

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 1266 of 1999
SENATE BILL 916

5 By: Senator K. Smith
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 14-40-1202 AND ARKANSAS
10 CODE 14-40-1203 PERTAINING TO THE CONSOLIDATION OF
11 MUNICIPALITIES; AND FOR OTHER PURPOSES. "
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Subtitle

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14 "TO AMEND ARKANSAS CODE 14-40-1202 AND
15 ARKANSAS CODE 14-40-1203 PERTAINING TO
16 THE CONSOLIDATION OF MUNICIPALITIES. "
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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 14-40-1202(a) is amended to read as follows:
22 "14-40-1202. Special election called.

23 (a)(1)(A) Upon presentation of the petition to the county court by the
24 authorized persons, the court shall at once order and call a special election
25 in both of the municipal corporations on the question of the annexation and
26 the name of the proposed consolidated municipality.

27 (B) The court shall give thirty (30) days' notice of the
28 election by publication one (1) time a week in some newspaper with a bona fide
29 circulation in the territory and by notices posted in conspicuous places
30 therein.

31 (2) The court shall appoint one (1) judge and one (1) clerk in
32 each ward or other division of each municipal corporation, and the mayor and
33 city council of each of the municipal corporations shall select two (2) judges
34 and one (1) clerk for each of the wards or other divisions having the
35 qualifications of electors, to act as judges and clerks of election within the
36 respective wards.

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1 (3) The court shall fix all polling places at which the voting
 2 shall take place.”

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 4 SECTION 2. Arkansas Code 14-40-1203 is amended to read as follows:

5 “14-40-1203. Election results.

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

10 (b)(1)(A) If a majority of the votes cast in each of the respective
 11 municipalities, considered as a separate and distinct unit and without
 12 reference to the vote cast in the other, shall be in favor of consolidation or
 13 annexation, then the county court shall declare, by an appropriate order, the
 14 annexation or consolidation consummated.

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

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

26 (B) Upon the making of the order, the smaller municipal
 27 corporation and the territory comprising it shall, in law, be deemed and be
 28 taken to be included and shall be a part of the larger municipal corporation,
 29 and the inhabitants thereof shall in all respects be citizens thereafter of
 30 the larger municipal corporation.

31 (2) If a majority of the votes of either municipal corporation
 32 shall be against annexation, then the city or incorporated town shall not be
 33 again permitted to attempt the consolidation within two (2) years thereafter.”
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35 SECTION 3. All provisions of this act of a general and permanent nature
 36 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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SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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

APPROVED: 4/8/1999