

*As Engrossed: 3/9/95*

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senators Boozman and Brown**

# A Bill

**ACT 806 OF 1995**  
**SENATE BILL 681**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 14-40-1201 TO CHANGE THE  
9 NUMBER OF SIGNATURES REQUIRED TO PETITION FOR AN ELECTION  
10 TO CONSOLIDATE TWO (2) MUNICIPALITIES AND TO PROVIDE FOR  
11 VERIFICATION OF THE PETITIONS; AND FOR OTHER PURPOSES."

### Subtitle

14 "TO CHANGE THE NUMBER OF SIGNATURES  
15 REQUIRED TO PETITION FOR AN ELECTION TO  
16 CONSOLIDATE TWO (2) MUNICIPALITIES."

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

20 SECTION 1. Arkansas Code § 14-40-1201 is amended to read as follows:  
21 "14-40-1201. Petition for consolidation.

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

32 (2) The petition shall:

33 (A) Describe the municipal corporations to be consolidated;  
34 and

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

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1           (3) The petitions shall be filed with the city clerk or town  
2 recorder of each municipal corporation who shall determine the sufficiency of  
3 the petitions in each municipality. If any petition is determined  
4 insufficient, he shall notify the petitioners in writing without delay and the  
5 petitioners shall be permitted ten (10) days from the notification to solicit  
6 additional signatures or to prove any rejected signatures. If the city clerk  
7 or town recorder of the respective municipalities shall decide the petitions  
8 are sufficient, they shall each notify the petitioners in writing and shall  
9 present the petitions to the city or town council of the larger municipal  
10 corporation.

11           (b) When the petition is presented to the council, it shall be lawful  
12 for the council to pass an ordinance in favor of the annexation and approving  
13 and ratifying the petition. In that event it shall be the duty of the persons  
14 named in the petition authorized to act in behalf of the petitioners to file  
15 the petition, together with a certified copy of the ordinance, in the office  
16 of the county clerk of the county in which the municipal corporations are  
17 situated."

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19           SECTION 2. All provisions of this act of general and permanent nature  
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
21 Revision Commission shall incorporate the same in the Code.

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23           SECTION 3. If any provisions of this act or the application thereof to  
24 any person or circumstance is held invalid, the invalidity shall not affect  
25 other provisions or applications of the act which can be given effect without  
26 the invalid provisions or application, and to this end the provisions of this  
27 act are declared to be severable.

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

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32           SECTION 5. Emergency. It is hereby found and determined by the  
33 Eightieth General Assembly of the State of Arkansas that the Arkansas law on  
34 municipal consolidation currently allows as few as fifty (50) voters in small  
35 towns or cities to force an election on the question of consolidating two (2)

1 cities into one; that special elections at anytime can be an expensive matter  
2 and the cost of the election is to borne by the city treasuries; that is would  
3 be more equitable and uniform to set the standard for calling special  
4 elections on consolidations at the level required for initiative and  
5 referendum questions. Therefore, in order to reduce unnecessary expenses for  
6 city special elections, an emergency is hereby declared to exist, and this act  
7 being necessary for the immediate preservation of the public peace, health,  
8 and safety, shall be in full force and effect from and after its passage and  
9 approval.

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*/s/Boozman et al*

APPROVED: 3-28-95

