

Opinion No. 2009-090

June 1, 2009

The Honorable Charlie Daniels
Secretary of State
State Capitol, Room 256
Little Rock, Arkansas 72201-1094

Dear Mr. Daniels:

This is in response to your request for an opinion on the effective date of legislation passed during the Eighty-Seventh Arkansas General Assembly. Your request pertains to legislation that did not carry an emergency clause or a specified effective date.

Acts of the General Assembly with no emergency clause or specified effective date become effective ninety days after adjournment of the session at which they were enacted. *Fulkerson v. Refunding Board*, 201 Ark. 957, 147 S.W.2d 980 (1941). This rule stems from Amendment 7 to the Constitution of Arkansas, which gives the people “ninety days after the final adjournment of the session” to file referendum petitions. The day of adjournment is not counted, as it is not a full day during which petitions may be filed.

Your request indicates that the General Assembly adjourned *sine die* on May 1, 2009. Starting with the first full day after adjournment, and counting ninety full days, acts with no emergency clause or specified effective date become effective on the ninety-first day, which in this case is July 31, 2009.

The Honorable Charlie Daniels
Secretary of State
Opinion No. 2009-090
Page 2

Deputy Attorney General Elisabeth A. Walker prepared the foregoing opinion,
which I hereby approve.

Sincerely,

DUSTIN MCDANIEL
Attorney General

DM:EAW/cyh