

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1922

5 By: Representative Lundstrum
6 By: Senator L. Eads
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For An Act To Be Entitled

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

14 TO AMEND THE LAW CONCERNING THE
15 PROCEDURES FOR ANNEXATION INTO AN
16 ADJOINING MUNICIPALITY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-40-2002 is amended to read as follows:
23 14-40-2002. Annexation into adjoining municipality.

24 (a)(1) A landowner or group of landowners seeking additional municipal
25 services may have its land detached from the municipality in which it is
26 located and annexed into another municipality that borders the land.

27 (2) However, before annexation is allowed, the municipality in
28 which the land is located shall have an opportunity to provide the specific
29 additional municipal services requested.

30 (b) The following procedure shall apply:

31 (1) The landowner or landowners shall file a statement with the
32 city clerk or recorder of the municipality in which the land is located and
33 with the city clerk or recorder of the other municipality listing the
34 additional specific municipal service or services being sought and stating
35 that:

36 (A) The municipality is not providing the specific



1 municipal services, or the property does not receive the specific municipal
 2 services, necessary to create improvements, ~~provide employment or additional~~
 3 ~~employment,~~ subdivide, or otherwise maximize the use and value of the
 4 property;

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

7 (C) The additional municipal services are available in
 8 another municipality that borders the land subject to the request; ~~and~~

9 (D)(i) The municipality is requested to make a commitment
 10 to take substantial steps, within ~~one hundred eighty (180)~~ ninety (90) days
 11 after the ~~statement~~ commitment is filed, toward providing the additional
 12 municipal services and, within each thirty-day period thereafter, to ~~continue~~
 13 ~~taking~~ take the steps to demonstrate a consistent commitment to provide the
 14 municipal service within a reasonable time, as determined by the kind of
 15 municipal services requested.

16 (ii) The commitment ~~must~~ shall be made in writing to
 17 the landowner, with a copy of the commitment filed with the city clerk or
 18 recorder of the other municipality, within thirty (30) calendar days of the
 19 filing of the statement, or the landowner may seek to have the land detached
 20 from the municipality and annexed into the other municipality.

21 (iii) The landowner ~~must~~ shall take appropriate
 22 steps to make the land accessible to the municipal service and comply with
 23 reasonable requests of the municipality that are necessary for the municipal
 24 service to be provided; ~~and~~

25 (E) The costs of additional municipal services shall be
 26 the responsibility of the landowner or landowners to the extent required by
 27 the municipality's regulations for the development of land or the provisions
 28 of municipal services being requested;

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

32 (A) The municipality in which the land is located fails to
 33 execute a commitment to municipal services within thirty (30) days after the
 34 statement is filed; or

35 (B) The municipality executes the commitment to municipal
 36 services but fails to take the action required under subdivision (b)(1)(D) of

1 this section;

2 (3)(A) The land shall be annexed into the other municipality if,
3 after a request by the landowner or landowners, the governing body of the
4 municipality into which annexation is sought indicates by ordinance,
5 ~~resolution, or motion~~ its commitment to make the municipal services available
6 and its approval of the request for annexation.

7 (B)(i) The annexation shall be void and the land shall be
8 returned to the original municipality if the annexing municipality fails to
9 take substantial steps within ~~one hundred eighty (180)~~ ninety (90) days after
10 the passage of the ordinance, ~~resolution, or motion~~ to make the municipal
11 services available and, within each thirty-day period thereafter, continues
12 taking steps demonstrating a consistent commitment to make the additional
13 municipal service available within a reasonable time, as determined by the
14 kind of municipal services requested.

15 (ii) The landowner ~~must~~ shall have taken appropriate
16 steps to make the land accessible to the municipal service and complied with
17 the reasonable requests of the municipality that are necessary for the
18 municipal service to be provided.

19 (iii) However, if the requested municipal services
20 are not available within twelve (12) months after the property is accepted by
21 the annexing jurisdiction or substantial steps are not taken to make the
22 municipal services available within this time period, then the detachment and
23 annexation shall be void and all property returned to its original
24 jurisdiction; and

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

27 (c) Land annexed pursuant to this section shall not be eligible for
28 reannexation under this section for a period of two (2) years.

29 (d) This section shall apply to residential, commercial, industrial,
30 and unimproved land.

31 (e) For the purposes of this section, "municipal services" means
32 electricity, water, sewer, fire protection, police protection, drainage and
33 storm water management, ~~or any other offering by the municipality that~~
34 ~~materially affects a landowner's ability to develop, use, or expand the uses~~
35 ~~of the landowner's property.~~

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SECTION 2. Arkansas Code § 14-40-2004 is amended to read as follows:
 14-40-2004. Hearing in circuit court – Appeal.

(a)(1) The circuit courts of the state shall have exclusive jurisdiction to hear all matters related to this subchapter.

(2) The circuit court of the county in which the municipalities are located or, in the event that the municipalities are located in different counties or judicial districts, the circuit court of the county or judicial district that has within the county’s or judicial district’s boundaries the smallest of the two (2) municipalities in population according to the latest federal decennial census, shall have exclusive jurisdiction to hear all matters related to this subchapter.

(b)(1)(A) Upon petition of either affected municipality, the landowner or group of landowners, or its representatives, the circuit judge shall hold a hearing or series of hearings related to the provisions of this subchapter.

(B) The municipalities, the landowner or group of landowners who requested annexation, and a landowner or group of landowners who began owning land after the annexation request are parties to the hearings.

(2) The circuit judge shall make findings as are necessary to determine whether there has been substantial compliance or noncompliance with the requirements of this subchapter.

(c) The petition under subdivision (b)(1) of this section shall be filed no later than ~~twenty (20)~~ thirty (30) days after the adoption or rejection of the ordinance, ~~resolution, or motion~~ bringing the subject property into the annexing jurisdiction.

(d) In the event an action is brought in circuit court by any party, the time period for the requested services to be available as provided in § 14-40-2002(b)(3)(B) ~~(iii)~~ shall be tolled until entry of a ruling by the circuit judge and the conclusion of any appeals from that court.

SECTION 3. Arkansas Code § 14-40-2006 is repealed.

~~14-40-2006. Provision of municipal services.~~

~~In a municipal services matter under this subchapter, if a city or incorporated town from which the inhabitants detached determines that the scheduled services are available or became available to the detaching inhabitants by the city or incorporated town to which the inhabitants were~~

~~annexed into, the inhabitants shall automatically be detached and annexed
back into the original city or incorporated town after the expiration of one
hundred eighty (180) days following the date the schedule of services became
available to the inhabitants and the inhabitants have not used the services.~~

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