

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

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

As Engrossed: H3/10/17

A Bill

HOUSE BILL 1949

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

For An Act To Be Entitled

9 AN ACT TO CLARIFY PROCEDURES FOR PROVIDING NOTICE OF
10 MUNICIPAL BOUNDARY CHANGES TO VARIOUS OFFICES FOR
11 PURPOSES OF RECORDKEEPING AND PROVIDING ACCURATE DATA
12 TO THE UNITED STATES CENSUS BUREAU; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO CLARIFY PROCEDURES FOR
16 PROVIDING NOTICE OF MUNICIPAL BOUNDARY
17 CHANGES; AND TO DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 14-39-101 is amended to read as follows:
25 14-39-101. Authority generally.

26 (a) The charters, and all the amendments thereto, of all municipal
27 corporations within this state designated as cities of the second class and
28 incorporated towns may be surrendered, all offices held thereunto abolished,
29 and the territory and inhabitants thereof remanded to the government of this
30 state in the manner provided in this chapter.

31 (b) Before a municipal corporation undertakes a surrender of charter
32 under this chapter, the municipal corporation shall coordinate with the
33 Arkansas Geographic Information Systems Office for preparation of legal
34 descriptions and digital mapping of the relevant territory.
35

36 SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is



1 amended to add an additional section to read as follows:

2 14-40-102. Notice to Secretary of State upon municipal boundary change
3 - Definitions.

4 (a) As used in this section:

5 (1)(A) "Municipal boundary change" means an incorporation,
6 annexation, consolidation, detachment, surrender of charter, revocation of
7 charter, or municipal disincorporation under this subchapter, § 14-38-101 et
8 seq., or § 14-39-101 et seq.

9 (B) "Municipal boundary change" includes court orders,
10 amendments, and judicial corrections of boundaries or property descriptions;
11 and

12 (2) "Municipal corporation" means a city of the first class, a
13 city of the second class, or an incorporated town.

14 (b)(1) Within forty-five (45) days of the effective date of any
15 ordinance or resolution effecting a municipal boundary change under this
16 subchapter, § 14-38-101 et seq., or § 14-39-101 et seq., the city clerk shall
17 provide written notice, along with complete documentation, to the county
18 clerk of each county in which the territory is affected.

19 (2) Within thirty (30) days of receipt from a municipality, each
20 respective county clerk shall provide written notice to the Secretary of
21 State of filings and records related to the municipal boundary change as
22 required by statute or by the Secretary of State, to be kept by the county
23 clerk, and shall provide those records with notice delivered to the Secretary
24 of State.

25 (3)(A) Within fourteen (14) days of receipt of a summons,
26 complaint, circuit court order, or court judgment concerning a municipal
27 boundary change, each municipality shall notify in writing the Secretary of
28 State and the respective county clerk of each county in which the territory
29 is or may be affected.

30 (B) Upon receipt of notice of a court challenge, the
31 county clerk shall provide written notice to the Secretary of State of a
32 summons, complaint, circuit court order, or court judgment that may affect a
33 municipal boundary change.

34 (c) Absent notice of a court challenge, within thirty (30) days of
35 receipt of a notice of a municipal boundary change, the Secretary of State
36 shall forward appropriate notice and a copy of the appropriate records to

1 the:

2 (1) Arkansas Geographic Information Systems Office;

3 (2) Tax Division of the Arkansas Public Service Commission;

4 (3) Arkansas State Highway and Transportation Department; and

5 (4) Department of Finance and Administration.

6 (d) Within thirty (30) days of receipt of notice of a municipal
 7 boundary change from the Secretary of State, the Arkansas Geographic
 8 Information Systems Office shall provide notice and the appropriate
 9 electronic records to the:

10 (1) Tax Division of the Arkansas Public Service Commission;

11 (2) Arkansas State Highway and Transportation Department; and

12 (3) Department of Finance and Administration.

13 (e) Within thirty (30) days of receipt of notice from the Arkansas
 14 Geographic Information Systems Office or the Secretary of State of a
 15 municipal boundary change, the Arkansas Public Service Commission shall file
 16 and preserve the appropriate records and shall notify the entities under the
 17 commission's jurisdiction that have property in the municipality of the
 18 annexation.

19 (f) The Secretary of State may prescribe documents for providing
 20 appropriate notice and may prescribe a mandatory form for providing
 21 sufficient notice.

22
 23 SECTION 3. Arkansas Code § 14-40-605 is amended to read as follows:
 24 14-40-605. Confirmation of annexation.

25 (a) If no notice ~~shall be~~ under § 14-40-604(b) is given within thirty
 26 (30) days from the making of the order of annexation by the county court, the
 27 proceeding before the court shall in all things be confirmed, if the city or
 28 incorporated town council shall accept by ordinance or resolution the
 29 territory.

30 (b)(1)(A) If the council accepts the territory, and notifies the county
 31 clerk of each county in which territory is affected, the county clerk shall
 32 ~~duly~~ certify one (1) copy of the plat of the annexed territory and one (1)
 33 copy of the order of the court and the resolution or ordinance of the
 34 council.

35 (B) The county clerk shall forward a copy of each document
 36 to the Secretary of State, who shall file and preserve ~~them~~ each copy. The

1 ~~clerk shall forward one (1) copy of the plat of the annexed territory and one~~
2 ~~(1) copy of the order of the court to the Director of the Tax Division of the~~
3 ~~Arkansas Public Service Commission, who shall file and preserve them and~~
4 ~~shall notify all utility companies having property in the municipality of the~~
5 ~~annexation.~~

6 (2) The county clerk shall forward a certified copy of the order
7 of the court to the council.

8
9 SECTION 4. Arkansas Code § 14-40-609(e), concerning providing notice of
10 annexation by one hundred percent (100%) petition, is amended to read as
11 follows:

12 (e) The county clerk shall forward a copy of each document received
13 under subdivision (d)(3) of this section to the+

14 ~~(1) Secretary of State, who shall file and preserve each copy,~~
15 ~~and~~

16 ~~(2) Director of the Tax Division of the Arkansas Public Service~~
17 ~~Commission, who shall file and preserve each copy and notify all utility~~
18 ~~companies having property in the city or town of the annexation proceedings.~~
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20 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General
21 Assembly of the State of Arkansas that municipal boundary changes shall be
22 effective by December 31, 2017, and shall be reported to the United States
23 Bureau of the Census by May 31, 2018, to be assured of inclusion in the 2020
24 Federal Decennial Census; that there is a need for counties and
25 municipalities to give timely, complete, and accurate written notice to the
26 Secretary of State of municipal boundary changes to ensure an accurate
27 census; and that any modification to statutes after December 31, 2018, would
28 be ineffective in ensuring an accurate census in 2020. Therefore, an
29 emergency is declared to exist, and this act being immediately necessary for
30 the preservation of the public peace, health, and safety shall become
31 effective on:

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

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

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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/s/Boyd

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