

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

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

A Bill

HOUSE BILL 2956

5 By: Representatives Willis, Davis
6
7

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

Subtitle

14 TO CLARIFY THE PROCEDURE FOR THE MERGER
15 OF CITIES AND INCORPORATED TOWNS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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.
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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
36 of municipalities is unclear on certain issues; that one (1) unintended



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

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

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

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

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16 /s/ Willis, et al
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