

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 732

4 By: Senators Webb and Brown
5 By: Representative Von Grep

6
7

For An Act To Be Entitled

9 "AN ACT TO PROVIDE THAT UNTIL JULY 1, 1995, PETITIONS FOR
10 CONSOLIDATION OF CERTAIN MUNICIPALITIES MUST BE SIGNED BY
11 NOT LESS THAN FIFTY (50) QUALIFIED ELECTORS FROM EACH
12 MUNICIPALITY AND THAT AFTER JULY 1, 1995, THE PETITIONS
13 MUST BE SIGNED BY NOT LESS THAN FIFTEEN PERCENT (15%) OF
14 THE NUMBER OF QUALIFIED ELECTORS FROM EACH MUNICIPALITY
15 WHICH VOTED FOR THE OFFICE OF MAYOR AT THE LAST PRECEDING
16 GENERAL ELECTION; AND FOR OTHER PURPOSES."

17
18

Subtitle

19 "AN ACT TO PRESCRIBE THE NUMBER OF
20 SIGNATURES REQUIRED ON PETITIONS FOR
21 CONSOLIDATION OF CERTAIN
22 MUNICIPALITIES."

23

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

25

26 SECTION 1. Ark. Code 14-40-1201 as amended by Act 806 of 1995 is
27 amended to read as follows:

28 "§ 14-40-1201. Petition for consolidation.

29 (a)(1) Effective until July 1, 1995, when the inhabitants of any city
30 or incorporated town adjoining or contiguous to another smaller municipal
31 corporation of any class in the same county, municipal corporations separated
32 by a river shall be deemed contiguous, shall desire that the city or
33 incorporated town annex to it or consolidate with it the smaller municipal
34 corporation, they may apply, by a petition in writing, signed by not less
35 than fifty (50) qualified electors from each of the municipal corporations,

1 to the city or town council of the larger municipal corporation.

2 (2) Beginning July 1, 1995, when the inhabitants of any city or
3 incorporated town adjoining or contiguous to another smaller municipal
4 corporation of any class in the same county, municipal corporations separated
5 by a river shall be deemed contiguous, shall desire that the city or
6 incorporated town annex to it or consolidate with it the smaller municipal
7 corporation, they may apply, by a petition in writing, signed by a number of
8 qualified electors from each of the municipal corporations equal to not less
9 than fifteen percent (15%) of the total vote cast for the office of mayor in
10 the respective city or town in the last preceding general election, to the
11 city or town council of the larger municipal corporation.

12 (3) The petition shall:

13 (A) Describe the municipal corporations to be
14 consolidated; and

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

17 (4) Beginning July 1, 1995, the petitions shall be filed with
18 the city clerk or town recorder of each municipal corporation who shall
19 determine the sufficiency of the petitions in each municipality. If any
20 petition is determined insufficient, he shall notify the petitioners in
21 writing without delay and the petitioners shall be permitted ten (10) days
22 from the notification to solicit additional signatures or to prove any
23 rejected signatures. If the city clerk or town recorder of the respective
24 municipalities shall decide the petitions are sufficient, they shall each
25 notify the petitioners in writing and shall present the petitions to the city
26 or town council of the larger municipal corporation.

27 (b) When the petition is presented to the council, it shall be lawful
28 for the council to pass an ordinance in favor of the annexation and approving
29 and ratifying the petition. In that event it shall be the duty of the persons
30 named in the petition authorized to act in behalf of the petitioners to file
31 the petition, together with a certified copy of the ordinance, in the office
32 of the county clerk of the county in which the municipal corporations are
33 situated."

34

35 SECTION 2. All provisions of this act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
2 Code Revision Commission shall incorporate the same in the Code.

3

4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

9

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

12

13 SECTION 5. EMERGENCY. It is hereby found and determined by the
14 General Assembly that Act 806 of 1995 changes the number of signatures
15 required to petition for an election to consolidate two municipalities; that
16 Act 806 of 1995 passed both houses containing an emergency clause and was
17 signed by the Governor on March 28, 1995; that it has now been discovered
18 that the immediate implementation of Act 806 will work to the detriment of
19 some of the citizens of this state who have expended energy and effort in
20 reliance upon the prior law; that it was not the intent of the General
21 Assembly to detrimentally affect those people; that this act will, in effect,
22 postpone implementation of the provisions of Act 806 until July 1, 1995.
23 Therefore, an emergency is hereby declared to exist and this act being
24 necessary for the immediate preservation of the public peace, health and
25 safety shall be in full force and effect from and after its passage and
26 approval.

27

/s/Webb et al

28

29

30

31

32

33

34

35

- 1
- 2
- 3
- 4