



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 85-52

February 19, 1985

Tom Tatum, Prosecuting Attorney
15th Judicial District
522 Main Street
Danville, Arkansas 72833

Dear Mr. Tatum:

This letter is in response to your recent request for an opinion regarding compensation of quorum court members. Your question is as follows:

Can justices of the peace who serve on the Quorum Courts' respective committees draw an hourly wage for time spent in committee work in addition to receiving compensation for the regular meetings and per diem pay for travel?

Your letter further explains that a quorum court in your jurisdiction has adopted an ordinance authorizing payment of \$5.00 per hour for committee work.

Counties are municipal corporations which are created by the legislature and from which the county derives all of its power except for an express provision in the constitution. City of Hot Springs v. Gray, 215 Ark. 243, 219 S.W.2d 930 (1949). The legislature has empowered the county to provide payment of compensation and allowable expenses for quorum court members through Act 742 of 1977.

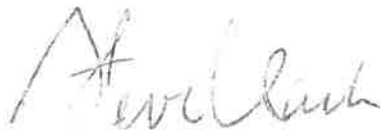
Ark. Stat. Ann. §17-4202(1)(a) empowers the quorum court to fix by ordinance per diem compensation for justices of the peace attending any official, regular, special or committee meeting. Per diem compensation is a per calendar day allowance, exclusive of allowable expenses, for attending meetings of the court during a single day without regard to duration of the meeting. Ark. Stat. Ann. §17-4202(2). Additionally, justices are prohibited from receiving compensation or expenses from appropriated county funds for services performed within the county except as provided by Act 742. Ark. Stat. Ann. §17-4202(3).

Justices are also to be paid for allowable expenses pursuant to Ark. Stat. Ann. §17-4204. The definition of expenses, that which is expended, Black's Law Dictionary (Rev. 4th Ed.) and the expenses expressly enumerated in §17-4204 appear to exclude an hourly rate of compensation for attending meetings. No other statutory authority for payment of additional sums to quorum court members has been located.

Therefore, it is our opinion that the above cited statute limits payment of quorum court members for attending committee meetings to per diem compensation of at least \$50.00 per day subject to the applicable maximum amount according to the population of the county. Ark. Stat. Ann. §17-4202(1)(a). Other hourly compensation is permitted by neither that section nor §17-4204.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Thomas S. Gay.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", is written over a light blue horizontal line.

STEVE CLARK
Attorney General

SC:TSG:jkb