

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

As Engrossed: H3/10/17

A Bill

HOUSE BILL 1950

5 By: Representative Boyd
6 *By: Senator Files*
7

For An Act To Be Entitled

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

16 TO AMEND THE LAW CONCERNING THE EFFECTIVE
17 DATE OF MUNICIPAL BOUNDARY CHANGE
18 ACTIONS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 14, Chapter 38, Subchapter 1, is amended
25 to add an additional section to read as follows:

26 14-38-117. Effective date of incorporation required.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

1 instituting the ordinance or resolution.

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

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

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

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

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

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

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25 */s/Boyd*

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28 **APPROVED: 03/27/2017**