

**SENATE INTERIM COMMITTEE ON CITY, COUNTY, & LOCAL AFFAIRS
HOUSE INTERIM COMMITTEE ON CITY, COUNTY, & LOCAL AFFAIRS**

MEETING JOINTLY

**JUNE 19, 2013
MINUTES**

Senate and House Interim Committees on City, County, and Local Affairs met Wednesday, June 19, 2013 at 3:30 p.m. in Hot Springs, Arkansas. The meeting was held during the 2013 Annual Convention of the Arkansas Municipal League.

Committee members present were Senator Missy Irvin, Senate Chair, and Representative David Fielding, House Chair; Senators Stephanie Flowers, and Bart Hester; Representatives Scott Baltz Ken Bragg, Bruce Cozart, Fonda Hawthorne, David Hillman, Monte Hodges, Mike Holcomb, Douglas House, David Kizzia, Andy Mayberry, Mark McElroy, Mary Lou Slinkard, Wes Wagner, David Whitaker, and Richard Womack.

Other members present were Senators Robert Thompson, Larry Teague, and Eddie Joe Williams; Representatives Mary Broadaway, Harold Copenhaver, Mary "Prissy" Hickerson, Homer Lenderman, Frederick Love, Betty Overbey, and John Vines.

Senator Missy Irvin called the meeting to order and asked legislators to introduce themselves. Senator Irvin then reviewed the planned conference events and encouraged legislators to attend the workshops and activities. She advised the legislators that the committee meeting scheduled for Thursday, June 20th is a review by Don Zimmerman of the new acts affecting municipalities. Representative Fielding thanked the members for attending the committee meeting and also the conference. He reminded the members that committee meetings will be held throughout the Interim.

Welcome by Don Zimmerman, Executive Director, Arkansas Municipal League

Mr. Zimmerman thanked the committees for holding their meetings at the conference. He spoke about the benefits of working with legislators, plus the importance of cities and the state working together for the benefit of the entire population and all communities.

Consideration to Adopt Interim Study Proposal

ISP 2013-161 (HB 1191) by Representative Kim Hammer "An Act to Provide Additional Methods for Collecting Delinquent Rural Fire Department Dues and Fees" [Exhibit D]

Senator Irvin read the title of House Bill 1191. She explained that Representative Hammer was unable to attend the meeting, but he has requested that the committees approve adoption of his ISP. **A motion was made and seconded to adopt the ISP. The ISP was adopted unanimously.**

Discussion of Land Use Topics – annexation, extraterritorial planning, and eminent domain

Mr. Jim von Tungeln, City Planning Consultant, Urban Planning Associates, Inc., was recognized. He gave a Power Point presentation that included an overview of land use legislation passed during the 2013 legislative session. Mr. von Tungeln explained that he assists cities in understanding planning and zoning processes. He gave historical background on how city planning and zoning development came about. In 1928, a ruling by the United States Supreme Court in the case of the Village of Euclid, Ohio versus Ambler Realty Company, resulted in zoning being legalized throughout the country. Mr. von Tungeln explained that the basis for a city planning commission is helping cities incorporate planning, zoning, and sub-division control. The city planning commission's role is to protect the public health, safety, and welfare within the community. Following adoption of a land use plan, the commission prepares, for submission to the legislative body, a recommended zoning ordinance. Mr. von Tungeln spoke about the formation and adoption of future land use plans and said zoning is addressed after adoption by the city of a master street plan. Mr. von Tungeln provided an overview of annexation legislation that was passed during the 2013 legislative Session which included:

Act 1072 Annexation by Election. Cities cannot annex by election lands that do not include residents, except as agreed upon by the mayor and county judge; nor that encompass the entire width of public road right-of-way. Whenever practicable, the city or town shall annex lands that are contiguous and in a manner that does not create enclaves.

Act 1071 Annexation by Petition. Owners may apply by petition to the county court of the county in which the city or town is situated and shall include a schedule of services of the municipality that will be extended to the area within three (3) years after the date the annexation becomes final.

Act 1243 Annexation by Ordinance. Provides for when a municipality is annexing lands surrounded by the municipality on three (3) sides because the fourth side is a boundary line with another state, military base, state park, or a national forest.

Act 1053 Territorial Jurisdiction. Reduces the territorial jurisdiction for municipalities from the current five miles to:

- One mile for cities up to 60,000 population
- Two miles for cities between 60,000 and 150,000
- Three miles for cities over 150,000

It also removes the word "exclusive" from the authority of a municipality within the territorial jurisdiction.

Mr. Jonathan Duran, GIS Analyst, Arkansas Geographic Information Office, was recognized. Mr. Duran's Power Point presentation consisted of a number of slides

depicting maps of city boundaries using a framework of data layers the Geographic Information Systems (GIS) has developed across the state. The maps depict road center lines, address points, and parcel polygons. The GIS project for mapping road center line data has been completed for the entire state. Additional projects will focus on address points, parcel data, and 911 physical address data. He discussed the counties that are involved in the 911 data collection project. Mr. Duran said staff in the GIS office gathered data for legislators to use during the 2013 legislative session, which pinpointed enclaves surrounded by cities throughout the state and found there were a total of 258 enclaves embedded in 87 cities.

Mr. Duran discussed the Streamlined Sales Tax Project (SSTP). The purpose is to "simplify and modernize sales and use tax collection and administration". Spatial data are key elements:

1. zip+4 ranges (USPS), which refers to a segment along a postal road
2. city boundaries, (local) data used to assign sales tax jurisdiction to individual address location
3. physical address points (local)

Tax rate and boundary database tables provide individual addresses and zip codes for the corresponding city or county. All counties now have physical addresses for each parcel. He showed numerous slides that illustrated road center line data with road names and address ranges. Mr. Duran noted that zip code boundaries cross over multiple cities' boundaries, which creates a problem when determining the sales and use tax amounts in multiple jurisdictions. One slide illustrated zip+4 range overlaps. GIS represents the ranges as points because the ranges cross jurisdictional boundaries. GIS collects data from both cities and counties. He stressed the importance of obtaining and maintaining accurate and up-to-date information for city limits and recent annexations.

Senator Irvin announced the upcoming committee meetings, which are scheduled for June 26, 2013 in Little Rock, and August 21 through 23 in Hot Springs. The August meetings will be held during the Association of Arkansas Counties Annual Conference.

There being no further business, the meeting was adjourned at 5:00 p.m.

**SENATE INTERIM COMMITTEE ON CITY, COUNTY, & LOCAL AFFAIRS
HOUSE INTERIM COMMITTEE ON CITY, COUNTY, & LOCAL AFFAIRS**

MEETING JOINTLY

**JUNE 20, 2013
MINUTES**

Senate and House Interim Committees on City, County, and Local Affairs met Thursday, June 20, 2013 at 10:45 a.m. in Hot Springs, Arkansas. The meeting was held during the 2013 Annual Convention of the Arkansas Municipal League.

Committee members present were Senator Missy Irvin, Senate Chair, and Representative David Fielding, House Chair; Senators Bart Hester, Jeremy Hutchinson, and Stephanie Flowers; Representatives Eddie Armstrong, Scott Baltz, Bruce Cozart, Kim Hammer, Fonda Hawthorne, David Hillman, Monte Hodges, Douglas House, Joe Jett, Andy Mayberry, Mark McElroy, Mary Lou Slinkard, and Wes Wagner.

Other members present were Senators Gary Stubblefield, and Eddie Joe Williams; Representatives Mary Broadaway, John Edwards, Mary "Prissy" Hickerson, Homer Lenderman, Frederick Love, and Mike Holcomb.

Overview of the 2013 Legislative Session and How It Effects Cities and Towns

Mr. Don Zimmerman, Executive Director, Arkansas Municipal League gave the review. Mr. Zimmerman referenced the League's publication titled "2013 General Acts Affecting Arkansas Municipalities". Copies were made available to participants. He reviewed recent legislation pertaining to cities and towns that passed during the 89th General Assembly's 2013 legislative Session. He highlighted the following bills:

Act 217 (HB1127) requires appropriate action by the local depository board for a local government to become a party to a local government joint investment trust.

Act 91 (HB1129) authorizes non-certified fire departments to spend premium insurance fund receipts for insurance for buildings and expenses.

Act 312 (HB1187) prohibits state agencies and public officials from expending funds in support or opposition of a ballot initiative.

Act 314 (HB1233) authorizes a city's governing body, rather than the county board of election commissioners, to determine new ward boundaries for the city.

Act 978 (HB1463) requires city councils to fill council vacancies by a majority vote at the first regular meeting after the occurrence of the vacancy; also requires councils to fill a vacancy in the office of mayor, either by electing a mayor or calling a special election.

Act 1471 (HB1805) prohibits a person from running for election in more than one state, county, or municipal office simultaneously.

Act 753 (HB1888) authorizes the mayor to designate an elected official to serve in his or her place during a disability or absence, and allowing an unelected employee or resident to be designated if the selection is approved by the city council.

Mr. Zimmerman then discussed recent legislation itemized in their booklet titled "Municipal Annexation, Incorporation, and Other Boundary Changes". These new Acts are specific to annexation issues passed during the legislation session which include:

Act 1071 (SB530) provides a prohibition of the creation of enclaves in annexation matters and amends the law concerning schedules for providing service in annexation petitions.

Act 1072 (SB531) provides additional situations in which contiguous lands shall not be annexed and states that enclaves should be avoided.

Act 1243 (SB585) authorizes municipal annexation of lands when the municipality is surrounded by unincorporated areas on only three sides due to the fourth side being a boundary a military base, state park, or a national forest.

Act 1455 (HB1542) clarifies the procedure and provides changes to annexation law concerning hearings and the requirements for cities providing services to annexed residents.

Act 1502 (SB861) requires municipal administrators to file an annual report for all annexations that became final in the previous eight years and a report of the services provided to the annexed areas. It also allows a petition process for detachment if services are not provided within three years.

Act 1506 (SB1058) requires an annexing municipality to honor county permits and approvals in use on unincorporated lands that are being annexed by the municipality.

A separate attachment contains a list of all legislation passed during the 2013 legislative Session that impacts municipalities.

The meeting adjourned at 11:45 a.m.