

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H1/26/17  
**A Bill**

HOUSE BILL 1018

By: Representative Cozart  
By: Senator A. Clark

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURE FOR  
ANNEXATION OF SURROUNDED LAND; AND FOR OTHER  
PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE PROCEDURE  
FOR ANNEXATION OF SURROUNDED LAND.

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

SECTION 1. Arkansas Code § 14-40-501 is amended to read as follows:

14-40-501. Authority – Exceptions.

(a)(1)(A)(i) ~~Whenever~~ If the incorporated limits of a municipality have completely surrounded an unincorporated area, the governing body of the municipality may propose an ordinance ~~calling for~~ and an election under § 14-40-303 calling for the annexation of the land surrounded by the municipality.

*(ii)(a) Subdivision (a)(1)(A)(i) of this section includes situations in which the incorporated limits of a municipality have surrounded an unincorporated area on only three (3) sides because the fourth side is a boundary line with another state, a military base, a state park, a national forest, a lake, or a river.*

*(b) If an unincorporated area under subdivision (a)(1)(A)(i) of this section is less than forty (40) acres, the governing body of the municipality may propose an ordinance calling for the annexation of the unincorporated area under §§ 14-40-502 and 14-40-503.*

(B) If the incorporated limits of two (2) or more



municipalities have completely surrounded an unincorporated area, the governing body of the municipality with the greater distance of city limits adjoining the unincorporated area's perimeter may propose an ordinance and an election under § 14-40-303 calling for the annexation of the land surrounded by the municipalities, unless it is agreed by the adjoining municipalities that another of the adjoining municipalities should propose an ordinance and an election under § 14-40-303 calling for the annexation.

(2) The ordinance ~~will~~ shall provide a legal description of the land to be annexed and describe generally the services to be extended to the area to be annexed.

(b)(1) The unincorporated area to be annexed shall comply with the standards for lands qualifying for annexation which are set forth in § 14-40-302.

(2) Privately owned lakes exceeding six (6) acres of water surface which are used exclusively for recreational purposes and lands adjacent to them not exceeding twenty (20) acres in size which are used exclusively for recreational purposes in relation to the lake shall not ~~qualify for annexation under the provisions of this subchapter.~~

(c) An annexation under this subchapter shall not be initiated more than one (1) time per calendar year.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there are many areas in Arkansas that are affected by this statute concerning the procedure for the annexation of surrounded land; that the application of the law has created unintended consequences for many landowners; and that this act is immediately necessary because it provides relief to the landowners and protects their private property rights. 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/Cozart*