

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/24/99

A Bill

Act 779 of 1999
SENATE BILL 510

5 By: Senator Hopkins
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7

For An Act To Be Entitled

9 "AN ACT TO ASSIST LANDOWNERS TO OBTAIN MUNICIPAL
10 SERVICES; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO ASSIST LANDOWNERS TO OBTAIN
14 MUNICIPAL SERVICES."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Purpose.

20 It is the purpose of this act to assist landowners to obtain municipal
21 services by making the services reasonably available. However, nothing in
22 this act shall relieve a landowner from the obligation to pay regular fees and
23 costs for connecting to services or from the obligation to pay the regular
24 cost of the services.

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26 SECTION 2. (a) A landowner or group of landowners seeking additional
27 municipal services may have their land detached from the municipality in which
28 it is located and annexed into another municipality that borders the land.
29 However, before annexation is allowed, the municipality in which the land is
30 located shall have an opportunity to provide the services.

31 (b) The following procedure shall apply:

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

35 (A) The municipality is not providing services necessary to
36 create improvements, provide employment or additional employment, subdivide,

1 or otherwise maximize the use and value of the property;

2 (B) All the land in the request must comprise one (1) area
3 which is contiguous to another municipality;

4 (C) The services are available in another municipality that
5 borders the land subject to the request; and

6 (D) The municipality is requested to make a commitment to
7 take substantial steps, within ninety (90) calendar days after the statement
8 is filed, toward making the services available and within each thirty (30) day
9 period thereafter to continue to take steps demonstrating a consistent
10 commitment to provide the service within a reasonable time, as determined by
11 the kind of services requested. The commitment must be made in writing to the
12 landowner within thirty (30) calendar days or the landowner may seek to have
13 the land detached from the municipality and annexed into the other
14 municipality. The landowner must take appropriate steps to make the land
15 accessible to the service and comply with reasonable requests of the
16 municipality that are necessary for the service to be provided.

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

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

23 (B) The municipality executes the commitment to services
24 but fails to take the action required under subdivision (b)(1)(D).

25 (3) The land shall be annexed into the other municipality if
26 after a request by the landowner or landowners the governing body of the
27 municipality to which annexation is sought signs a statement committing to
28 make the services available and approves the request for annexation. The
29 annexation shall be void and the land shall be returned to the original
30 municipality if the annexing municipality fails to take substantial steps,
31 within ninety (90) calendar days after the statement is filed, toward making
32 the services available and within each thirty (30) day period thereafter to
33 continue to take steps demonstrating a consistent commitment to provide the
34 service within a reasonable time, as determined by the kind of services
35 requested. However, the landowner must have taken appropriate steps to make
36 the land accessible to the service and complied with the reasonable requests

1 of the municipality that are necessary for the service to be provided.

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

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

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

8 (e) For the purposes of this section, "services" means electricity,
9 water, sewer, fire protection, police protection, or any other offering by the
10 municipality that materially affects a landowner's ability to develop, use, or
11 expand the uses of the landowner's property.

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13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 4. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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26 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
27 Eighty-second General Assembly that certain lands may be inadequately served
28 by the municipality in which it is located while the needed services exist in
29 a bordering municipality; that this creates an inequitable situation for the
30 landowner; that annexation into the other municipality should be allowed in
31 order for the land to be put to its best use; and that this inequitable
32 situation must be remedied at the earliest opportunity. Therefore, an
33 emergency is declared to exist and this act being immediately necessary for
34 the preservation of the public peace, health and safety shall become effective
35 on the date of its approval by the Governor. If the bill is neither approved
36 nor vetoed by the Governor, it shall become effective on the expiration of the

1 period of time during which the Governor may veto the bill. If the bill is
2 vetoed by the Governor and the veto is overridden, it shall become effective
3 on the date the last house overrides the veto.

4 /s/ Hopkins

7 APPROVED: 3/22/1999

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