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

Act 932 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

By: Senator B. Ballinger
By: Representative Breaux

For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURE FOR
THE INCORPORATION OF MUNICIPALITIES; AND FOR OTHER
PURPOSES.

Subtitle
TO AMEND THE LAW CONCERNING THE PROCEDURE
FOR THE INCORPORATION OF MUNICIPALITIES.

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

SECTION 1. Arkansas Code § 14-38-101(b)(1), concerning the petition
for incorporation, is amended to read as follows:

(b)(1) The Unless the governing body of the municipal corporation has
affirmatively consented to the incorporation by written resolution or the
area that seeks to be incorporated contains a population of one thousand five
hundred (1,500) or more, the court shall not approve the incorporation of a
municipality if any portion of the territory proposed to be embraced in the
incorporated town lies within:

(A) Three (3) miles of an existing municipal corporation;
or

(B)(i) The area in which that existing municipal
corporation is exercising its planning territorial jurisdiction, unless the
governing body of the municipal corporation has affirmatively consented to
the incorporation by written resolution.

(ii) If the area that seeks to be incorporated
contains a population that equals or exceeds five thousand (5,000) persons.
the consent of the governing body of the existing municipal corporation is not required.

SECTION 2. Arkansas Code § 14-38-115(a)(1)(A), concerning an alternative method of incorporation, is amended to read as follows:

(A) The territory proposed to be incorporated has at least four thousand (4,000) one thousand five hundred (1,500) inhabitants according to the most recent federal decennial census; and

SECTION 3. Arkansas Code § 14-38-115(f)(1), concerning an alternative method of incorporation, is amended to read as follows:

(f)(1) After the hearing, if the county judge is satisfied that the procedures for filing the petition for incorporation were followed, that the requirements for signatures under subsection (a) of this section have been met, that the limits of the territory to be incorporated have been accurately described and an accurate map was made and filed, and if the prayer of the petitioner is right and proper, then the county judge shall enter an order that:

(A) Grants the petition to hold an election on the date of the next general election; and  
(B) Sets the date of the next general election as the date of the election on the issue of incorporating the city or town and electing officers.

APPROVED: 4/12/19