

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1950

5 By: Representative Boyd
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING INCORPORATION,
9 ANNEXATION, CONSOLIDATION, AND DETACHMENT PROCEDURES
10 FOR MUNICIPALITIES; TO REQUIRE AN EFFECTIVE DATE FOR
11 ANY MUNICIPAL BOUNDARY CHANGE; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO AMEND THE LAW CONCERNING THE EFFECTIVE
16 DATE OF MUNICIPAL BOUNDARY CHANGE
17 ACTIONS.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

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

25 14-38-117. Effective date of incorporation required.

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

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

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

36 (c)(1) In the event of a circuit court challenge to the county court



1 order of incorporation, the final order of the circuit court shall specify a
2 change to the effective date, if any.

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

5
6 SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is amended
7 to add an additional section to read as follows:

8 14-40-102. Effective date of annexation, consolidation, or detachment
9 required.

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

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

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

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

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

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

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

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

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

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

7
 8 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General
 9 Assembly of the State of Arkansas that an urgent need exists to clarify the
 10 official effective dates of municipal boundary actions, to aid the United
 11 States Bureau of the Census in the bureau's decennial census counts, and to
 12 maintain more accurate records regarding municipal boundary changes; and that
 13 this act is immediately necessary to clarify the effective dates of municipal
 14 boundary changes. Therefore, an emergency is declared to exist, and this act
 15 being immediately necessary for the preservation of the public peace, health,
 16 and safety, shall become effective on:

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

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

21 (3) If the bill is vetoed by the Governor and the veto is
 22 overridden, the date the last house overrides the veto.

23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36