTE REQUIREMENT FOR ENACTMENT OF ORDINANCE. Any measure submitted to the electors as provided in this section shall take effect and become law when approved by a majority of the votes cast upon the measure, and not otherwise, and shall not be required to receive a majority of the electors voting at the election. The measure so enacted shall be operative on and after the thirtieth day after the election at which it is approved, unless otherwise specified in the ordinance or amendment. [Acts 1977, No. 742, § 94; Acts 2003, No. 1441, § 2; 2007, No.

1049, § 35; 2009, No. 1480, § 51. A.S.A. 1947, § 17-4011.]

14-14-918. Passage of Initiative and referendum measures. - (a) RECORDING OF ENACTMENT. Upon passage of any initiative or referendum measure by the electors, the county clerk shall record the enactment in the county ordinance and resolution register in the manner provided by law for all county ordinances and resolutions. The register entry number designation shall thereby become the official reference number designating the enactment.

(b) QUORUM COURT AUTHORITY. No measure approved by a vote of the electors shall be amended or repealed by a quorum court except by affirmative vote of two-thirds (2/3) of the whole number of justices comprising a court. On the passage of an amendment or repealing measure, the yeas and nays shall be called and recorded in the minutes of the meeting.

(c) PRESERVATION OF RECORDS. All petitions, certificates, notices, and other evidences of procedural steps taken in submitting any ordinance shall be filed and preserved for a period of three (3) years by the county clerk. [Acts 1977, No. 742, § 94; A.S.A. 1947, § 17-4011.]

14-14-919. Referendum petitions on county bond issue. - All referendum petitions under Arkansas Constitution, Amendment 7, against any measure, as the term is used and defined in Arkansas Constitution, Amendment 7, pertaining to a county bond issue or a short-term financing obligation of a county under Arkansas Constitution, Amendment 78, must be filed with the county clerk within thirty (30) days after the adoption of any such measure. [Acts 1979, No. 717, § 1; 2001, No. 981, § 1; A.S.A. 1947, § 17-4011.1.]

CHAPTER 10

JUDICIAL POWERS

SECTION.

14-14-1001. County court generally.

14-14-1002. Other judicial authorities of county court.

14-14-1001. County court generally. (a) COURTS OF RECORD. The county court shall be a court of record and shall keep just and faithful records of its proceedings.

(b) SEAL OF THE COURT. The county court of each county shall preserve and keep a seal with such emblems and devices as the court deems proper. The impression of the seal of the court by stamp shall be sufficient sealing in all cases in which sealing is required.

(c) ESTABLISHMENT OF OFFICE. The county judge shall maintain an office in a county building at the county seat. The office shall be open to the public during normal business hours. However, in counties having more than one (1) county seat or judicial district, the county court may prescribe the times and places the offices shall be open to the public for the transaction of county business.

(d) TERM OF THE COUNTY COURT. The terms of the county courts shall be held at the times that are prescribed for holding the supervisor's courts or may otherwise be prescribed by law. There shall be no adjournment of county courts, but the courts shall be deemed in recess when not engaged in the transaction of county business. In counties having more than one (1) judicial district, the county court shall be concurrently in session in each district.

(e) DISQUALIFICATION OF JUDGES. Whenever a judge of the county may be disqualified for presiding in any cause pending in his or her court, he or she shall certify the facts to the Governor, who shall thereupon commission a special judge to preside in the cause during the time the disqualification may continue or until the cause may be fully disposed of. [Acts 1977, No. 742, § 81; 1979, No. 413, § 19; Acts 2005, No. 1227, § 1; A.S.A. 1947, § 17-3904]

14-14-1002. Other judicial authorities of county court.

(a) INJUNCTIONS, RESTRAINING ORDERS, AND PROVISIONAL WRITS. In case of the absence of the circuit judge from the county, the county court may issue injunctions, restraining orders, and other provisional writs after the action has been commenced, but not before. However, either party may have the order reviewed by the circuit judge.

(b) DEFENSE OF COUNTY. In cases when appeals are prosecuted in the circuit court or Supreme Court, the county judge shall defend them, and all expenses or money paid out by reason of his or her defense shall be repaid by the proper county, by order of the county court.

(c) WRITS OF HABEAS CORPUS. The county judge shall have power, in the absence of the circuit judge from the county, to issue, hear, and determine writs of habeas corpus, under such regulations and restrictions as shall be provided by law.

SECTION.

14-14-1003. Appeals.

(d) COMPENSATION. The county judge shall receive such compensation for his or her services as presiding judge of the county court as may be provided by law. [Acts 1977, No. 742, § 82; 1979, No. 413, § 20; 2003, No. 1185, § 22; A.S.A. 1947, § 17-3905]

14-14-1003. Appeals. - Appeals from all judgments of the county courts or courts of common pleas, when established, may be taken to the circuit court, under such restrictions and regulations as may be prescribed by law. [Acts 1977, No. 742, § 83; A.S.A. 1947, § 17-3906.]

CHAPTER 11

EXECUTIVE POWERS

SECTION.

- 14-14-1101. Powers of county judge generally.
- 14-14-1102. Exercise of powers by county judge.
- 14-14-1103. Other county officials.
- 14-14-1104. Administrative rules and regulations.

14-14-1101. Powers of county judge generally. - (a) Arkansas Constitution, Amendment 55, Section 3, established the following executive powers to be administered by the county judge:

- (1) To preside over the county quorum court, without a vote but with the power of veto;
- (2) To authorize and approve disbursement of appropriated county funds;
- (3) To operate the system of county roads;
- (4) To administer ordinances enacted by the quorum court;
- (5) To have custody of county property; and
- (6) To hire county employees, except those persons employed by other elected officials of the county.

(b) In the performance of such executive duties, the county judge shall be bonded in the manner provided by law, as required in Arkansas Constitution, Amendment 55, Section 6. [Acts 1977, No. 742, § 78; 1979, No. 98, § 1; 1981, No. 994, § 1; 1983, No. 183, § 1; 1983, No. 232, § 1; A.S.A. 1947, § 17-3901.]

14-14-1102. Exercise of powers by county judge. - (a) PERFORMANCE. The General Assembly determines that the executive powers of the county judge as enumerated in Arkansas Constitution, Amendment 55, § 3, are to be performed by him in an executive capacity and not by order of the county court.

(b) PROCEDURES. In the exercise of the executive powers of the county judge as enumerated, the county judge shall adhere to the following procedures:

(1) OPERATION OF SYSTEM OF COUNTY ROADS, BRIDGES, AND FERRIES.

(A)(i) The county judge shall be responsible for the administrative actions affecting the conduct of a plan of public roadways and bridges throughout the unincorporated areas of the county, including the maintenance and construction of public roadways and bridges and roadway drainage designated as eligible for expenditure of county funds. This jurisdiction shall be exercised pursuant to law, and nothing in this section shall be construed as limiting a county in performing public roadway and bridge maintenance and construction services within the incorporated municipal boundaries where permitted and in the manner prescribed by law.

(ii) For the purposes of this section, the term "bridges" shall include all structures erected over a river, creek, ditch, or obstruction in a public roadway. The county judge shall administer the operation of county-owned ferries.

(B)(i) The county court shall continue to exercise the powers granted by law for the granting of a right to maintain

SECTION.

- 14-14-1105. Jurisdiction of county court.
- 14-14-1106. Appeals from administrative acts.
- 14-14-1107. Natural disasters.

a ferry by a private individual at a particular place and at which a toll for the transportation of persons or property is levied to conduct an uninterrupted roadway over interrupted waters.

(ii) The quorum court may, by ordinance, establish appropriate procedures and schedules of tolls that may be charged by private individuals who are granted authority to operate a private ferry on connecting public roadways;

(2) AUTHORIZATION AND APPROVAL OF THE DISBURSEMENT OF APPROPRIATED COUNTY FUNDS.

(A)(i) All vouchers for the payment of county funds out of the county treasury shall be approved and filed by the county judge or his designated representative, who shall be appointed by executive order of the judge and who shall be bonded in an amount equal to the county judge's bond in the manner provided by law.

(ii) Approval for payment shall be signified by the manual signature of the county judge, or his or her designated representative.

(iii) A copy of the executive order evidencing the designated representative's appointment shall be filed in the office of county clerk with the original of the surety bond on the designated representative.

(B) Before approving any voucher for the payment of county funds, the county judge, or his or her designated representative, shall determine that:

(i) There is a sufficient appropriation available for the purpose and there is a sufficient unencumbered balance of funds on hand in the appropriate county fund to pay therefore;

(ii) The expenditure is in compliance with the purposes for which the funds are appropriated;

(iii) All state purchasing laws and other state laws or ordinances of the quorum court are complied with in the expenditure of the moneys;

(iv) The goods or services for which expenditure is to be made have been rendered and the payment thereof has been incurred in a lawful manner and is owed by the county. However, a county judge may approve, in advance, claims payable to the University of Arkansas Cooperative Extension Service for educational services to be rendered during all or part of the current fiscal year.

(C)(i) No money shall be paid out of the treasury until it shall have been appropriated by law and then only in accordance with the appropriation; and all contracts for erecting and repairing the public buildings in any county or for materials therefore, or for providing for the care and feeding of paupers where there are no public or private facilities or services available for such purpose, shall be

given to the lowest possible bidder under such regulations as may be prescribed by law.

(ii) The county judge shall have the authority to enter into necessary contracts or other agreements to obligate county funds and to approve expenditure of county funds appropriated therefore in the manner provided by law.

(iii)(a) The county judge of each county may promulgate appropriate administrative rules and regulations, after notice and hearing thereon, for the conduct of county financial affairs.

(b) The administrative rules and regulations shall be consistent with the provisions of laws relating to financial management of county government and the appropriate ordinances enacted by the quorum court.

(c) All such administrative rules and regulations adopted after hearings by the county judge shall be certified by the county judge and filed in the office of the county clerk to be open to public inspection at all normal hours of business.

(3)(A) CUSTODY OF COUNTY PROPERTY. The county judge, as the chief executive officer of the county, shall have custody of county property and is responsible for the administration, care, and keeping of such county property, including the right to dispose of county property in the manner and procedure provided by law for the disposal of county property by the county court. The county judge shall have the right to lease, assign, or not assign use of such property whether or not the county property was purchased with county funds or was acquired through donations, gifts, grants, confiscation, or condemnation.

(B) In addition to other terms the county court finds reasonable and proper, the contract for the lease of county property shall provide that when the leased property ceases to be used for the purpose expressed in the lease or needs to be used by the county, the lease may be cancelled by the county court after reasonable notice.

(4) ADMINISTRATION OF ORDINANCES ENACTED BY THE QUORUM COURT. The county judge shall be responsible for the administration and performing the executive functions necessary for the management and conduct of county affairs, as prescribed by ordinance of the quorum court, unless the performance of such duties is vested in the county court by ordinances enacted by the quorum court or by the general laws of this state.

(5)(A) HIRING OF COUNTY EMPLOYEES, EXCEPT THOSE PERSONS EMPLOYED BY OTHER ELECTED OFFICIALS OF THE COUNTY. The county judge, as the chief executive officer of the county, is responsible for the employment of the necessary personnel or for the purchase of labor or services performed by individuals or firms employed by the county or an agency thereof for salaries, wages, insurance, or other forms of compensation.

(B)(i) "County or subdivisions thereof," for the purposes of this section, means all departments except departments administratively assigned to other elected officials of the county, boards, and subordinate service districts created by county ordinance.

(ii)(a) Jurisdiction for the hiring of employees of counties, administrative boards, or subordinate service districts may be delegated by ordinance to such board or service district, but where any county ordinance delegating authority to hire county employees interferes with the

jurisdiction of the county judge, as provided in this section, it shall be implied that such delegation shall be performed only with the approval of the county judge.

(b) The jurisdiction to purchase the labor of an individual for salary or wages employed by other elected officials of the county shall be vested in each respective elected official.

(6) PRESIDING OVER THE QUORUM COURT WITHOUT A VOTE, BUT WITH THE POWER OF VETO.

(A) In presiding over the quorum court, the county judge shall perform such duties in connection therewith as may be provided by state law and in accordance with rules and procedures promulgated by the court for the conduct of its business.

(B) Nothing in this subdivision shall limit the veto power of the county judge as provided in Arkansas Constitution, Amendment 55.

(7) ACCEPTING GIFTS, GRANTS, AND DONATIONS FROM FEDERAL, PUBLIC, OR PRIVATE SOURCES.

(A) The county judge, as the chief executive officer, is authorized to accept, in behalf of the county, gifts, grants, and donations of real or personal property for use of the county. He or she may apply for, enter into necessary contracts, receive, and administer for and in behalf of the county, subject to such appropriation controls that the quorum court may elect to adopt by ordinance, funds from the federal government, from other public agencies, or from private sources.

(B) All such contracts or agreements shall be filed as public record with the county clerk. [Acts 1977, No. 742, § 78; 1979, No. 98, § 1; 1979, No. 413, §§ 16, 17; 1981, No. 994, § 1; 1983, No. 183, § 1; 1983, No. 232, § 1; Acts 1997, No. 387, § 1; 2009, No. 410, §§ 1, 2. A.S.A. 1947, § 17-3901.]

14-14-1103. Other county officials. - Executive powers and duties of all county officials other than the county judge comprising the executive division of the county government shall be those established by the Arkansas Constitution and by law. [Acts 1977, No. 742, § 78; 1979, No. 98, § 1; 1979, No. 413, §§ 16, 17; A.S.A. 1947, § 17-3901.]

14-14-1104. Administrative rules and regulations. -

(a)(1) The county judge may promulgate reasonable and necessary administrative rules and regulations, after notice and hearing thereon, for the administration and conduct of the various laws and programs to be administered by the judge in his capacity as the chief executive officer of the county.

(2) These administrative rules and regulations shall be consistent with the state laws relating to the administration of county affairs by the county judge and the appropriate ordinances enacted by the quorum court.

(b) The administrative rules and regulations promulgated by the county judge in the performance of his executive functions shall not be applicable to the conduct of county business which is within the jurisdiction of the county court. [Acts 1977, No. 742, § 79; A.S.A. 1947, § 17-3902.]

14-14-1105. Jurisdiction of county court. - (a) The General Assembly determines that all powers not vested in the county judge under the provisions of Arkansas

Constitution, Amendment 55, to be exercised by the county judge as the chief executive officer of the county, shall continue to be exercised and administered by the county court, over which the judge shall preside.

(b) The county court of each county shall have exclusive original jurisdiction in all matters relating to:

(1) COUNTY TAXES. Jurisdiction shall include all real and personal ad valorem taxes collected by a county government, including all related administrative processes, assessment of property, equalization of assessments on appeal, tax levies, tax collection, and distribution of tax proceeds. This jurisdiction shall be exercised pursuant to law;

(2) PAUPERS. Jurisdiction shall include all county administrative actions affecting the conduct of public human services programs serving indigent residents of the county where such services are financed, in total or in part, by county funds;

(3) ILLEGITIMACY. [Repealed.]

(4) APPRENTICESHIP OF MINORS. [Repealed.] Still in code, but effectively repealed by Arkansas Constitutional, Amendment 67.

(5) JURISDICTION IN EACH OTHER CASE THAT MAY BE NECESSARY TO THE INTERNAL IMPROVEMENT AND LOCAL CONCERN OF THE RESPECTIVE COUNTIES. Jurisdiction shall include county financial activities and works of general public utility or advantage designed to promote intercommunications, trade and commerce, transportation of persons and property, or the development of natural resources, which are not otherwise transferred to the county judge to be administered in his executive capacity under the provision of Arkansas Constitution, Amendment 55;

(6) OTHER JURISDICTION. The county court shall have all other jurisdiction vested by law in the county court, excepting with respect to those powers formerly vested in the county court under the provisions of Arkansas Constitution, Article 7, 28, which were transferred to the county judge under the provisions of Arkansas Constitution, Amendment 55, 3. [Acts 1977, No. 742, § 80; 1979, No. 413, § 18; 1993, No. 403, § 4; A.S.A. 1947, § 17-3903;.]

14-14-1106. Appeals from administrative acts. - Appeals by any aggrieved party from any administrative act performed, or from the nonperformance of any administrative act required by law to be performed, by the county judge acting in his capacity as the chief executive officer of the county, or any other elected county official, may be taken to the court of competent jurisdiction in the manner provided by law. [Acts 1977, No. 742, § 83; A.S.A. 1947, § 17-3906.]

14-14-1107. Natural disasters. In any county in which a natural disaster, including but not limited to a tornado or flood, results in the county being declared a disaster area by the Governor, an appropriate official of the United States Government, or the county judge of the county, the county judge is authorized to use county labor and equipment on private property to provide services which are required as a result of the natural disaster. [Acts 1997, No. 394, § 1.]

CHAPTER 12

PERSONNEL PROCEDURES

SECTION.

- 14-14-1201. Surety bond for certain county and township officers and employees.
- 14-14-1202. Ethics for county government officers and employees.
- 14-14-1203. Compensation and expense reimbursements generally.
- 14-14-1204. Compensation of elected county officers.

14-14-1201. Surety bond for certain county and township officers and employees.

- (a) SURETY BOND REQUIRED. All elected or appointed county and township officers, and employees thereof, who receipt for cash funds or disburse public funds of a county by virtue of their office or employment shall obtain a surety bond.

(b) AMOUNT OF BOND. (1) The amount for which a county or township officer or employee shall be bonded shall be based on the amount of money or property handled and the opportunity for defalcation. These amounts shall be fixed annually by ordinance of the quorum court of each county based on the total cash receipts and disbursements of the office for the preceding calendar year.

(2)(A) These surety bonds shall be initiated in minimum amounts computed as follows:

(i) On the first one hundred thousand dollars (\$100,000), or any part thereof, of receipts or disbursements of the office, ten percent (10%) of the amount;

(ii) On the next two hundred thousand dollars (\$200,000), or any part thereof, of receipts or disbursements of the office, seven and one-half percent (7 1/2%) of the amount;

(iii) On the next two hundred thousand dollars (\$200,000), or any part thereof, of receipts or disbursements of the office, five percent (5%) of the amount;

(iv) On the next five hundred thousand dollars (\$500,000), or any part thereof, of the amount, two and one-half percent (2 1/2%); and

(v) On all amounts in excess of one million dollars (\$1,000,000), one percent (1%) of the amount.

(B) The maximum amount of any bond required of any elected officer or employee thereof shall not exceed five hundred thousand dollars (\$500,000).

(c) AUTHORIZED BONDING COMPANIES. Bonds purchased by a county government shall be executed by responsible insurance or surety companies authorized and admitted to execute surety bonds in the state.

(d) CONDITIONS OF SURETIES. The condition of every official bond must be that the covered officers and employees shall perform all official duties required of them by law and also such additional duties as may be imposed on them by any law subsequently enacted, and that they will account for and pay over and deliver to the person or officer

SECTION.

- 14-14-1205. Compensation of township officers.
- 14-14-1206. Compensation of county employees.
- 14-14-1207. Reimbursement of allowable expenses.
- 14-14-1208. Professional memberships and meetings.
- 14-14-1209. Uniform allowance for sheriff's department.
- 14-14-1210. Cost-of-living adjustment.

entitled to receive the same all moneys or other property that may come into their hands as such officers or employees. The sureties upon any official bond are also in all cases liable for the neglect, default, or misconduct in office of any deputy, clerk, or employee, appointed or employed by an officer or employee of county government.

(e) PURCHASE OF BONDS. The county judge of each county shall purchase all surety bonds for county and township officers, and employees thereof, in the amounts fixed by ordinance of the county quorum court pursuant to the purchasing laws governing county government. A bond may cover an individual officer or employee, or a blanket bond may cover all officers and employees, or any group or combination of officers and employees.

(f) APPROPRIATION OF BOND PREMIUMS. The quorum court of each county shall, by appropriation, provide for the payment of premiums for surety bonds of all county and township officers, and employees thereof.

(g) APPROVAL AND FILING OF BONDS. All official bonds must be signed and executed by the county court of each county and one (1) or more surety companies organized under the laws of this state or licensed to do business in this state. The original of each such executed bond, as required in this section, shall be filed in the office of county clerk. [Acts 1977, No. 742, § 113; A.S.A. 1947, § 17-4206.] **See AG Opinion #2007-228 Cross Reference: Self Insured Fidelity Bond Program – ACA 21-2-701 et seq.**

14-14-1202. Ethics for county government officers and employees.

(a) PUBLIC TRUST. (1) The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of county government.

(2) An officer or employee shall carry out all duties assigned by law for the benefit of the people of the county.

(3) The officer or employee may not use his or her office, the influence created by his or her official position, or information gained by virtue of his or her position to advance his or her individual personal economic interest or that of an immediate member of his or her family or an associate, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally.

(b) OFFICERS AND EMPLOYEES OF COUNTY GOVERNMENT DEFINED. For purposes of this section, officers and employees of county government shall include:

- (A)(i) All elected county and township officers;
- (ii) All district judicial officers serving a county; and
- (iii) All members of county boards, advisory, administrative, or subordinate service districts; and

(B) All employees thereof.

(2) Officials who are considered to be state officers or deputy prosecuting attorneys are not covered by this subsection.

(c) RULES OF CONDUCT. (1) No officer or employee of county government shall:

(A)(i) Be interested, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the county or an entity created by the county, or accept or receive any property, money, or other valuable thing for his or her use or benefit on account of, connected with, or growing out of any contract or transaction of a county.

(ii)(a) If in the purchase of any materials, supplies, equipment, or machinery for the county, any discounts, credits, or allowances are given or allowed, they shall be for the benefit of the county.

(b) It shall be unlawful for any officer or employee to accept or retain them for his or her own use or benefit;

(B) Be a purchaser at any sale or a vendor of any purchase made by him or her in his or her official capacity;

(C) Acquire an interest in any business or undertaking which he or she has reason to believe may be directly affected to its economic benefit by official action to be taken by county government;

(D)(i) Perform an official act directly affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking.

(ii) Substantial financial interest is defined for purposes of this section as provided in Acts 1971, No. 313, § 7 [Repealed].

(2)(A)(i) If the quorum court determines that it is in the best interest of the county, the quorum court may by ordinance permit the county to purchase goods or services directly or indirectly from quorum court members, county officers, or county employees due to unusual circumstances.

(ii) The ordinance permitting the purchases must specifically define the unusual circumstances under which the purchases are allowed and the limitations of the authority.

(B) Any quorum court member having any interest in the goods or services being considered under these procedures shall not be entitled to vote upon the approval of the goods or services.

(C) If goods or services are purchased under these procedures, the county judge must file an affidavit, together with a copy of the voucher and other documents supporting the disbursement, with the county clerk certifying that each disbursement has been made in accordance with the provisions of the ordinance.

(3)(A) No person shall simultaneously hold office and serve as an elected county justice of the peace and hold office and serve as an elected city council member.

(B) This subdivision (c)(3) shall not cut short the term of any office holder serving as such on September 1, 2005, but shall be implemented during the next election cycle of each office.

(d) REMOVAL FROM OFFICE OR EMPLOYMENT. (1) COURT OF JURISDICTION. Any citizen of a county or the prosecuting attorney of a county may bring an action in the circuit court in which the county government is located to remove from office any officer or employee who has violated the rules of conduct set forth in this section.

(2) SUSPENSION PRIOR TO FINAL JUDGMENT.

(A) Pending final judgment, an officer or employee who has been charged as provided in this section may be suspended from his or her office or position of employment without pay.

(B) Suspension of any officer or employee pending final judgment shall be upon order of the circuit court or judge thereof in vacation.

(3) PUNISHMENT.

(A) Judgment upon conviction for violation of the rules of conduct set forth in this section shall be deemed a misdemeanor.

(B) Punishment shall be by a fine of not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000), and the officer or employee shall be removed from office or employment of the county.

(4) ACQUITTAL. Upon acquittal, an officer or employee shall be reinstated in his or her office or position of employment and shall receive all back pay.

(5) LEGAL FEES. (A) Any officer or employee charged as provided in this section and subsequently acquitted shall be awarded reasonable legal fees incurred in his or her defense.

(B)(i) Reasonable legal fees shall be determined by the circuit court or Arkansas Supreme Court on appeal.

(ii) Such legal fees shall be ordered paid out of the general fund of the county treasury. [Acts 1977, No. 742, § 115; 1987, No. 930, § 1; 1989, No. 352, § 1; 1989, No. 681, § 1; 2005, No. 1924, § 1; A.S.A. 1947, § 17-4208]

14-14-1203. Compensation and expense reimbursements generally. - (a) APPROPRIATION REQUIRED. All compensation, including salary, hourly compensation, expense allowances, and other remunerations, allowed to any county or township officer, or employee thereof, shall be made only on specific appropriation by the quorum court of the county.

(b) PAYMENTS ON CLAIMS APPROVED BY THE COUNTY JUDGE. All compensation, including salary, hourly compensation, expense allowances, and other remuneration, allowed to any county or township officer, or employee thereof, shall be made only upon claim or voucher presented to the county judge and approved by him in the manner prescribed by law for disbursement of county funds.

(c) EXPENSE REIMBURSEMENT. All expense allowances and remunerations other than salary provided in this subchapter shall be made only upon voucher or claim itemizing such allowances or expenses, prepared in the manner prescribed by law, and presented to and approved by the county judge in the manner prescribed by law for the disbursement of county funds.

(d) DECREASES IN SALARY. Any decrease in the annual salary or compensation of a county officer shall not become effective until January 1 following a general election held after such decrease shall have been fixed by the quorum court of the county.

(e) ENTERPRISE ACCOUNTS PROHIBITED. No elected county or township officer, or employee thereof, shall individually maintain or operate an account for financing self-supporting activities which render services on a user charge basis to the general public. [Acts 1977, No. 742, § 112; 1983, No. 233, § 1; A.S.A. 1947, § 17-4205.]

14-14-1204. Compensation of elected county officers.

(a) The quorum court of each county shall fix by ordinance the annual salaries of the following county officers within the minimums and maximums provided in this section:

- (1) The county judge;
- (2) The sheriff and ex officio collector of taxes;
- (3) The collector of taxes, where established by law;
- (4) The circuit clerk;
- (5) The county clerk, where established by law;
- (6) The assessor;
- (7) The treasurer;
- (8) The coroner; and
- (9) The surveyor.

(b) For purposes of determining the salaries of the elected county officers, unless otherwise specifically provided in this section, the counties shall be classified on the basis of population, as determined by the preceding federal decennial census, according to the following classifications:

<u>Classification</u>	<u>Population</u>
Class 1.....	0 to 9,999
Class 2.....	10,000 to 19,999
Class 3.....	20,000 to 29,999
Class 4.....	30,000 to 49,999
Class 5.....	50,000 to 69,999
Class 6.....	70,000 to 199,999
Class 7.....	200,000 and above

(c)(1) The annual salary of a county judge shall be in compensation for his or her services as the executive and administrator for the county, as judge of the county court, as judge of the court of common pleas, where established, as presiding officer of the quorum court, and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(2) The minimum and maximum salaries per annum of the county judge of a county shall be as follows:

<u>Classification</u>	<u>Salary per Annum</u>
Class 1.....	not less than \$30,000 nor more than \$74,640
Class 2.....	not less than \$31,000 nor more than \$76,095
Class 3.....	not less than \$32,000 nor more than \$77,550
Class 4.....	not less than \$33,000 nor more than \$79,005
Class 5.....	not less than \$34,000 nor more than \$80,459
Class 6.....	not less than \$35,000 nor more than \$86,278
Class 7.....	not less than \$36,000 nor more than \$99,223

(d)(1)(A) The annual salary of a sheriff shall be compensation for services as a law enforcement officer, as the supervisor of the county jail, as custodian of persons accused or convicted of crimes, as an officer of the circuit court or county court, as the ex officio county tax collector and delinquent tax collector in those counties where that office is combined with the office of sheriff, and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In any county in which the offices of sheriff and collector are combined into a single office, the maximum and minimum salaries for that office in the appropriate county classification shall be increased by the following amounts:

<u>Classification</u>	<u>Additional Salary</u>
Class 1.....	\$1,500
Class 2.....	\$1,500
Class 3.....	\$2,500
Class 4.....	\$2,500
Class 5.....	\$3,000
Class 6.....	\$3,000
Class 7.....	\$4,000

(2) The minimum and maximum salaries per annum of the sheriff of a county shall be as follows:

<u>Classification</u>	<u>Salary per Annum</u>
Class 1.....	not less than \$30,000 nor more than \$74,640
Class 2.....	not less than \$31,000 nor more than \$76,095
Class 3.....	not less than \$32,000 nor more than \$77,550
Class 4.....	not less than \$33,000 nor more than \$79,005
Class 5.....	not less than \$34,000 nor more than \$80,459
Class 6.....	not less than \$35,000 nor more than \$86,278
Class 7.....	not less than \$36,000 nor more than \$99,223

(e)(1) In those counties where the office of county tax collector has been separated from the office of sheriff, the annual salary of a county tax collector shall be in compensation for services as tax collector and delinquent tax collector and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(2) The minimum and maximum salaries per annum of the county tax collector in those counties where the office has been separated from the office of sheriff shall be as follows:

<u>Classification</u>	<u>Salary per Annum</u>
Class 1.....	not less than \$27,000 nor more than \$70,276
Class 2.....	not less than \$28,000 nor more than \$71,731
Class 3.....	not less than \$29,000 nor more than \$73,186
Class 4.....	not less than \$30,000 nor more than \$74,640

Class 5	not less than \$31,000
.....	nor more than \$76,095
Class 6	not less than \$32,000
.....	nor more than \$80,459
Class 7	not less than \$33,000
.....	nor more than \$93,404

(f)(1)(A) The annual salary of a county and probate clerk shall be in compensation for his or her services as county clerk, probate clerk, clerk of the county court, clerk of the quorum court, registrar of voters, and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In those counties where the office of county and probate clerk is combined with the office of circuit clerk and ex officio recorder, the salary shall be as provided in this section.

(C) In those counties where the office of county and probate clerk is combined with the office of circuit clerk and ex officio recorder, the minimum and maximum salaries for that office in the appropriate county classification shall be increased by the following amounts:

<u>Classification.....</u>	<u>Additional Salary</u>
Class 1	\$1,500
Class 2	\$1,500
Class 3	\$2,500
Class 4	\$2,500
Class 5	\$3,000
Class 6	\$3,000
Class 7	\$4,000

(2) The minimum and maximum salaries per annum of the county and probate clerk of a county shall be as follows:

<u>Classification.....</u>	<u>Salary per Annum</u>
Class 1	not less than \$27,000
.....	nor more than \$70,276
Class 2	not less than \$28,000
.....	nor more than \$71,731
Class 3	not less than \$29,000
.....	nor more than \$73,186
Class 4	not less than \$30,000
.....	nor more than \$74,640
Class 5	not less than \$31,000
.....	nor more than \$76,095
Class 6	not less than \$32,000
.....	nor more than \$80,459
Class 7	not less than \$33,000
.....	nor more than \$93,404

(g)(1)(A) The annual salary of a circuit clerk and ex officio recorder shall be in compensation for his or her services as clerk of the circuit court, as ex officio recorder, and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In those counties where the office of circuit clerk and ex officio recorder is combined with the office of county and probate clerk, the minimum and maximum salaries for that office in the appropriate county classification shall be increased by the following amounts:

<u>Classification</u>	<u>Additional Salary</u>
Class 1	\$1,500
Class 2	\$1,500
Class 3	\$2,500
Class 4	\$2,500
Class 5	\$3,000
Class 6	\$3,000
Class 7	\$4,000

(2) The minimum and maximum salaries per annum of the circuit clerk and ex officio recorder of a county shall be as follows:

<u>Classification</u>	<u>Salary per Annum</u>
Class 1	not less than \$27,000
.....	nor more than \$70,276
Class 2	not less than \$28,000
.....	nor more than \$71,731
Class 3	not less than \$29,000
.....	nor more than \$73,186
Class 4	not less than \$30,000
.....	nor more than \$74,640
Class 5	not less than \$31,000
.....	nor more than \$76,095
Class 6	not less than \$32,000
.....	nor more than \$80,459
Class 7	not less than \$33,000
.....	nor more than \$93,404

(h)(1)(A) The annual salary of a county assessor shall be in compensation for all services performed as county assessor, appraiser, and as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In any county in which the offices of assessor and collector are combined into a single office, the maximum and minimum salaries of the county assessor and collector in the appropriate county classification shall be increased by the following amounts:

<u>Classification</u>	<u>Additional Salary</u>
Class 1	\$1,500
Class 2	\$1,500
Class 3	\$2,500
Class 4	\$2,500
Class 5	\$3,000
Class 6	\$3,000
Class 7	\$4,000

(2) The minimum and maximum salaries per annum of the county assessor of a county shall be as follows:

<u>Classification</u>	<u>Salary per Annum</u>
Class 1	not less than \$27,000
.....	nor more than \$70,276
Class 2	not less than \$28,000
.....	nor more than \$71,731
Class 3	not less than \$29,000
.....	nor more than \$73,186
Class 4	not less than \$30,000
.....	nor more than \$74,640
Class 5	not less than \$31,000
.....	nor more than \$76,095

Class 6	not less than \$32,000
.....	nor more than \$80,459
Class 7	not less than \$33,000
.....	nor more than \$93,404

(i)(1)(A) The annual salary of a county treasurer shall be in compensation for all services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In any county in which the offices of treasurer and collector are combined into a single office, the maximum and minimum salaries of the county treasurer and collector in the appropriate county classification shall be increased by the following amounts:

<u>Classification.....</u>	<u>Additional Salary</u>
Class 1	\$1,500
Class 2	\$1,500
Class 3	\$2,500
Class 4	\$2,500
Class 5	\$3,000
Class 6	\$3,000
Class 7	\$4,000

(2) The minimum and maximum salaries per annum for the county treasurer of a county shall be as follows:

<u>Classification.....</u>	<u>Salary per Annum</u>
Class 1	not less than \$27,000
.....	nor more than \$70,276
Class 2	not less than \$28,000
.....	nor more than \$71,731
Class 3	not less than \$29,000
.....	nor more than \$73,186
Class 4	not less than \$30,000
.....	nor more than \$74,640
Class 5	not less than \$31,000
.....	nor more than \$76,095
Class 6	not less than \$32,000
.....	nor more than \$80,459
Class 7	not less than \$33,000
.....	nor more than \$93,404

(j)(1) The compensation of a county coroner shall be for all services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(2) The minimum and maximum salaries per annum of the county coroner of a county shall be as follows:

<u>Classification.....</u>	<u>Salary per Annum</u>
Class 1	not less than \$3,802
.....	nor more than \$12,990
Class 2	not less than \$4,302
.....	nor more than \$13,990
Class 3	not less than \$4,803
.....	nor more than \$16,990
Class 4	not less than \$5,303
.....	nor more than \$30,990
Class 5	not less than \$5,800
.....	nor more than \$40,900
Class 6	not less than \$6,300
.....	nor more than \$48,990
Class 7	not less than \$33,000
.....	nor more than \$93,404

(k) Compensation of the county surveyor shall be fixed by the quorum court. [Acts 1977, No. 742, § 108; 1979, No. 151, § 1; 1981, No. 806, § 1; 1983, No. 446, § 1; 1985, No. 398, § 1; Acts 1989, No. 694, § 1; 1991, No. 1161, § 1; 1993, No. 954, § 1; 1995, No. 661, § 1; 1997, No. 759, § 1; 1999, No. 1424, § 1; 2001, No. 1170, § 1; 2003, No. 109, § 1; 2005, No. 1214, § 1; 2007, No. 526, § 1; 2009, No. 320, § 1. A.S.A. 1947, § 17-4201.]

14-14-1205. Compensation of township officers.

(a)(1)(A) The per diem compensation for justices of the peace attending any official, regular, special, or committee meeting of a quorum court shall be fixed by ordinance in each county.

(B) The per diem compensation of justices shall not be less than one hundred twenty-five dollars (\$125) per diem for each regular meeting nor exceed:

(i) Eight thousand seven hundred thirty-four dollars (\$8,734) per calendar year in counties having a population of less than seventy thousand (70,000);

(ii) Ten thousand three hundred seventy-six dollars (\$10,376) per calendar year in counties having a population of at least seventy thousand (70,000) and less than two hundred thousand (200,000); and

(iii) Thirteen thousand three hundred nineteen dollars (\$13,319) per calendar year in counties having a population of two hundred thousand (200,000) or more.

(2) PER DIEM COMPENSATION DEFINED.

(A) Per diem compensation is defined as a per calendar day allowance, exclusive of allowable expenses, which shall be paid to a justice for attending meetings of the county quorum court. This compensation shall be based on attending meetings of a quorum court during any single calendar day without regard to the duration of the meetings.

(B) However, a member of the quorum court may receive per diem compensation for one (1) meeting per year for which the member is absent due to an emergency or for personal reasons.

(3) In addition to any other compensation expense reimbursement or expense allowances provided members of the quorum court, counties may provide medical insurance coverage for members of the quorum court.

(b) JUSTICES OF THE PEACE SERVING IN JUDICIAL CAPACITY. The compensation of all justices of the peace serving in a judicial capacity shall be fixed by ordinance of the quorum court in each county. This basis of compensation shall not be computed on a percentage of the dollar amount of fines levied by a justice of the peace.

(c) JUSTICE OF THE PEACE AS COUNTY EMPLOYEE OR DEPUTY. A justice of the peace shall not receive compensation as a county employee or deputy, nor shall any justice receive compensation or expenses from funds appropriated by the quorum court for any services performed within the county, other than as provided by this subchapter.

(d) CONSTABLES. The compensation of all constables serving in any official capacity established by law shall be fixed by ordinance of the quorum court in each county. [Acts 1977, No. 742, § 109; 1979, No. 151, § 2; 1981, No. 806, § 2; 1983, No. 446, § 2; 1985, No. 398, § 2; Acts 1989, No. 694, § 2; 1993, No. 954, § 2; 1995, No. 661, § 2; 1995, No. 1296, § 46; 1997, No. 363, § 1; 1997, No. 759, § 2; 1999, No. 749, § 1; 2001, No. 1170, § 2;

2003, No. 109, § 2; 2005, No. 1214, § 2; 2007, No. 526, § 2; 2009, No. 320, § 2. A.S.A. 1947, § 17-4202.]

14-14-1206. Compensation of county employees. - (a) COMPENSATION. The quorum court of each county shall, by ordinance, fix the number and compensation of all county employees, including a bonus or lump sum payment.

(b) COUNTY EMPLOYEE DEFINED. A county employee is defined as any individual or firm providing labor or service to a county for salary, wages, or any other form of compensation. "County government" for purposes of this section means all offices, departments, boards, and subordinate service districts of county government including townships created by law and subordinate to county government. [Acts 1977, No. 742, § 110; Acts 2009, No. 616, § 1. A.S.A. 1947, § 17-4203.]

14-14-1207. Reimbursement of allowable expenses. -

(a) REIMBURSEMENT AUTHORIZED. All county and district officials and authorized deputies or employees thereof shall be entitled to receive reimbursement of expenses incurred in the conduct of official and nondiscretionary duties under an appropriation for the operating expenses of an office, function, or service. Reimbursement of expenses that are incurred in the performance of discretionary functions and services may be permitted when provided for by a specific appropriation of the quorum court.

(b)(1) ALLOWANCE FOR MEALS, LODGING, AND OTHER ALLOWABLE EXPENSES. All reimbursements for the purchase of meals, meal tips, lodging, and other allowable expenses shall be based on the actual expense incurred or on a per diem basis if approved by the quorum court.

(2) Reimbursement for meal tips under subdivision (b)(1) of this section shall not exceed fifteen percent (15%) of the purchase amount of the meal.

(3) A per diem reimbursement under subdivision (b)(1) of this section shall be made under an accountable plan as defined by Internal Revenue Service regulations as in existence on January 1, 2009.

(c) REIMBURSEMENT OF TRAVEL EXPENSE.

(1) PRIVATELY OWNED MOTOR VEHICLES.

(A)(i) Any elected county or district officer or employee thereof using a privately owned motor vehicle in the conduct of county affairs may be reimbursed at a per-mile rate established by ordinance.

(ii) Reimbursement shall be based only on official miles driven and legitimate automobile parking fees.

(iii) When more than one (1) traveler is transported in the same vehicle, only the owner shall be entitled to mileage reimbursement.

(B) A county shall not assume responsibility for any maintenance, operational costs, accidents, and fines incurred by the owner of the vehicle while on official business for the county.

(2) PRIVATELY OWNED AIRPLANES.

(A) Reimbursement for travel expense using privately owned airplanes shall be at the same rate as established for privately owned motor vehicles.

(B) However, reimbursement mileage shall be determined by the shortest highway route to and from the

official destination. [Acts 1977, No. 742, § 111; Acts 1999, No. 109, § 1; 2009, No. 74, § 1; 2009, No. 732, § 1. A.S.A. 1947, § 17-4204.]

14-14-1208. Professional memberships and meetings.

(a) The quorum court of each county may provide, through specific appropriations, for a county to join, pay membership fees and service charges, and cooperate with the organizations and associations of county government of this state and other states for the advancement of good government and the protection of local government interests.

(b) Elected county and township officials of a county government may be allowed per diem and either mileage or actual transportation expenses for attendance at meetings of the appropriate association of local government officials. Reasonable expenses or charges against each local government, as a member of the association, may be paid by a county.

(c) Employees of a county government may be allowed per diem and either mileage or actual transportation expenses for attendance at meetings of professional organizations or associations, and a county government may pay membership fees and service charges to the organizations. [Acts 1977, No. 742, § 114; A.S.A. 1947, § 17-4207.]

14-14-1209. Uniform allowance for sheriff's department. -

(a) Upon request by the county sheriff, the county quorum court may approve and appropriate a uniform and equipment allowance for the sheriff and employees of the sheriff's department in lieu of reimbursement for actual uniform and equipment expenses. The uniform and equipment allowance may be used for the purchase of uniforms, ammunition, and other equipment (excluding firearms) used in the performance of law enforcement duties.

(b) Claims for this uniform and equipment allowance shall be processed and paid in accordance with the laws of the State of Arkansas. However, an itemized listing or numbered invoice is not required for payment of this uniform and equipment allowance. [Acts 1985, No. 104, § 1; 1997; No. 223, § 1. A.S.A. 1947, § 17-4205.1]

14-14-1210. Cost-of-living adjustment. - (a) Beginning January 1, 2011, and on each January 1 thereafter, three percent (3%) per annum shall be added to the minimum and maximum salaries and per diems of elected county officers as a cost-of-living adjustment.

(b) Beginning September 1, 2010, and on each September 1 thereafter, the Association of Arkansas Counties shall provide each county and the Division of Legislative Audit with a schedule of the minimum and maximum salaries and per diems of elected county officers with the added cost-of-living adjustment for the following year. [Acts 2009, No. 320, § 3.]

CHAPTER 13

OFFICERS GENERALLY

SECTION.

- 14-14-1301. County, quorum court district and township officers
- 14-14-1302. Election of officers.
- 14-14-1303. Bond.
- 14-14-1304. Oath
- 14-14-1305. Commissions
- 14-14-1306. Residence Required.
- 14-14-1307. Offices.

14-14-1301. County, quorum court district, and township officers.

(a) COUNTY OFFICERS. There shall be elected, until otherwise determined by law, in each of the several counties of this state the following county officers:

(1) COUNTY JUDGE. (A) The county judge shall:

(i) Perform the administrative and executive functions and duties, and such additional duties as may be provided by law, to be performed by the judge provided in Arkansas Constitution, Amendment 55, Section 3;

(ii) Preside over the county quorum court without a vote but with the power of veto; and

(iii) Preside over the county court and exercise those judicial and ministerial duties of the county court that were not transferred to the judge to be performed in his or her capacity as the chief executive officer of the county by Arkansas Constitution, Amendment 55, or as may be provided by law.

(B) The judge shall be:

(i) At least twenty-five (25) years of age;

(ii) A citizen of the United States;

(iii) A person of upright character;

(iv) A person of good business education; and

(v) A resident of the county at the time of his or her election and during his or her continuance in office;

(2) CLERK OF THE CIRCUIT COURT. The clerk of the circuit court shall be clerk of all divisions of the court, ex officio clerk of the county court, and recorder, except as provided in subdivision (a)(3) of this section;

(3) COUNTY CLERK. A county clerk may be elected in like manner as a circuit clerk, and in such cases, the clerk may be ex officio clerk of the probate division of circuit court, if such division exists, in the county until otherwise provided by the General Assembly, and if created as a separate office, bear witness and sign all writs and other judicial process acted upon by the respective courts served by the clerk;

(4) ASSESSOR. The assessor shall perform such duties as are prescribed by law;

(5) SHERIFF. (A) The sheriff, who shall be ex officio collector of taxes, unless otherwise provided by law, shall perform such duties as are prescribed by law. It shall be the general duty of each sheriff to quell and suppress all assaults and batteries, affrays, insurrections, and unlawful assemblies.

(B) The sheriff shall:

(i) Apprehend and commit to jail all felons and other offenders;

SECTION.

- 14-14-1308. Vacancy in office.
- 14-14-1309. Declaration of vacancy.
- 14-14-1310. Filling vacancies in elective offices.
- 14-14-1311. Removal from office.
- 14-14-1312. Remuneration.
- 14-14-1313. Remittance of public funds.
- 14-14-1314. Constable training requirements – Uniform requirements.

(ii) Execute all process directed to him or her by legal authority;

(iii) Attend upon all courts held in his or her county until otherwise provided by law; and

(iv) Perform all other acts and things that are required by law;

(6) COLLECTOR OF TAXES. A separate collector of taxes may be elected as provided by law. Each collector, upon receiving the tax charge of the county, shall proceed to collect them as may be prescribed by law;

(7) TREASURER. The treasurer, who shall be ex officio treasurer of the common school fund of the county, shall perform such duties as are prescribed by law. However, nothing in this chapter shall be deemed to replace or modify any law of this state authorizing school boards to appoint a treasurer for school districts as provided by law;

(8) COUNTY SURVEYOR. The county surveyor shall perform such duties as are prescribed by law. It shall be the general duty of the surveyor to execute all orders directed by any court of record for surveying or resurveying any tract of land, the title of which is in dispute or in litigation before the court, and to obey all orders of surveys for the partition of real estate, and to provide services to the county court when required for the purpose of surveying and measuring any proposed road;

(9) CORONER. The county coroner shall perform such duties as are prescribed by law.

(b) QUORUM COURT DISTRICT AND TOWNSHIP OFFICERS. (1) There shall be elected in each of the quorum court districts of the counties of this state one (1) justice of the peace who shall preside over the justice of the peace courts and perform such judicial duties as may be prescribed by law and who shall serve as a member of the quorum court of the county in which elected and shall perform such legislative duties as may be prescribed by law. Each justice shall be a qualified elector and a resident of the district for which he or she is elected.

(2) There shall be elected in each township, as preserved and continued in § 14-14-401, one (1) constable who shall have the qualifications and perform such duties as may be provided by law. [Acts 1977, No. 742, § 41; 1979, No. 413, §§ 6-8; 2003, No. 1185, § 23; A.S.A. 1947, § 17-3601]

14-14-1302. Election of officers. - (a) COUNTY OFFICERS. The qualified electors of each county in this state, at the time

of electing members of the General Assembly, shall elect, until otherwise provided by law, all county officers for the term of two (2) years and until their successors are elected and qualified.

(b) **QUORUM COURT DISTRICT AND TOWNSHIP OFFICERS.** The qualified electors of each county quorum court district and township in this state shall elect each district and township officer for the term of two (2) years and until his successor is elected and qualified. Election shall be held at the time of electing members of the General Assembly. [Acts 1977, No. 742, § 42; 1979, No. 413, § 9; A.S.A. 1947, § 17-3602.]

14-14-1303. Bond. - All county, county quorum court district, and township officers shall be bonded as prescribed by law. [Acts 1977, No. 742, § 47; 1979, No. 413, § 9; A.S.A. 1947, § 17-3607.] See A.G. Opinion 2007-228.

14-14-1304. Oath. - Each county, justice of the peace, and township officer, before entering upon the discharge of the duties of his office, shall take and subscribe to the oath prescribed in the Arkansas Constitution for officers. [Acts 1977, No. 742, § 43; 1979, No. 413, § 9; A.S.A. 1947, § 17-3603.]

14-14-1305. Commission. - (a) **COUNTY OFFICERS.** All county officers shall be commissioned by the Governor in a manner prescribed by law.

(b)(1) **QUORUM COURT DISTRICT AND TOWNSHIP OFFICERS.** All township and county quorum court district officers, except constables, shall be commissioned by the Governor in a manner prescribed by law.

(2) Constables shall be furnished with a certificate of election by the county court on which the constable's official oath shall be endorsed. [Acts 1977, No. 742, § 44; 1979, No. 413, § 9; A.S.A. 1947, § 17-3604.]

14-14-1306. Residence required. - (a) All county, county quorum court district, and township officers shall reside within their respective townships, districts, and counties.

(b) An office shall be deemed vacant if a county officer removes his legal residence from the county or if a district or township officer removes his legal residence from the district township from which elected.

(c) For purposes of this section, legal residence shall be defined as the domicile of the officer evidenced by the intent to make such residence a fixed and permanent home. [Acts 1977, No. 742, § 45; 1979, No. 413, § 9; A.S.A. 1947, § 17-3605.]

14-14-1307. Offices. - (a) The county court shall determine the location of the office of the various county, county quorum court district, and township officers.

(b) Nothing in this section, however, shall be construed to compel the county court to provide justices of the peace, constables, coroners, or surveyors with a formal office. [Acts 1977, No. 742, § 46; 1979, No. 413, § 9; A.S.A. 1947, § 17-3606.]

14-14-1308. Vacancy in office. - A county, county quorum court district, or township office shall be considered vacant if any one (1) of the following conditions exists:

(1) The incumbent fails to meet the qualifications for office prescribed by law as evidenced by failure to be commissioned;

(2) The incumbent refuses or neglects to take and subscribe to the official oath required by law as evidenced by failure to be commissioned;

(3) The incumbent refuses, neglects, or for any other reason fails to secure an official bond required by law as evidenced by failure to be commissioned;

(4) The incumbent resigns;

(5) The incumbent ceases to meet any residence requirements for office;

(6) The incumbent is removed from office by judicial proceedings;

(7) The election or appointment of the incumbent is declared void by a judicial proceeding;

(8) The incumbent is convicted of a felony, incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office by judicial proceedings;

(9) The incumbent ceases to discharge the duties of his office for a period of three (3) months, except when prevented by sickness or excused by a quorum court through resolution;

(10) The incumbent is declared of unsound mind by judicial proceedings;

(11) The quorum court determines that the incumbent has become disabled to the degree that he cannot perform the duties of his office;

(12) The incumbent holds more than one (1) office or position in conflict with the provisions of Arkansas Constitution, Article 4, Section 2 or Article 19, Section 6;

(13) The quorum court separates elective offices as provided by law; or

(14) The incumbent dies. [Acts 1977, No. 742, § 49; 1979, No. 413, § 9; A.S.A. 1947, § 17-3609.]

14-14-1309. Declaration of vacancy. - (a) **CONDITIONS.** The quorum court of each county shall declare a county, county quorum court district, or township office vacant where conditions of vacancy exist as demonstrated in the following manner:

(1) Upon receipt of certification that a condition of vacancy exists as evidenced by failure of an officer to be commissioned or finding of judicial proceedings where such conditions served as the cause of vacancy;

(2) Upon determination by a quorum court that a condition of vacancy exists in all other causes not governed by failure to be commissioned or finding of judicial proceedings. Such determination by a quorum court shall be conducted through the process of resolution as prescribed by law if the resolution shall have been published prior to the meeting date in which the resolution is to be considered by the court.

(b) **APPEAL.** Appeals by the county, quorum court district, or township officer so affected from a declaration of vacancy by the quorum court may be taken to the circuit court if the appeal shall be filed within thirty (30) calendar days from the date of publication as required for county resolutions.

(c) **NOTIFICATION OF GOVERNOR.** The quorum court shall upon declaration of a vacancy, or within ten (10)

calendar days thereafter, in any elective township office cause the declaration to be filed in writing with the Governor. [Acts 1977, No. 742, § 50; 1979, No. 413, § 9; A.S.A. 1947, § 17-3610.]

14-14-1310. Filling vacancies in elective offices. -

(a)(1) COUNTY ELECTIVE OFFICES. Vacancies in all county elective offices shall be filled by the county quorum court through the process of resolution as prescribed by law.

(2) ELIGIBILITY REQUIREMENTS AND TERM OF OFFICE.(A) QUALIFICATIONS. All officers appointed to fill a vacant county elective office shall meet all of the requirements for election to that office.

(B) REQUIREMENTS. All officers appointed by a quorum court shall subscribe to the oath of office, be commissioned, and be bonded as prescribed by law.

(C) PERSONS INELIGIBLE FOR APPOINTMENT. Any member of the quorum court shall be ineligible for appointment to fill any vacancy occurring in any county office, and resignation shall not remove such ineligibility. Husbands and wives of justices of the peace, and relatives of such justices or their husbands and wives within the fourth degree of consanguinity or affinity, shall likewise be ineligible.

(D) TERM OF OFFICE. All officers so appointed shall serve until their successor is elected and qualified.

(E) SUCCESSIVE TERMS OF APPOINTED OFFICER PROHIBITED. No person appointed to fulfill a vacant or unexpired term of an elective county office shall be eligible for appointment or election to succeed himself or herself.

(b) ELECTIVE TOWNSHIP OFFICES. All vacancies in elective township offices, including justice of the peace offices, shall be filled by the Governor.

(c)(1)(A) EMERGENCY VACANCIES. During a declaration of an emergency or circumstances that warrant a declaration of an emergency under § 12-75-107 or § 12-75-108, a vacancy in the office of county judge due to death or disability to the degree of inability to perform the duties of office shall be temporarily filled by executive order of the county judge issued prior to the incapacity of the county judge, designating three (3) persons in succession to fill the vacancy of the office of county judge on an interim basis until such time as the vacancy is filled by the quorum court as provided by this chapter or the disability of the county judge is abated.

(B) Persons so designated shall be listed in succession and may be identified by title or position.

(C) The death or disability of a person in the line of succession shall result in disqualification of the person and appointment of the next successive person.

(2)(A) During a declaration of an emergency or circumstances that warrant a declaration of emergency under § 12-75-107 or § 12-75-108, a vacancy in the office of sheriff due to death or disability to the degree of inability to perform the duties of office shall be temporarily filled by a policy statement of the sheriff issued prior to the incapacity of the sheriff and adopted by resolution of the quorum court, designating three (3) persons in succession to fill the vacancy in the office of sheriff on an interim basis until such time as the vacancy is filled by the quorum court as provided by this chapter or the disability of the sheriff is abated.

(B) Persons so designated by the sheriff shall be listed in succession and may be identified by title or position.

(C) The death or disability of a person in the line of succession shall result in disqualification of the person and appointment of the next successive person.

(D) The sheriff shall affix his or her signature to the policy statement and to the resolution of the quorum court to signify that the line of succession for the office of sheriff is in accordance with his or her authority.

(3)(A) The county judge and the sheriff shall file the executive order and the resolution with policy statement under subdivisions (c)(1) and (c)(2) of this section with the county clerk, and a file-marked copy shall be provided to the Director of the Arkansas Department of Emergency Management no later than sixty (60) days from the beginning of the elected term of office.

(B) Members of the quorum court are not eligible to fill the vacancy in the office of county judge or sheriff under this section. [Acts 1977, No. 742, §§ 51, 52; 1979, No. 413, § 10; 1985, No. 682, §§ 1-3; Acts 2009, No. 229, § 1. A.S.A. 1947, §§ 17-3611, 17-3612.]

14-14-1311. Removal from office. - The circuit court shall have jurisdiction, upon information, presentment, or indictment, to remove any county or township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office. [Acts 1977, No. 742, § 53; A.S.A. 1947, § 17-3613.]

14-14-1312. Remuneration. - No officer of any county, county quorum court district, or township shall receive from county funds, directly or indirectly, for salary, wages, and perquisites more than the amount appropriated by the respective quorum court for each respective office per annum in par funds and paid to the officer by instrument drawn by the county judge on the treasury. [Acts 1977, No. 742, § 48; 1979, No. 413, § 9; A.S.A. 1947, § 17-3608.]

14-14-1313. Remittance of public funds. - All public funds coming into the possession of any officer of the county shall be remitted to the county treasury in a manner prescribed by law. [Acts 1977, No. 742, § 48; 1979, No. 413, § 9; A.S.A. 1947, § 17-3608.]

14-14-1314. Constable training requirements — Uniform requirements. (a)(1)(A) For a constable to have access to information from the Arkansas Crime Information Center:

(i) He or she shall satisfactorily complete the constable certification course provided by the Arkansas Commission on Law Enforcement Standards and Training.

(ii) Each year after completing the certification course required under subdivision (a)(1)(A)(i) of this section, he or she shall satisfactorily complete sixteen (16) hours of training provided by the Arkansas Commission on Law Enforcement Standards and Training.

(B) For a constable to carry a firearm:

(i) He or she shall attend sixteen (16) hours of firearms training; and

(ii) Each year after completing the training required under subdivision (a)(1)(B)(i) of this section, he or she shall satisfy the firearm qualification standards for a law enforcement official.

(2) A constable holding office on July 31, 2007 is exempt from the requirements of subdivision (a)(1) of this section if the constable has completed:

(A) The Part-time Law Enforcement Officer II training or higher level training course; and

(B) Mandatory racial profiling courses.

(b)(1) In the performance of his or her official duties, a constable shall wear a uniform consisting of:

(A) The following shirts:

(i) A long sleeve black shirt with black epaulets and black pocket flaps and a gray tie from October 1 until March 31;

(ii) A short sleeve black shirt with black epaulets and black pocket flaps from April 1 until September 30; or

(iii) A white shirt on formal occasions at any time;

(B)(i) A constable identification patch on the left shoulder of the shirt and an American flag on the right shoulder.

(ii) The top of each patch shall be one inch (1") down from the shoulder seam of the shirt;

(C) A name tag above the right pocket flap of the shirt;

(D) A six-point star, containing the words "Arkansas Constable" shall be on the left side of the shirt;

(E) The following pants:

(i) Tan pants; or

(ii) Blue or black pants on formal occasions; and

(F) A gray hat with a six-point star on the front containing the words "Arkansas Constable".

(2) If a constable is engaged in search or rescue activities, he or she shall wear a uniform consisting of:

(A) A black shirt;

(B) Black pants; and

(C) A black cap with a six-point star with the words "Arkansas Constable".

(c) In the performance of his or her official duties, a constable shall drive a motor vehicle that is:

(1) Fully equipped with emergency equipment; and

(2) Clearly marked with a six-point star and the words "Arkansas Constable". [Acts 2007, No. 841, § 2.]

CHAPTER 14

SELF-INSURED FIDELITY BOND PROGRAM

SECTION.

- 21-2-701. Purpose.
- 21-2-702. Definitions.
- 21-2-703. Coverage in lieu of statutory bonds.
- 21-2-704. Establishment - Scope of coverage.
- 21-2-705. Governmental Bonding Board.
- 21-2-706. Administration.

21-2-701. Purpose. - It is found and determined that:

(1) The State of Arkansas and the counties, municipalities, and school districts of the State of Arkansas are expending large sums of money each year for premiums on blanket bonds for officers and employees;

(2) Considerable savings might be effected by the establishment of a self-insured fidelity bond program for state officials and employees, county officials and employees, municipal officials and employees, and school district officials and employees;

(3) This subchapter is designed to establish a governmental bonding board to develop a self-insured fidelity bond program for those officials and employees; and

(4) This subchapter is designed to provide that self-insured fidelity bonds would be in lieu of the various blanket bonds which are presently required under this chapter for various officials and employees and to thereby effectuate substantial savings in the cost of blanket bonds for those officials and employees. [Acts 1987, No. 728, § 1.]

21-2-702. Definitions. - As used in this subchapter:

(1) "Audit" or "audit report" means an audit or other statutorily allowed financial examination of the books and records;

(2) "Commissioner" means the Insurance Commissioner of the State of Arkansas.

(3) "County" means the county or counties of the State of Arkansas;

(4) "County public official" or "county public employee" means any elected officer of the counties and the employees or deputies of any elected officer, members of the quorum court, and the members of the various county boards and commissions, excluding officials and employees of county hospitals, county nursing homes, and conservation and improvement districts;

(5) "Money" means currency, coins, and bank notes in current use and having a face value and travelers' checks, register checks, and money orders held for sale to the general public;

(6) "Municipal" or "municipality" means the municipalities of the State of Arkansas;

(7) "Municipal public official" or "municipal public employee" means any elected officer of the municipalities and the employees or deputies of any elected officer, specifically including salaried municipal employees of municipally owned utilities, members of the city council, including the mayor, and the members of the various

SECTION.

- 21-2-707. Operations and recommendations.
- 21-2-708. Notice and proof of losses – Investigations - Restitution.
- 21-2-709. Determination of coverage- Assignment of rights.
- 21-2-710. Billing certification - Payment and deposit.
- 21-2-711. Fidelity Bond Trust Fund.

municipal boards and commissions, but excluding officials and employees of municipal hospitals, nursing homes, and improvement districts;

(8) "Participating governmental entity" means those organizations defined in subdivisions (3), (6), (10), and (13) of this section;

(9) "Property other than money and securities" means any tangible property, other than money and securities, that has intrinsic value;

(10) "School district" means the school districts of the State of Arkansas;

(11) "School district public official" or "school district public employee" means all school district salaried officials and salaried school district employees, whether elected or appointed, and the members of local school boards of directors;

(12) "Securities" means negotiable and nonnegotiable instruments or contracts representing either money or other property and includes:

(A) Tokens, tickets, and revenue and other stamps in current use whether represented by actual stamps or unused value in a meter; and

(B) Evidences of debt, other than money, issued in connection with credit or charge cards;

(13) "State" means the State of Arkansas;

(14) "State officers and employees" means all elected and appointed salaried officials of the state and their salaried state employees, the salaried officials and salaried employees of all state boards and commissions, members of the General Assembly, and nonsalaried appointed members of the various state boards and commissions; and

(15) "State public official" or "state public employee" means any elected or appointed salaried officer of the State of Arkansas and the salaried governmental employees of that elected or appointed officer, members of the General Assembly, and the nonsalaried members of the various state boards and commissions. [Acts 1987, No. 728, § 2; 1993, No. 319, § 1; 2001, No. 208, § 1; 2001, No. §1038, § 1.]

21-2-703. Coverage in lieu of statutory bonds. - (a)(1)

The fidelity bond coverage provided under this subchapter shall be in lieu of all statutorily required bonds for the various public officers, officials, and employees participating in the Self-Insured Fidelity Bond Program.

(2) The various laws specifically requiring surety bonds or blanket bonds for the respective public officials,

officers, and employees shall not be applicable so long as the fidelity bonds as provided in this subchapter are in effect covering the officials, officers, and employees.

(b) In the event coverage shall cease to be provided for any or all of the officials, officers, or employees pursuant to this subchapter, the laws currently in effect providing for surety bonds or blanket bonds shall again become applicable to the officials, officers, and employees. [Acts 1987, No. 728, § 14.]

21-2-704. Establishment - Scope of coverage. (a) There is established a Self-Insured Fidelity Bond Program for state officials and employees, county officials and employees, municipal officials and employees, and school district officials and employees, to be administered by the Governmental Bonding Board.

(b)(1) The fidelity bond coverage provided by the program shall cover actual losses sustained by a participating governmental entity through any fraudulent or dishonest act or acts committed by any official or employee of the participating governmental entity acting alone or in collusion with another, during the bond period to an amount not exceeding the lesser of three hundred thousand dollars (\$300,000) or the amount of the bond.

(2) Coverage for loss of property other than money and securities shall be limited to the actual cash value of the property on the day the loss was discovered.

(3) No coverage shall be provided for any claim in which a participating governmental entity through fraudulent means takes money or other property from another participating governmental entity.

(c) This coverage shall not include compensatory, punitive, or exemplary damages, and no interest or penalty amounts shall accrue on a bond claim made pursuant to this subchapter including, but not limited to, investigative expenses, legal fees, or court costs.

(d) The fidelity bond coverage provided by the program shall not cover a loss sustained by a participating governmental entity as a result of:

(1) Liability imposed upon or assumed by the participating governmental entity to exonerate or indemnify an official or employee from or against liability incurred by the official or employee in the performance of duties;

(2) Damages for which the participating governmental entity is legally liable as a result of:

(A) The deprivation or violation of a civil right of any person by an official or employee; or

(B) The tortious conduct of an official or employee, except conversion of property of another party held by the participating governmental entity in any capacity; or

(3) Loss of property other than money and securities unless the participating governmental entity or the Division of Legislative Audit shall be able to designate the specific official or employee causing such loss.

(e) Fidelity bond coverage shall not cover a loss sustained by any party other than a participating governmental entity.

(f) Except as provided in subdivision (d)(3) of this section, in case of a loss alleged to have been caused to a participating governmental entity through any fraudulent or dishonest act or acts by an official or employee covered under the fidelity bond coverage afforded under the

provisions of this subchapter, when the participating governmental entity or the division shall be unable to designate the specific official or employee causing the loss, the participating governmental entity shall nevertheless have the benefit of fidelity bond coverage.

(g)(1) For valid coverage under the program, each participating governmental entity, including each segment or component of the participating governmental entity for which coverage is available under the program, shall procure an audit of its books and records for each fiscal year.

(2)(A) If a participating governmental entity, or covered segment or component of the participating governmental entity, is not audited by the division, the participating governmental entity, or covered segment or component of the participating governmental entity, shall procure an audit of its books and records by accountants in good standing with the Arkansas State Board of Public Accountancy in accordance with government auditing standards issued by the Comptroller General of the United States.

(B) The audit must be completed within eighteen (18) months of the close of each participating governmental entity's fiscal year.

(3) All audit reports revealing or disclosing unauthorized expenditures, asset shortages, or unaccounted-for funds shall be forwarded immediately upon completion to the division, the State Risk Manager, and the appropriate prosecuting attorney. [Acts 1987, No. 728, §§ 3-5; 1993, No. 319, § 2; 1995, No. 339, § 1; 2001, No. 1383, § 1; 2005, No. 506, § 2; 2007, No. 425, § 1.]

21-2-705. Governmental Bonding Board. (a) There is created the Governmental Bonding Board, which shall be composed of the following five (5) members:

(1) The President of the Association of Arkansas Counties;

(2) The President of the Arkansas Municipal League;

(3) The Commissioner of Education;

(4) The Director of the Department of Finance and Administration; and

(5) The Insurance Commissioner, who shall serve as chair.

(b)(1) The members of the board shall receive no compensation for their services, but members other than the Director of the Department of Education, the Director of the Department of Finance and Administration, and the Insurance Commissioner may receive expense reimbursement in accordance with § 25-16-901 et seq.

(2) The expense reimbursement of members of the board shall be paid from the Fidelity Bond Trust Fund.

(c)(1)(A)(i) The board shall meet at least quarterly.

(ii) However, if there is no proof of loss or other business for the board to consider, the chair may cancel a regularly scheduled quarterly meeting upon written notice to the members.

(B) The board shall also meet at any other time as necessary to carry out its responsibilities and duties, at the call of the chair, or upon the request of a majority of the board.

(2) All action of the board shall be by majority vote of the membership in attendance.

(3) If a board member is unable to attend any board meeting, the member shall appoint a designee to act as his or her representative. The representative shall have all the rights and privileges of the member represented. [Acts 1987, No. 728, §§ 6, 7; 1991, No. 188, §§ 1, 2; 1997, No. 250, § 212; 2005, No. 506, § 3.]

21-2-706. Administration. - It shall be the responsibility of the Governmental Bonding Board to develop and administer the Self-Insured Fidelity Bond Program for state officers and employees, state public officials and public employees, and county, municipal, and school district public officials and public employees. [Acts 1987, No. 728, § 8.]

21-2-707. Operations and recommendations. - (a) The Insurance Commissioner, at the direction of the Governmental Bonding Board, shall receive and disburse funds necessary for the establishment and operation of the Self-Insured Fidelity Bond Program.

(b) The State Risk Manager shall assist in the operations of the program and shall submit to the board recommendations for the establishment of:

- (1) Premium schedules for all participating governmental entities;
- (2) Schedules for deductible amounts;
- (3) Loss histories, loss reporting, and loss payment procedures;
- (4) Program enrollments;
- (5) Annual review of funds income, balances, and expenditures;
- (6) Proposed invitations to bid, and retention levels, if the board determines that excess bonds or reinsurance is necessary; and
- (7) Other information required by the board for efficient operation of the program. [Acts 1987, No. 728, § 10.]

21-2-708. Notice and proof of losses - Investigations, Restitution. - (a) It shall be the duty and responsibility of the Legislative Auditor, with the approval of the Legislative Joint Auditing Committee, to give notice and make proof of loss to the board on fidelity bonds on behalf of any public official, officer, or employee when the audit report of the records of any such official, officer, or employee reflects apparent unauthorized disbursements or unaccounted-for funds or property for which the public official, officer, or employee may be liable.

(b) The Legislative Auditor shall request the appropriate prosecuting attorney or the Attorney General to assist the state or the appropriate political subdivision in obtaining restitution when the audit report reflects apparent unauthorized disbursements or unaccounted-for funds or property for which the public official, officer, or employee may be liable.

(c)(1) For the purpose of obtaining restitution as provided in subsection (b) of this section, the Self-Insured Fidelity Bond Program and the participating governmental entity shall be deemed victims.

(2) In any criminal prosecution against the official or employee causing the loss, where such official or employee enters a plea of guilty or nolo contendere, or, is found guilty following a trial, restitution shall be awarded to the

participating governmental entity for the entire amount of its unreimbursed losses and to the program for the entire amount of its payment to the participating governmental entity. [Acts 1987, No. 728, § 12; 1993, No. 179, § 2; 1993, No. 319, § 3.]

21-2-709. Determination of coverage - Assignment of rights. (a)(1)(A) Upon the receipt of the proof of loss from the Legislative Auditor, the Governmental Bonding Board shall determine whether the loss is covered under the Self-Insured Fidelity Bond Program.

(B) The board may withhold claim determination and a loss payment until the investigation in each case has been completed and all information deemed necessary for determination of coverage under the program has been received.

(2)(A) If the board determines that the loss is covered under the program, the Insurance Commissioner shall authorize fidelity bond loss payments from the Fidelity Bond Trust Fund to the participating governmental entity on a timely basis.

(B) The board shall provide a timely explanation of a loss payment and a denial of loss to the Legislative Auditor and to the participating governmental entity.

(3) All vouchers for a loss payment shall include as supporting documents a copy of the payment recommendation by the State Risk Manager and a copy of the proof of loss from the Legislative Auditor.

(4) Any loss payment may be adjusted by any applicable deductible, restitution, or coinsurance payment.

(b)(1) Before any loss payment is paid from the fund, the recipient of the loss payment shall sign and return a transfer of rights form assigning to the fund to the extent of the loss payment all rights and claims that the recipient may have against the official, officer, or employee involved. The fund shall be subrogated to all of the rights of the recipients of the loss payment to the extent of the loss payment.

(2)(A) If the participating governmental entity shall sustain any loss that exceeds the amount of indemnity provided by the program, the participating governmental entity shall be entitled to all recoveries, except from suretyship, insurance, reinsurance, security, or indemnity taken by or for the benefit of the program, by whomever made, on account of the loss until fully reimbursed, less the amount of the deductible and coinsurance.

(B) Any remainder shall be applied to reimbursement of the program.

(3) If a participating governmental entity fails to pay over an amount due the program under these provisions, the board may deduct any amount due from future loss payments due the applicable participating governmental entity or from any treasury funds of the applicable participating governmental entity. [Acts 1987, No. 728, § 13; 1993, No. 319, § 4; 2005, No. 506, § 4.]

21-2-710. Billing certification - Payment and deposit.

(a) The Governmental Bonding Board, with the assistance of the State Insurance Department, shall prepare a billing certification to be remitted to the:

(1)(A) Department of Finance and Administration. Upon receipt of this certification, the Director of the Department of Finance and Administration shall pay it from

funds specifically appropriated for it by the General Assembly or from other funds available therefore.

(B) Funds so appropriated for premiums for fidelity bonds for state public officials and employees and state officers and employees or funds otherwise made available for this purpose shall not be subject to reduction as a result of any shortfall of projected revenues; and

(2) Chief Fiscal Officer of the State who shall pay it from funds withheld from the:

(A) County Aid Fund which are due each county participating in the Self-Insured Fidelity Bond Program for premiums for fidelity bonds for county public officials and employees;

(B) Municipal Aid Fund which are due each municipality participating in the program for premiums for fidelity bonds for municipal public officials and employees; and

(C) Public School Fund which are due each school district participating in the program for premiums for fidelity bonds for school district officials and employees.

(b) Upon receipt of these funds, the Insurance Commissioner shall deposit them in the Fidelity Bond Trust Fund. [Acts 1987, No. 728, § 11.]

21-2-711. Fidelity Bond Trust Fund. - (a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a separate fund to be known as the "Fidelity Bond Trust Fund".

(b)(1) No money shall be appropriated from this fund for any purpose except for the use and benefit of participating governmental entities for bond claims and for Governmental Bonding Board expenses, including, but not limited to, travel, actuarial, consultant, and service contract fees.

(2) The fund shall be administered by and disbursed at the direction of the Governmental Bonding Board.

(c)(1)(A) The assets of the fund may be invested and reinvested as the Governmental Bonding Board may determine with the advice of the State Board of Finance.

(B) All incomes derived through investment of the fund shall be credited as investment income to the fund.

(C) For the purposes of investment, fund moneys invested and interest earned on fund moneys invested shall be administered as trust funds pursuant to the provisions of § 19-3-219(a) [repealed].

(2) Further, all moneys deposited to the fund shall not be subject to any deduction, tax, levy, or any other type of assessment.

(d) All moneys received by the Governmental Bonding Board for the Self-Insured Fidelity Bond Program, including premiums collected by the Governmental Bonding Board under this subchapter, restitution, interest payments, grants, gifts, and refunds shall be deposited into the fund. [Acts 1987, No. 728, § 9; 2005, No. 506, § 5.]