Stricken language would be deleted from and underlined language would be added to present law.

Act 838 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Representative Penzo

A Bill

HOUSE BILL 1554

For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURES FOR ANNEXATION INTO AN ADJOINING MUNICIPALITY; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE LAW CONCERNING THE PROCEDURES FOR ANNEXATION INTO AN ADJOINING MUNICIPALITY.

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

SECTION 1. Arkansas Code § 14-40-2002(b), concerning annexation into an adjoining municipality, is amended to read as follows:

(b) The following procedure shall apply:

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

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

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

   C. The additional services are available in another municipality that borders the land subject to the request; and

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

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

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

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

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

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

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

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

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

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

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

APPROVED: 4/10/19