

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1114

5 By: Representatives B. Overbey, T. Baker
6

For An Act To Be Entitled

8 AN ACT TO REPEAL THE STATUTE CONCERNING THE PROCESS
9 OF REACTIVATION OF AN INACTIVE CITY OR INCORPORATED
10 TOWN; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO REPEAL THE STATUTE CONCERNING THE
15 PROCESS OF REACTIVATION OF AN INACTIVE
16 CITY OR INCORPORATED TOWN.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-38-112 is repealed.

22 ~~14-38-112. Reactivation of inactive city or incorporated town.~~

23 ~~(a) The government of any city or incorporated town in this state~~
24 ~~which has become inactive because of failure to elect the officials of the~~
25 ~~city or incorporated town and no action has been taken to dissolve the~~
26 ~~charter of the city or incorporated town may be reactivated upon petition of~~
27 ~~a majority of the qualified electors of the city or incorporated town as~~
28 ~~provided in this section.~~

29 ~~(b)(1)(A) Whenever a majority of the qualified electors of any~~
30 ~~inactive city or incorporated town as determined by the total number of~~
31 ~~qualified registered voters in the city or incorporated town shall desire to~~
32 ~~reactivate the government of the city or incorporated town, they may file a~~
33 ~~petition therefor with the county court of the county in which the city or~~
34 ~~incorporated town is located.~~

35 ~~(B) The petition authorized in this section shall request~~
36 ~~the county court to call a special election for the election of mayor,~~



1 ~~aldermen, and other elected officials of the city or incorporated town.~~

2 ~~(C)(i) When any petition is filed with the court, the~~
3 ~~court shall set a date for a hearing on the petition.~~

4 ~~(ii) The date for the hearing shall not be less than~~
5 ~~thirty (30) days after the filing of the petition.~~

6 ~~(2)(A) Between the time of the filing of the petition and the~~
7 ~~date of the hearing, the petitioners shall cause a notice to be published in~~
8 ~~some newspaper of general circulation in the county where the affected city~~
9 ~~or incorporated town lies, which shall be published by one (1) insertion in~~
10 ~~the newspaper.~~

11 ~~(B) If there is no newspaper of general circulation in the~~
12 ~~county, notice shall be posted in some public place within the limits of the~~
13 ~~city or incorporated town and in the county seat of the county in which the~~
14 ~~city or incorporated town is located, for the next three (3) weeks before the~~
15 ~~date of the hearing.~~

16 ~~(C) The notice referred to in this subdivision (b)(2)~~
17 ~~shall contain the substance of the petition and shall state the time and~~
18 ~~place appointed for the hearing thereof.~~

19 ~~(c)(1) The purpose of the hearing shall be to determine the~~
20 ~~sufficiency of the petitions.~~

21 ~~(2)(A) If the county court determines that a majority of the~~
22 ~~qualified electors of the city or incorporated town, as reflected by the~~
23 ~~voter registration records of the county, has petitioned for the calling of a~~
24 ~~special election to elect the municipal officials of the city or incorporated~~
25 ~~town, the county court shall enter an order approving the petitions and shall~~
26 ~~call a special election to be held in accordance with § 7-11-101 et seq., for~~
27 ~~the election of the officials of the city or incorporated town.~~

28 ~~(B) The election shall be held no later than ninety (90)~~
29 ~~days after the order of the county court.~~

30 ~~(C) The officials so elected shall assume the duties of~~
31 ~~their respective offices in the same manner and for such terms as provided by~~
32 ~~law for officials of newly incorporated cities or towns.~~

33
34
35
36