

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Senator Walters  
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## A Bill

SENATE BILL 139

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 14-38-101 PERTAINING TO THE  
10 INCORPORATION OF AREAS LOCATED WITHIN FIVE (5) MILES OF  
11 MORE THAN ONE MUNICIPAL CORPORATION; AND FOR OTHER  
12 PURPOSES."

### Subtitle

15 "TO AMEND ARKANSAS CODE 14-38-101  
16 PERTAINING TO THE INCORPORATION OF AREAS  
17 LOCATED WITHIN FIVE (5) MILES OF MORE  
18 THAN ONE MUNICIPAL CORPORATION."

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

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22 SECTION 1. Arkansas Code 14-38-101(b)(1) is amended to read as follows:  
23 "(b)(1) The court shall not approve the incorporation of any  
24 municipality if any portion of the territory proposed to be embraced in the  
25 incorporated town shall lie within five (5) miles from the corporate limits of  
26 an existing municipal corporation unless the governing body of the municipal  
27 corporation has, by written resolution, affirmatively consented to the  
28 incorporation. In the event the territory sought to be incorporated, as a  
29 municipality, lies within five (5) miles of more than one municipal  
30 corporation, the court may approve the incorporation if it is presented with a  
31 written resolution of consent adopted by the municipal corporation closest to  
32 the area to be incorporated as a municipality."

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

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

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9 hereby repealed.

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