

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

As Engrossed: H1/26/17

A Bill

HOUSE BILL 1018

5 By: Representative Cozart
6 By: Senator A. Clark
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURE FOR
10 ANNEXATION OF SURROUNDED LAND; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING THE PROCEDURE
16 FOR ANNEXATION OF SURROUNDED LAND.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-40-501 is amended to read as follows:

22 14-40-501. Authority – Exceptions.

23 (a)(1)(A)(i) ~~Whenever~~ If the incorporated limits of a municipality
24 have completely surrounded an unincorporated area, the governing body of the
25 municipality may propose an ordinance ~~calling for~~ and an election under § 14-
26 40-303 calling for the annexation of the land surrounded by the municipality.

27 (ii)(a) Subdivision (a)(1)(A)(i) of this section
28 includes situations in which the incorporated limits of a municipality have
29 surrounded an unincorporated area on only three (3) sides because the fourth
30 side is a boundary line with another state, a military base, a state park, a
31 national forest, a lake, or a river.

32 (b) If an unincorporated area under
33 subdivision (a)(1)(A)(i) of this section is less than forty (40) acres, the
34 governing body of the municipality may propose an ordinance calling for the
35 annexation of the unincorporated area under §§ 14-40-502 and 14-40-503.

36 (B) If the incorporated limits of two (2) or more



1 municipalities have completely surrounded an unincorporated area, the
2 governing body of the municipality with the greater distance of city limits
3 adjoining the unincorporated area's perimeter may propose an ordinance and an
4 election under § 14-40-303 calling for the annexation of the land surrounded
5 by the municipalities, unless it is agreed by the adjoining municipalities
6 that another of the adjoining municipalities should propose an ordinance and
7 an election under § 14-40-303 calling for the annexation.

8 (2) The ordinance ~~will~~ shall provide a legal description of the
9 land to be annexed and describe generally the services to be extended to the
10 area to be annexed.

11 (b)(1) The unincorporated area to be annexed shall comply with the
12 standards for lands qualifying for annexation which are set forth in § 14-40-
13 302.

14 (2) Privately owned lakes exceeding six (6) acres of water
15 surface which are used exclusively for recreational purposes and lands
16 adjacent to them not exceeding twenty (20) acres in size which are used
17 exclusively for recreational purposes in relation to the lake shall not
18 ~~qualify for annexation under the provisions of this subchapter.~~

19 (c) An annexation under this subchapter shall not be initiated more
20 than one (1) time per calendar year.

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22 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that there are many areas in
24 Arkansas that are affected by this statute concerning the procedure for the
25 annexation of surrounded land; that the application of the law has created
26 unintended consequences for many landowners; and that this act is immediately
27 necessary because it provides relief to the landowners and protects their
28 private property rights. Therefore, an emergency is declared to exist, and
29 this act being immediately necessary for the preservation of the public
30 peace, health, and safety shall become effective on:

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

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

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

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/s/Cozart