

As Engrossed: 4/3/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1333 OF 1995
SENATE BILL 732

4 **By: Senators Webb and Brown**
5 **By: Representative Von Grep**
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7

For An Act To Be Entitled

9 "AN ACT TO PROVIDE THAT UNTIL JULY 1, 1995, PETITIONS FOR
10 CONSOLIDATION OF CERTAIN MUNICIPALITIES MUST BE SIGNED BY
11 NOT LESS THAN FIFTY (50) QUALIFIED ELECTORS FROM EACH
12 MUNICIPALITY AND THAT AFTER JULY 1, 1995, THE PETITIONS
13 MUST BE SIGNED BY NOT LESS THAN FIFTEEN PERCENT (15%) OF
14 THE NUMBER OF QUALIFIED ELECTORS FROM EACH MUNICIPALITY
15 WHICH VOTED FOR THE OFFICE OF MAYOR AT THE LAST PRECEDING
16 GENERAL ELECTION; AND FOR OTHER PURPOSES."

Subtitle

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19 "AN ACT TO PRESCRIBE THE NUMBER OF
20 SIGNATURES REQUIRED ON PETITIONS FOR
21 CONSOLIDATION OF CERTAIN
22 MUNICIPALITIES."
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Ark. Code 14-40-1201 as amended by Act 806 of 1995 is
27 amended to read as follows:

28 "§ 14-40-1201. Petition for consolidation.

29 (a) (1) Effective until July 1, 1995, when the inhabitants of any city or
30 incorporated town adjoining or contiguous to another smaller municipal
31 corporation of any class in the same county, municipal corporations separated
32 by a river shall be deemed contiguous, shall desire that the city or
33 incorporated town annex to it or consolidate with it the smaller municipal
34 corporation, they may apply, by a petition in writing, signed by not less than
35 fifty (50) qualified electors from each of the municipal corporations, to the
36 city or town council of the larger municipal corporation.

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1 (2) Beginning July 1, 1995, when the inhabitants of any city or
2 incorporated town adjoining or contiguous to another smaller municipal
3 corporation of any class in the same county, municipal corporations separated
4 by a river shall be deemed contiguous, shall desire that the city or
5 incorporated town annex to it or consolidate with it the smaller municipal
6 corporation, they may apply, by a petition in writing, signed by a number of
7 qualified electors from each of the municipal corporations equal to not less
8 than fifteen percent (15%) of the total vote cast for the office of mayor in
9 the respective city or town in the last preceding general election, to the
10 city or town council of the larger municipal corporation.

11 (3) The petition shall:

12 (A) Describe the municipal corporations to be consolidated;
13 and

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

16 (4) Beginning July 1, 1995, the petitions shall be filed with the
17 city clerk or town recorder of each municipal corporation who shall determine
18 the sufficiency of the petitions in each municipality. If any petition is
19 determined insufficient, he shall notify the petitioners in writing without
20 delay and the petitioners shall be permitted ten (10) days from the
21 notification to solicit additional signatures or to prove any rejected
22 signatures. If the city clerk or town recorder of the respective
23 municipalities shall decide the petitions are sufficient, they shall each
24 notify the petitioners in writing and shall present the petitions to the city
25 or town council of the larger municipal corporation.

26 (b) When the petition is presented to the council, it shall be lawful
27 for the council to pass an ordinance in favor of the annexation and approving
28 and ratifying the petition. In that event it shall be the duty of the persons
29 named in the petition authorized to act in behalf of the petitioners to file
30 the petition, together with a certified copy of the ordinance, in the office
31 of the county clerk of the county in which the municipal corporations are
32 situated."

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34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 4. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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12 SECTION 5. EMERGENCY. It is hereby found and determined by the
13 General Assembly that Act 806 of 1995 changes the number of signatures
14 required to petition for an election to consolidate two municipalities; that
15 Act 806 of 1995 passed both houses containing an emergency clause and was
16 signed by the Governor on March 28, 1995; that it has now been discovered that
17 the immediate implementation of Act 806 will work to the detriment of some of
18 the citizens of this state who have expended energy and effort in reliance
19 upon the prior law; that it was not the intent of the General Assembly to
20 detrimentally affect those people; that this act will, in effect, postpone
21 implementation of the provisions of Act 806 until July 1, 1995. Therefore, an
22 emergency is hereby declared to exist and this act being necessary for the
23 immediate preservation of the public peace, health and safety shall be in full
24 force and effect from and after its passage and approval.

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*/s/*Webb et al

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27 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-17-95

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