

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1651

4 By: Representative Hendren

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 14-40-303(a) RELATING TO  
9 MUNICIPAL ANNEXATION AND THE FURNISHING OF MUNICIPAL  
10 SERVICES TO ANNEXED AREAS; TO PROVIDE THAT IF MUNICIPAL  
11 SERVICES ARE NOT PROVIDED TO AN ANNEXED AREA WITHIN THREE  
12 YEARS FROM THE DATE OF ANNEXATION OF THE AREA, *THE*  
13 *ANNEXATION MAY BE NULLIFIED AND THE AREA SHALL BE FREE*  
14 *FROM ANNEXATION BY THE CITY FOR A PERIOD OF FIVE (5)*  
15 *YEARS; AND FOR OTHER PURPOSES."*

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## Subtitle

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

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24 SECTION 1. Arkansas Code 14-40-303(a) is amended to read as follows:

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"(a) The annexation ordinance shall:

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(1) Contain an accurate description of the lands desired to be

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annexed; (2) *Include a schedule of the services of the annexing*

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*municipality that will be extended to the area and include a provision that*

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*municipal police services, fire protection services, and any municipal water*

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*services which are paid for exclusively by municipal tax revenues shall be*

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*required to be provided in the area to be annexed within three (3) years from*

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*the date the annexation becomes final; and*

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(3) Fix the date for the election provided for in this section."

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1 SECTION 2. If any municipality fails to provide *the required municipal*  
2 *services in an annexed area within three (3) years from the date the*  
3 *annexation became final, the annexation may be nullified by filing an action*  
4 *in the circuit court of the county where the lands lie, within thirty (30)*  
5 *days after the three-year deadline for required municipal services has*  
6 *passed. The circuit court of the county where the lands lie shall have*  
7 *jurisdiction and the authority to determine whether the municipality provided*  
8 *municipal services to the area to be annexed in accordance with its schedule*  
9 *in the annexation ordinance and whether the municipality has complied with*  
10 *the requirement to provide the municipal services required in Arkansas Code §*  
11 *14-40-303(a). If the court determines the municipality has complied with the*  
12 *schedule and the requirement to provide the municipal services required in*  
13 *Arkansas Code § 14-40-303(a), the annexation shall not be nullified and no*  
14 *further legal actions regarding the annexation may be entered in the court.*  
15 *If the court determine the municipality has not complied with schedule and*  
16 *the requirement to provide the municipal services required in Arkansas Code §*  
17 *14-40-303(a), the annexation shall be nullified effective immediately and*  
18 *none of the lands of the area subject to the annexation which is nullified*  
19 *shall be eligible to be annexed to a municipality, except for an annexation*  
20 *by petition of landowners, until at least five (5) years have elapsed since*  
21 *the date of the final judgement nullifying the annexation. Further, if an*  
22 *annexation is nullified, any taxes paid to the municipality for the current*  
23 *calendar year shall be refunded, but municipal taxes for previous years*  
24 *during the annexation shall not be subject to refund. The circuit court*  
25 *shall retain jurisdiction to make those determinations, if, and as,*  
26 *necessary.*

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

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32 SECTION 4. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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

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*/s/Rep. Hendren*

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***As Engrossed: 2/27/95 3/2/95***

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