

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

A Bill

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
28 the municipal corporations equal to not less than fifteen percent (15%) of
29 the total vote cast for the office of mayor in the respective city or town in
30 the last preceding general election, to the city or town council of the
31 larger municipal corporation.

32 (2) The petition shall:

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

35 (B) Name the persons authorized to act in behalf of the

1 petitioners in presenting the petition as provided for in this section.

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

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

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

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

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

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33 SECTION 5. Emergency. It is hereby found and determined by the
34 Eightieth General Assembly of the State of Arkansas that the Arkansas law on
35 municipal consolidation currently allows as few as fifty (50) voters in

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

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/s/Boozman et al

As Engrossed: 3/9/95

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