

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

# A Bill

HOUSE BILL 1949

5 By: Representative Boyd  
6

## For An Act To Be Entitled

8 AN ACT TO CLARIFY PROCEDURES FOR PROVIDING NOTICE OF  
9 MUNICIPAL BOUNDARY CHANGES TO VARIOUS OFFICES FOR  
10 PURPOSES OF RECORDKEEPING AND PROVIDING ACCURATE DATA  
11 TO THE UNITED STATES CENSUS BUREAU; TO DECLARE AN  
12 EMERGENCY; AND FOR OTHER PURPOSES.  
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## 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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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 14-39-101 is amended to read as follows:  
24 14-39-101. Authority generally.

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

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

35 SECTION 2. Arkansas Code Title 14, Chapter 40, Subchapter 1, is  
36 amended to add an additional section to read as follows:



1       14-40-102. Notice to Secretary of State upon municipal boundary change  
2 - Definitions.

3       (a) As used in this section:

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

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

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

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

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

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

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

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

- 1           (1) Arkansas Geographic Information Systems Office;
- 2           (2) Tax Division of the Arkansas Public Service Commission;
- 3           (3) Arkansas State Highway and Transportation Department; and
- 4           (4) Department of Finance and Administration.

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

- 9           (1) Tax Division of the Arkansas Public Service Commission;
- 10          (2) Arkansas State Highway and Transportation Department; and
- 11          (3) Department of Finance and Administration.

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

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

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

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

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

34           (B) The county clerk shall forward a copy of each document  
 35 to the Secretary of State, who shall file and preserve ~~them~~ each copy. ~~The~~  
 36 ~~clerk shall forward one (1) copy of the plat of the annexed territory and one~~

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

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

7  
 8 SECTION 4. Arkansas Code § 14-40-609(e), concerning providing notice of  
 9 annexation by one hundred percent (100%) petition, is amended to read as  
 10 follows:

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

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

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