



STATE OF ARKANSAS
ATTORNEY GENERAL
LESLIE RUTLEDGE

Opinion No. 2021-092

November 4, 2021

The Honorable John Thurston
Secretary of State
Arkansas State Capitol
Room 256
Little Rock, AR 72201

Dear Secretary Thurston:

This is in response to your request for my opinion on the effective date of four pieces of legislation passed after the extended recess of the 93d General Assembly, which adjourned *sine die* on October 15, 2021. Your request states that the four acts contain no emergency clause or specified effective date.

RESPONSE

Amendment 7 to the Arkansas Constitution¹—which establishes the people’s right to challenge legislative acts via referendum—governs the effective date of Acts of the General Assembly with no emergency clause or specified effective date.² Amendment 7 provides that petitions calling for a referendum vote “shall be filed with the Secretary of State not later than ninety days after the final adjournment of the session at which such Act was passed, except when a recess or adjournment shall be taken temporarily for a longer period than ninety days, in which case such petition shall be filed not later than ninety days after such recess or temporary adjournment.”³

¹ Codified at Ark. Const. art. 5, § 1.

² See *Fulkerson v. Refunding Board*, 201 Ark. 957, 147 S.W.2d 980 (1941).

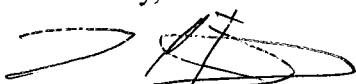
³ Ark. Const. art. 5, § 1 (“Referendum”).

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Thus, acts of the General Assembly with no emergency clause or specified effective date become effective on the 91st day after adjournment of the session in which they were enacted. The day of adjournment is not counted, as it is not a full day during which petitions may be filed.

Your request states that the 93d General Assembly adjourned *sine die* on October 15, 2021, after its extended recess. Starting with October 16, 2021 (the first full day after adjournment), the 90th day in this case is January 13, 2022. This means that the four acts passed with no emergency clause or specified effective date during **the session of the Ninety-Third Arkansas General Assembly** *following* its extended recess become effective on **Friday, January 14, 2022**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leslie Rutledge', with a stylized flourish at the end.

LESLIE RUTLEDGE
Attorney General