

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.

Act 2264 of the Regular Session

As Engrossed: H3/9/05 H3/11/05 H3/31/05

A Bill

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

HOUSE BILL 2956

4  
5 By: Representatives Willis, Davis  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY THE PROCEDURE FOR THE MERGER OF  
10 CITIES AND INCORPORATED TOWNS; AND FOR OTHER  
11 PURPOSES.  
12

13 **Subtitle**

14 TO CLARIFY THE PROCEDURE FOR THE MERGER  
15 OF CITIES AND INCORPORATED TOWNS.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 14-40-1208, is amended to read as follows:  
21 14-40-1208. Existing officers, etc.

22 (a) The term of office of all officers, aldermen, and employees of the  
23 smaller municipality and all laws in force therein shall cease upon and after  
24 the consolidation.

25 (b)(1) Any mayor who is forced from office because of a merger of two  
26 (2) or more municipalities under this subchapter is presumed to meet the  
27 minimum service period under § 24-12-123.

28 (2) If the mayor who is forced from office has less than ten  
29 (10) years of actual service as mayor, then he or she is entitled to a  
30 prorated retirement benefit that is equivalent to an amount that is equal to  
31 the percentage of the mayor's actual amount of service divided by the minimum  
32 ten (10) years of service required under § 24-12-123.  
33

34 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
35 General Assembly of the State of Arkansas that the procedure for the merger



1 of municipalities is unclear on certain issues; that one (1) unintended  
2 consequence of a merger of two (2) or more municipalities is the forcing from  
3 office of at least one (1) or more mayors; and that this act is immediately  
4 necessary to clarify the procedure for the merger of municipalities and to  
5 prevent unfairness to elected officials who are forced out of office because  
6 of a merger of two (2) or more municipalities. Therefore, an emergency is  
7 declared to exist and this act being immediately necessary for the  
8 preservation of the public peace, health, and safety shall become effective  
9 on:

10 (1) The date of its approval by the Governor;

11 (2) If the bill is neither approved nor vetoed by the Governor,  
12 the expiration of the period of time during which the Governor may veto the  
13 bill; or

14 (3) If the bill is vetoed by the Governor and the veto is  
15 overridden, the date the last house overrides the veto.

16  
17 /s/ Willis, et al  
18  
19

20 APPROVED: 4/13/2005  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

1