

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 548

By: Senator B. Ballinger  
By: Representative Breaux

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURE FOR  
THE INCORPORATION OF MUNICIPALITIES; AND FOR OTHER  
PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE PROCEDURE  
FOR THE INCORPORATION OF MUNICIPALITIES.

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

SECTION 1. Arkansas Code § 14-38-101(b)(1), concerning the petition for incorporation, is amended to read as follows:

(b)(1) The Unless the governing body of the municipal corporation has affirmatively consented to the incorporation by written resolution or the area that seeks to be incorporated contains a population of one thousand five hundred (1,500) or more, the court shall not approve the incorporation of a municipality if any portion of the territory proposed to be embraced in the incorporated town lies within:

(A) Three (3) miles of an existing municipal corporation;

or

(B) ~~(i)~~ The area in which that existing municipal corporation is exercising its planning territorial jurisdiction, ~~unless the governing body of the municipal corporation has affirmatively consented to the incorporation by written resolution.~~

~~(ii) If the area that seeks to be incorporated contains a population that equals or exceeds five thousand (5,000) persons,~~



~~the consent of the governing body of the existing municipal corporation is not required.~~

SECTION 2. Arkansas Code § 14-38-115(a)(1)(A), concerning an alternative method of incorporation, is amended to read as follows:

(A) The territory proposed to be incorporated has at least ~~four thousand (4,000)~~ one thousand five hundred (1,500) inhabitants according to the most recent federal decennial census; and

SECTION 3. Arkansas Code § 14-38-115(f)(1), concerning an alternative method of incorporation, is amended to read as follows:

(f)(1) After the hearing, if the county judge is satisfied that the procedures for filing the petition for incorporation were followed, that the requirements for signatures under subsection (a) of this section have been met, that the limits of the territory to be incorporated have been accurately described and an accurate map was made and filed, and if the prayer of the petitioner is right and proper, then the county judge shall enter an order that:

(A) Grants the petition to hold an election on the date of the next ~~general~~ election; and

(B) Sets the date of the next ~~general~~ election as the date of the election on the issue of incorporating the city or town and electing officers.

**APPROVED: 4/12/19**