

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

As Engrossed: S3/16/17

A Bill

SENATE BILL 541

5 By: Senator Hickey
6 *By: Representative J. Williams*
7

For An Act To Be Entitled

9 AN ACT CONCERNING MUNICIPAL INCORPORATION NEAR THE
10 BOUNDARIES OF AN EXISTING MUNICIPALITY; AND FOR OTHER
11 PURPOSES.
12
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Subtitle

15 CONCERNING MUNICIPAL INCORPORATION NEAR
16 THE BOUNDARIES OF AN EXISTING
17 MUNICIPALITY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-38-101(b)(1), concerning a petition for
23 incorporation, is amended to read as follows:

24 (b)(1) The court shall not approve the incorporation of ~~any a~~ a
25 municipality if any portion of the territory proposed to be embraced in the
26 incorporated town shall lie within lies within:

27 (A) ~~five (5)~~ Three (3) miles of an existing municipal
28 corporation and within the; or

29 (B)(i) The area in which that existing municipal
30 corporation is exercising its planning territorial jurisdiction, unless the
31 governing body of the municipal corporation has affirmatively consented to
32 the incorporation by written resolution.

33 (ii) If the area that seeks to be incorporated
34 contains a population that equals or exceeds five thousand (5,000) persons,
35 the consent of the governing body of the existing municipal corporation is
36 not required.



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/s/Hickey