

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: H3/10/17
A Bill

HOUSE BILL 1950

By: Representative Boyd
By: Senator Files

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING INCORPORATION,
ANNEXATION, CONSOLIDATION, AND DETACHMENT PROCEDURES
FOR MUNICIPALITIES; TO REQUIRE AN EFFECTIVE DATE FOR
ANY MUNICIPAL BOUNDARY CHANGE; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE EFFECTIVE
DATE OF MUNICIPAL BOUNDARY CHANGE
ACTIONS.

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

SECTION 1. Arkansas Code Title 14, Chapter 38, Subchapter 1, is amended to add an additional section to read as follows:

14-38-117. Effective date of incorporation required.

(a)(1) The county court order of incorporation affecting territory under this chapter shall include the effective date upon which the petition for incorporation is granted and the municipality is considered organized.

(2) County court orders that fail to include a specified effective date in the order shall require using the date of the county clerk's file mark as the effective date for all purposes.

(b) The effective date specified in the order of incorporation issued under § 14-38-104 is the official effective date to be used by any county or state official charged with recording, forwarding, maintaining, or instituting the order of incorporation.



(c)(1) In the event of a circuit court challenge to the county court order of incorporation, the final order of the circuit court shall specify a change to the effective date, if any.

(2) In the absence of a specific attestation, the county court-ordered effective date is the effective date.

SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is amended to add an additional section to read as follows:

14-40-102. Effective date of annexation, consolidation, or detachment required.

(a)(1) An annexation, consolidation, or detachment action that affects territory under this chapter shall include in its ordinance or resolution the date upon which the annexation, consolidation, or detachment is considered final.

(2) An ordinance or resolution that fails to include a specified effective date shall use the date of the municipal clerk or municipal recorder file mark or attestation, whichever is later in time, as the effective date for all purposes.

(b)(1) The date specified in the ordinance or resolution is the official effective date of the annexation, consolidation, or detachment.

(2) An amendment to the ordinance or resolution shall carry its own effective date or modification of the effective date.

(3) An amendment that fails to include a specified effective date shall use the date of the municipal clerk or municipal recorder file mark or attestation, whichever is later in time, as the effective date of the amendment for all purposes.

(c)(1) If a municipality initiates an annexation, consolidation, or detachment action under § 14-40-204 or § 14-40-501, the effective date shall be specified.

(2) An ordinance or resolution that fails to include a specified effective date shall use the date of the municipal clerk or municipal recorder file mark or attestation, whichever is later in time, as the effective date for all purposes.

(d) The effective date specified in an ordinance or resolution issued under this chapter is the official effective date to be used by any county or state official charged with recording, forwarding, maintaining, or

instituting the ordinance or resolution.

(e)(1) In the event of a circuit court challenge to a county court order approving a municipal boundary change under this chapter, the final order of the circuit court shall specify a change to the effective date, if any.

(2) In the absence of a specific attestation, the municipally designated effective date is the effective date.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that an urgent need exists to clarify the official effective dates of municipal boundary actions, to aid the United States Bureau of the Census in the bureau's decennial census counts, and to maintain more accurate records regarding municipal boundary changes; and that this act is immediately necessary to clarify the effective dates of municipal boundary changes. 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