

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/18/03

A Bill

HOUSE BILL 2643

5 By: Representative King
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS LAW ON MUNICIPAL
10 CONSOLIDATIONS TO REVISE THE PROCEDURES FOR
11 CONSOLIDATING CITIES; AND FOR OTHER PURPOSES.
12

Subtitle

14 TO AMEND THE ARKANSAS LAW ON MUNICIPAL
15 CONSOLIDATIONS TO REVISE THE PROCEDURES
16 FOR CONSOLIDATING CITIES.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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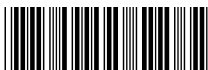
21 SECTION 1. Arkansas Code § 14-40-1201 is amended to read as follows:
22 14-40-1201. Petition for consolidation.

23 ~~(a)(1) [Repealed].~~

24 ~~(2)(a)(1)~~ Beginning July 1, 1995, when the inhabitants of any
25 city or incorporated town adjoining or contiguous to another smaller
26 municipal corporation of any class in the same county, municipal corporations
27 separated by a river shall be deemed contiguous, shall desire that the city
28 or incorporated town annex to it or consolidate with it the smaller municipal
29 corporation, they may apply, by a petition in writing, signed by a number of
30 qualified electors from each of the municipal corporations equal to not less
31 than fifteen percent (15%) of the total vote cast for the office of mayor in
32 the respective city or town in the last preceding general election, to the
33 city or town council of the larger municipal corporation.

34 ~~(3)(2)~~ The petition shall:

35 (A) Describe the municipal corporations to be
36 consolidated; and



1 (B) Name the persons authorized to act in behalf of the
2 petitioners in presenting the petition as provided for in this section.

3 ~~(4)(A)(3)(A)~~ Beginning July 1, 1995, the petitions shall be
4 filed with the city clerk or town recorder of each municipal corporation, who
5 shall determine the sufficiency of the petitions in each municipality.

6 (B)(i) If any petition is determined insufficient, he
7 shall notify the petitioners in writing without delay, and the petitioners
8 shall be permitted ten (10) days from the notification to solicit additional
9 signatures or to prove any rejected signatures.

10 (ii) If the city clerk or town recorder of the
11 respective municipalities shall decide the petitions are sufficient, they
12 shall each notify the petitioners in writing and shall present the petitions
13 to the city or town council of the larger municipal corporation.

14 (b)(1)(A) When the petition is presented to the council, ~~it shall be~~
15 ~~lawful for the council to~~ the council shall pass an ordinance in favor of the
16 annexation and approving and ratifying the petition.

17 (B) If the council fails to pass the ordinance required
18 under subdivision (b)(1)(A) of this section, then any interested party may
19 apply for a writ of mandamus to require the performance of the requirement.

20 (2) In that event, it shall be the duty of the persons named in
21 the petition authorized to act in behalf of the petitioners to file the
22 petition, together with a certified copy of the ordinance, in the office of
23 the county clerk of the county in which the municipal corporations are
24 situated.

25
26 *SECTION 2. Arkansas Code § 14-40-1202, concerning the special election*
27 *called for the consolidation of two (2) cities, is amended to add an*
28 *additional subsection to read as follows:*

29 (c) In order to provide for an orderly transition of affairs, if the
30 petition calls for a delay in the implementation of the consolidation, the
31 consolidation shall not take effect until the date specified in the petition,
32 except that the consolidation shall not be delayed longer than eighteen (18)
33 months from the date the election results are declared by the court.

34
35 *SECTION 3. Arkansas Code § 12-40-1203 is amended to read as follows:*
36 *14-40-1203. Election results.*

1 (a) At any election held under this subchapter, all qualified electors
2 who are residents of either municipality shall be allowed to vote on the
3 adoption or rejection of the proposed annexation or consolidation and the
4 name of the proposed consolidated municipality.

5 (b)(1)(A)(i) If a majority of the votes cast in each of the respective
6 municipalities, considered as a separate and distinct unit and without
7 reference to the vote cast in the other, shall be in favor of the
8 consolidation or annexation, then the county court shall declare, by an
9 appropriate order, the annexation or consolidation consummated, unless the
10 petition has requested a delayed date for implementation of the
11 consolidation.

12 (ii) If the petition calls for a delay in the
13 implementation of the consolidation and if a majority of the votes cast in
14 each of the respective municipalities shall be in favor of the consolidation,
15 then the county court shall order the annexation or consolidation consummated
16 on the date specified in the petition, except that the date shall not be more
17 than eighteen (18) months after the date election results are declared by the
18 court.

19 (B)(i) If a majority of the votes cast in each of the
20 respective municipalities, considered as a separate and distinct unit and
21 without reference to the vote cast in the other, shall be in favor of the
22 same name of the municipality, then the county court shall declare, by
23 appropriate order, the name of the consolidated municipality.

24 (ii) If a majority of the votes cast in each of the
25 respective municipalities, considered as a separate and distinct unit and
26 without reference to the vote cast in the other, shall not be in favor of the
27 same name of the municipality, then the county court shall declare, by
28 appropriate order, the name of the consolidated municipality to be the name
29 of the larger municipality.

30 (C) Upon the making of the order, the smaller municipal
31 corporation and the territory comprising it shall, in law, be deemed and be
32 taken to be included and shall be a part of the larger municipal corporation,
33 and the inhabitants thereof shall in all respects be citizens of the larger
34 municipal corporation.

35 (2) If a majority of the votes of either municipal corporation
36 shall be against annexation, then the city or incorporated town shall not be

1 again permitted to attempt the consolidation for two (2) years.

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3 SECTION 4. Arkansas Code § 14-40-1207 is amended to read as follows:
4 14-40-1207. Special election of aldermen or all city officials.

5 (a)(1) ~~The~~ Except as provided under subdivision (a)(2) of this
6 section, the city or town council shall call a special election of aldermen,
7 to be held at such times and places as it may direct in the wards of the
8 smaller municipality and for the election of aldermen from any other new
9 wards that may be created by the council out of territory included in the
10 larger city or incorporated town before the annexation, as provided for in
11 this subchapter.

12 (2) If the petition calls for a citywide election for all
13 officials of the new consolidated city or incorporated town, then the city or
14 town council shall call a special election for all city or town officials to
15 be held at the times and places as it may direct throughout each ward of the
16 consolidated city or incorporated town.

17 (3) If the implementation of the consolidation of the cities or
18 towns is delayed, the special election for new aldermen or all city officials
19 shall be held at least forty-five (45) days before the effective date of the
20 consolidation.

21 (b) Each ward of the consolidated city or incorporated town shall have
22 two (2) aldermen, to be elected in the same manner and for the same term as
23 aldermen are elected in cities and incorporated towns.

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25 /s/ King
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