

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1554

4
5 By: Representative Penzo
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURES FOR
9 ANNEXATION INTO AN ADJOINING MUNICIPALITY; AND FOR
10 OTHER PURPOSES.
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Subtitle

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13 TO AMEND THE LAW CONCERNING THE
14 PROCEDURES FOR ANNEXATION INTO AN
15 ADJOINING MUNICIPALITY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-40-2002(b), concerning annexation into
22 an adjoining municipality, is amended to read as follows:

23 (b) The following procedure shall apply:

24 (1) The landowner or landowners shall file a statement with the
25 municipality in which the land is located listing the additional municipal
26 service or services being sought and stating that:

27 (A) The municipality is not providing services necessary
28 to create improvements, provide employment or additional employment,
29 subdivide, or otherwise maximize the use and value of the property;

30 (B) All the land in the request ~~must compose~~ composes one
31 (1) area that is contiguous to another municipality;

32 (C) The additional services are available in another
33 municipality that borders the land subject to the request; and

34 (D)(i) The municipality is requested to make a commitment
35 to take substantial steps, within ~~one hundred eighty (180)~~ ninety (90) days
36 after the statement is filed, toward providing the additional services and,



1 within each thirty-day period thereafter, to continue taking steps to
2 demonstrate a consistent commitment to provide the service within a
3 reasonable time, as determined by the kind of services requested.

4 (ii) The commitment ~~must~~ shall be made in writing to
5 the landowner within thirty (30) calendar days of the filing of the
6 statement, or the landowner may seek to have the land detached from the
7 municipality and annexed into the other municipality.

8 (iii) The landowner ~~must~~ shall take appropriate
9 steps to make the land accessible to the service and comply with reasonable
10 requests of the municipality that are necessary for the service to be
11 provided;

12 (2) The landowner or landowners may request the annexation of
13 the land into the other municipality and thereby detach the land from the
14 boundaries of the municipality in which the land is currently located if:

15 (A) The municipality in which the land is located fails to
16 execute a commitment to services within thirty (30) days after the statement
17 is filed; or

18 (B) The municipality executes the commitment to services
19 but fails to take the action required under subdivision (b)(1)(D) of this
20 section;

21 (3)(A) The land shall be annexed into the other municipality if,
22 after a request by the landowner or landowners, the governing body of the
23 municipality into which annexation is sought indicates by ordinance,
24 resolution, or motion its commitment to make the services available and its
25 approval of the request for annexation.

26 (B)(i) The annexation shall be void and the land shall be
27 returned to the original municipality if the annexing municipality fails to
28 take substantial steps within ~~one hundred eighty (180)~~ ninety (90) days after
29 the passage of the ordinance, resolution, or motion to make the services
30 available and, within each thirty-day period thereafter, continues taking
31 steps demonstrating a consistent commitment to make the additional service
32 available within a reasonable time, as determined by the kind of services
33 requested.

34 (ii) The landowner ~~must~~ shall have taken appropriate
35 steps to make the land accessible to the service and complied with the
36 reasonable requests of the municipality that are necessary for the service to

1 be provided.

2 (iii) However, if the requested services are not
3 available within ~~twelve (12) months~~ one hundred eighty (180) days after the
4 property is accepted by the annexing jurisdiction or substantial steps are
5 not taken to make the services available within this time period, then the
6 detachment and annexation shall be void and all property returned to its
7 original jurisdiction; and

8 (4) The land shall remain in the original municipality until it
9 is annexed into the other municipality.

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