

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H1/27/97

# A Bill

ACT 140 OF 1997  
HOUSE BILL 1125

5 By: Representative Vess  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 14-40-1801 AND 1802  
10 PERTAINING TO THE DETACHMENT OF TERRITORY WITHIN A  
11 MUNICIPAL CORPORATION; AND FOR OTHER PURPOSES."

### Subtitle

13 "PERTAINING TO THE DETACHMENT OF  
14 TERRITORY WITHIN A MUNICIPAL  
15 CORPORATION."  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 14-40-1801 is amended by inserting an  
22 additional subsection at the end thereof to read as follows:

23 "(c) Alternatively, the city council may, upon petition of the  
24 landowners affected and provided the territory is unimproved and uninhabited  
25 wetlands, resolve to request the county court to exclude the territory from  
26 the limits of the municipal corporation and remit it back to the county and a  
27 hearing shall be had on the petition as prescribed in Section 14-38-103."  
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29 SECTION 2. Arkansas Code 14-40-1802(a) is amended to read as follows:

30 "(a) After hearing the petition, if the county court shall be satisfied  
31 that a majority of the qualified electors of the corporation are in favor of  
32 the exclusion of the territory mentioned in the petition from within its  
33 limits, or alternatively that the city council has resolved to request that  
34 the territory be excluded from the limits of the municipal corporation and  
35 remitted back to the county, that the territory to be excluded has been  
36 accurately described, and that it would be proper and right to grant the

1 petition, it shall make an order excluding the territory in the petition  
2 mentioned from the limits of the municipal corporation and remitting it back  
3 to the county."

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5 SECTION 3. All provisions of this act of a general and permanent nature  
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
7 Revision Commission shall incorporate the same in the Code.

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

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15 SECTION 5. All laws and parts of laws in conflict with this act are  
16 hereby repealed.

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18 SECTION 6. EMERGENCY. It is hereby found and determined by the General  
19 Assembly that the present law prescribing the procedure for the detachment of  
20 territory located within a municipal corporation is unduly burdensome and  
21 expensive on the taxpayers; that this act grants an alternative procedure  
22 which is more efficient and less costly; and that this act should go into  
23 effect immediately in order to grant cities and counties the flexibility  
24 provided herein as soon as possible. Therefore an emergency is declared to  
25 exist and this act being immediately necessary for the preservation of the  
26 public peace, health and safety shall become effective on the date of its  
27 approval by the Governor. If the bill is neither approved nor vetoed by the  
28 Governor, it shall become effective on the expiration of the period of time  
29 during which the Governor may veto the bill. If the bill is vetoed by the  
30 Governor and the veto is overridden, it shall become effective on the date the  
31 last house overrides the veto.

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/s/Rep. Vess

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APPROVED: 2-13-97

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