

State of Arkansas
77th General Assembly
Regular Session, 1989
By: Senator Malone

SENATE BILL 365

"AN ACT TO PERMIT CITIES AND INCORPORATED TOWNS TO
CONSOLIDATE WITH SMALLER INCORPORATED TOWNS; DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES."

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

SECTION 1. Subchapter 12 of Chapter 40 of Title 14 of the Arkansas Code is hereby amended by adding the following new sections at the end thereof:

"14-40-1214 - Petition for consolidation. (a) When the inhabitants of any city or incorporated town adjoining or contiguous to another smaller incorporated town in the same county, shall desire that the city or incorporated town consolidate with it another incorporated town, they may apply, by a petition in writing, signed by not less than fifty (50) qualified electors from either of the municipal corporations to the city or town council of the larger municipal corporation. Municipal corporations separated by a river shall be deemed contiguous.

(b) The petition shall:

(1) Describe the municipal corporations to be consolidated; and
(2) Name the persons authorized to act in behalf of the petitioners in presenting the petition as provided for in this section. When the petition is presented to the council, it shall be lawful for the council to pass an ordinance in favor of the consolidation and approving and ratifying the petition. In that event it shall be the duty of the persons named in the petition authorized to act in behalf of the petitioners to file the petition, together with a certified copy of the ordinance, in the office of the county clerk of the county in which the municipal corporations are situated.

14-40-1215 - Election results. (a) At any election held under this subchapter, all qualified electors who are residents of either municipality shall be allowed to vote on the adoption or rejection of the proposed

consolidation.

(b) (1) (A) If a majority of the votes cast shall be in favor of consolidation, then the county court shall declare, by an appropriate order, the consolidation consummated.

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

(2) If a majority of the votes shall be against consolidation, then the city or incorporated town shall not be again permitted to attempt the consolidation within two (2) years thereafter.

14-40-1216. The procedures for consolidation contained in Arkansas Code Annotated Sections 14-40-1201 - 14-40-1213 shall be followed under this act unless in conflict herewith. It is the purpose of this act to provide an alternative procedure for consolidation of certain incorporated towns."

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

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. Whereas, there are some small incorporated towns on the borders of cities and incorporated towns that are unable to provide adequate municipal services to their people and these citizens and tax payers could be provided with better municipal services through consolidation with a larger municipality; therefore, an emergency is hereby declared to exist and this act being necessary for the protection of the public peace, health and safety shall take effect immediately on its passage and approval.