

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1114

5 By: Representatives B. Overbey, T. Baker
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For An Act To Be Entitled

8 AN ACT TO REPEAL THE STATUTE CONCERNING THE PROCESS
9 OF REACTIVATION OF AN INACTIVE CITY OR INCORPORATED
10 TOWN; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO REPEAL THE STATUTE CONCERNING THE
15 PROCESS OF REACTIVATION OF AN INACTIVE
16 CITY OR INCORPORATED TOWN.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-38-112 is repealed.

22 ~~14-38-112. Reactivation of inactive city or incorporated town.~~

23 ~~(a) The government of any city or incorporated town in this state~~
24 ~~which has become inactive because of failure to elect the officials of the~~
25 ~~city or incorporated town and no action has been taken to dissolve the~~
26 ~~charter of the city or incorporated town may be reactivated upon petition of~~
27 ~~a majority of the qualified electors of the city or incorporated town as~~
28 ~~provided in this section.~~

29 ~~(b)(1)(A) Whenever a majority of the qualified electors of any~~
30 ~~inactive city or incorporated town as determined by the total number of~~
31 ~~qualified registered voters in the city or incorporated town shall desire to~~
32 ~~reactivate the government of the city or incorporated town, they may file a~~
33 ~~petition therefor with the county court of the county in which the city or~~
34 ~~incorporated town is located.~~

35 ~~(B) The petition authorized in this section shall request~~
36 ~~the county court to call a special election for the election of mayor,~~



1 ~~aldermen, and other elected officials of the city or incorporated town.~~

2 ~~(C)(i) When any petition is filed with the court, the~~
 3 ~~court shall set a date for a hearing on the petition.~~

4 ~~(ii) The date for the hearing shall not be less than~~
 5 ~~thirty (30) days after the filing of the petition.~~

6 ~~(2)(A) Between the time of the filing of the petition and the~~
 7 ~~date of the hearing, the petitioners shall cause a notice to be published in~~
 8 ~~some newspaper of general circulation in the county where the affected city~~
 9 ~~or incorporated town lies, which shall be published by one (1) insertion in~~
 10 ~~the newspaper.~~

11 ~~(B) If there is no newspaper of general circulation in the~~
 12 ~~county, notice shall be posted in some public place within the limits of the~~
 13 ~~city or incorporated town and in the county seat of the county in which the~~
 14 ~~city or incorporated town is located, for the next three (3) weeks before the~~
 15 ~~date of the hearing.~~

16 ~~(C) The notice referred to in this subdivision (b)(2)~~
 17 ~~shall contain the substance of the petition and shall state the time and~~
 18 ~~place appointed for the hearing thereof.~~

19 ~~(c)(1) The purpose of the hearing shall be to determine the~~
 20 ~~sufficiency of the petitions.~~

21 ~~(2)(A) If the county court determines that a majority of the~~
 22 ~~qualified electors of the city or incorporated town, as reflected by the~~
 23 ~~voter registration records of the county, has petitioned for the calling of a~~
 24 ~~special election to elect the municipal officials of the city or incorporated~~
 25 ~~town, the county court shall enter an order approving the petitions and shall~~
 26 ~~call a special election to be held in accordance with § 7-11-101 et seq., for~~
 27 ~~the election of the officials of the city or incorporated town.~~

28 ~~(B) The election shall be held no later than ninety (90)~~
 29 ~~days after the order of the county court.~~

30 ~~(C) The officials so elected shall assume the duties of~~
 31 ~~their respective offices in the same manner and for such terms as provided by~~
 32 ~~law for officials of newly incorporated cities or towns.~~

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 35 **APPROVED: 02/24/2011**