

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1618

By: Representative Hawk

By: Senator Crowell

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ELECTION,
APPOINTMENT, AND CONTRACTING OF A MUNICIPAL ATTORNEY;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
ELECTION, APPOINTMENT, AND CONTRACTING
OF A MUNICIPAL ATTORNEY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-42-112(a), concerning municipal attorneys for cities of the second class and incorporated towns, is amended to read as follows:

(a)(1) All cities of the second class and incorporated towns within the State of Arkansas may elect a municipal attorney at the time of the election of other officers of these cities of the second class and incorporated towns, if it is not established by ordinance that the office of the ~~city~~ municipal attorney will be appointed.

(2) A city of the second class or an incorporated town that chooses not to have an office of the municipal attorney may contract with an attorney for representation.

~~(2)(A)(3)(A) All municipal attorneys~~ An attorney elected or appointed to the office of the municipal attorney or an attorney contracted with under the provisions of this section shall be a regularly licensed attorneys attorney of this state.

(B) ~~When no attorney resides within the limits of the city~~



~~or town or when no resident attorney has been elected as municipal attorney, the mayor and city or town council may appoint any regularly licensed attorney of this state to serve as the municipal attorney~~ An attorney elected or appointed under this section shall:

(i) Hold the office of the municipal attorney; and

(ii) Reside within the municipal boundaries of the city of the second class or incorporated town.

(C) An attorney contracted for legal representation under this section is not required to reside within the limits of the city of the second class or incorporated town.

SECTION 2. Arkansas Code § 14-42-112(e), concerning municipal attorneys for cities of the second class and incorporated towns, is amended to read as follows:

(e) The term of office for an elected or appointed municipal attorney shall be four (4) years.

SECTION 3. Arkansas Code § 14-42-112 is amended to add an additional subsection to read as follows:

(f) This section does not limit the authority of cities of the second class and incorporated towns from joining with other municipalities to purchase the services of an attorney for representation as provided under § 14-54-101.

SECTION 4. Arkansas Code § 14-42-122 is repealed.

~~14-42-122. City attorney in mayor council cities of fewer than 10,000.~~

~~(a)(1) If not established by ordinance that the office of the city attorney will be appointed, the qualified voters of cities of the first class having a population of fewer than ten thousand (10,000) and having the mayor-council form of government shall elect a city attorney for four (4) years on the Tuesday following the first Monday in November 2022 and every four (4) years thereafter.~~

~~(2) An incumbent city attorney shall continue in office until his or her successor is elected and qualified.~~

~~(b)(1) If no attorney residing in the city is elected as city attorney, the city council may appoint a resident attorney to fill the office~~

~~for the remainder of the unfilled term.~~

~~(2)(A) If no attorney of the city serves as city attorney by election or appointment or if no attorney resides within the municipal boundaries of the city, then upon a two thirds vote the city council may contract with any licensed attorney of this state or the licensed attorney's law firm to serve as legal advisor, counselor, or prosecutor.~~

~~(B) The duties of an attorney under contract shall be prescribed by ordinance.~~

SECTION 5. Arkansas Code § 14-43-319 is repealed.

~~14-43-319. City attorney in mayor-council cities of fewer than 5,000.~~

~~(a)(1) If not established by ordinance that the office of the city attorney will be appointed, the qualified voters of cities of the first class having a population of fewer than five thousand (5,000) and having the mayor-council form of government shall elect a city attorney for four (4) years on the Tuesday following the first Monday in November 2006 and every four (4) years thereafter.~~

~~(2) An incumbent city attorney shall continue in office until his or her successor is elected and qualified.~~

~~(b)(1) If no attorney residing in the city is elected as city attorney, the city council may select a resident attorney to fill the office for the remainder of the unfilled term.~~

~~(2)(A) If no resident attorney of the city is willing to serve as city attorney or if no attorney resides within the limits of the city, the mayor and city council may contract with any licensed attorney of this state or the attorney's firm to serve as legal advisor, counselor, or prosecutor until a qualified city attorney is elected or qualified.~~

~~(B) The duties of a nonresident attorney under contract shall be prescribed by ordinance.~~