

Stricken language would be deleted from and underlined language would be added to present law.
Act 655 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/10/17
A Bill

HOUSE BILL 1949

By: Representative Boyd
By: Senator Files

For An Act To Be Entitled

AN ACT TO CLARIFY PROCEDURES FOR PROVIDING NOTICE OF MUNICIPAL BOUNDARY CHANGES TO VARIOUS OFFICES FOR PURPOSES OF RECORDKEEPING AND PROVIDING ACCURATE DATA TO THE UNITED STATES CENSUS BUREAU; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO CLARIFY PROCEDURES FOR PROVIDING NOTICE OF MUNICIPAL BOUNDARY CHANGES; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 14-39-101 is amended to read as follows:
14-39-101. Authority generally.

(a) The charters, and all the amendments thereto, of all municipal corporations within this state designated as cities of the second class and incorporated towns may be surrendered, all offices held thereunto abolished, and the territory and inhabitants thereof remanded to the government of this state in the manner provided in this chapter.

(b) Before a municipal corporation undertakes a surrender of charter under this chapter, the municipal corporation shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping of the relevant territory.

SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is



amended to add an additional section to read as follows:

14-40-102. Notice to Secretary of State upon municipal boundary change
– Definitions.

(a) As used in this section:

(1)(A) “Municipal boundary change” means an incorporation, annexation, consolidation, detachment, surrender of charter, revocation of charter, or municipal disincorporation under this subchapter, § 14-38-101 et seq., or § 14-39-101 et seq.

(B) "Municipal boundary change" includes court orders, amendments, and judicial corrections of boundaries or property descriptions; and

(2) “Municipal corporation” means a city of the first class, a city of the second class, or an incorporated town.

(b)(1) Within forty-five (45) days of the effective date of any ordinance or resolution effecting a municipal boundary change under this subchapter, § 14-38-101 et seq., or § 14-39-101 et seq., the city clerk shall provide written notice, along with complete documentation, to the county clerk of each county in which the territory is affected.

(2) Within thirty (30) days of receipt from a municipality, each respective county clerk shall provide written notice to the Secretary of State of filings and records related to the municipal boundary change as required by statute or by the Secretary of State, to be kept by the county clerk, and shall provide those records with notice delivered to the Secretary of State.

(3)(A) Within fourteen (14) days of receipt of a summons, complaint, circuit court order, or court judgment concerning a municipal boundary change, each municipality shall notify in writing the Secretary of State and the respective county clerk of each county in which the territory is or may be affected.

(B) Upon receipt of notice of a court challenge, the county clerk shall provide written notice to the Secretary of State of a summons, complaint, circuit court order, or court judgment that may affect a municipal boundary change.

(c) Absent notice of a court challenge, within thirty (30) days of receipt of a notice of a municipal boundary change, the Secretary of State shall forward appropriate notice and a copy of the appropriate records to

the:

- (1) Arkansas Geographic Information Systems Office;
- (2) Tax Division of the Arkansas Public Service Commission;
- (3) Arkansas State Highway and Transportation Department; and
- (4) Department of Finance and Administration.

(d) Within thirty (30) days of receipt of notice of a municipal boundary change from the Secretary of State, the Arkansas Geographic Information Systems Office shall provide notice and the appropriate electronic records to the:

- (1) Tax Division of the Arkansas Public Service Commission;
- (2) Arkansas State Highway and Transportation Department; and
- (3) Department of Finance and Administration.

(e) Within thirty (30) days of receipt of notice from the Arkansas Geographic Information Systems Office or the Secretary of State of a municipal boundary change, the Arkansas Public Service Commission shall file and preserve the appropriate records and shall notify the entities under the commission's jurisdiction that have property in the municipality of the annexation.

(f) The Secretary of State may prescribe documents for providing appropriate notice and may prescribe a mandatory form for providing sufficient notice.

SECTION 3. Arkansas Code § 14-40-605 is amended to read as follows:
14-40-605. Confirmation of annexation.

(a) If no notice ~~shall be~~ under § 14-40-604(b) is given within thirty (30) days from the making of the order of annexation by the county court, the proceeding before the court shall in all things be confirmed, if the city or incorporated town council shall accept by ordinance or resolution the territory.

(b)(1)(A) If the council accepts the territory, and notifies the county clerk of each county in which territory is affected, the county clerk shall ~~duly~~ certify one (1) copy of the plat of the annexed territory and one (1) copy of the order of the court and the resolution or ordinance of the council.

(B) The county clerk shall forward a copy of each document to the Secretary of State, who shall file and preserve ~~them~~ each copy. The

~~clerk shall forward one (1) copy of the plat of the annexed territory and one (1) copy of the order of the court to the Director of the Tax Division of the Arkansas Public Service Commission, who shall file and preserve them and shall notify all utility companies having property in the municipality of the annexation.~~

(2) The county clerk shall forward a certified copy of the order of the court to the council.

SECTION 4. Arkansas Code § 14-40-609(e), concerning providing notice of annexation by one hundred percent (100%) petition, is amended to read as follows:

(e) The county clerk shall forward a copy of each document received under subdivision (d)(3) of this section to the+

~~(1) Secretary of State, who shall file and preserve each copy,~~
and

~~(2) Director of the Tax Division of the Arkansas Public Service Commission, who shall file and preserve each copy and notify all utility companies having property in the city or town of the annexation proceedings.~~

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that municipal boundary changes shall be effective by December 31, 2017, and shall be reported to the United States Bureau of the Census by May 31, 2018, to be assured of inclusion in the 2020 Federal Decennial Census; that there is a need for counties and municipalities to give timely, complete, and accurate written notice to the Secretary of State of municipal boundary changes to ensure an accurate census; and that any modification to statutes after December 31, 2018, would be ineffective in ensuring an accurate census in 2020. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

(3) If the bill is vetoed by the Governor and the veto is

overridden, the date the last house overrides the veto.

/s/Boyd

APPROVED: 03/27/2017