

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 548

5 By: Senator B. Ballinger  
6 By: Representative Breaux  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURE FOR  
10 THE INCORPORATION OF MUNICIPALITIES; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

14 TO AMEND THE LAW CONCERNING THE PROCEDURE  
15 FOR THE INCORPORATION OF MUNICIPALITIES.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 14-38-101(b)(1), concerning the petition  
22 for incorporation, is amended to read as follows:

23 (b)(1) The Unless the governing body of the municipal corporation has  
24 affirmatively consented to the incorporation by written resolution or the  
25 area that seeks to be incorporated contains a population of one thousand five  
26 hundred (1,500) or more, the court shall not approve the incorporation of a  
27 municipality if any portion of the territory proposed to be embraced in the  
28 incorporated town lies within:

29 (A) Three (3) miles of an existing municipal corporation;

30 or

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

35 ~~(ii) If the area that seeks to be incorporated~~  
36 ~~contains a population that equals or exceeds five thousand (5,000) persons,~~



1 ~~the consent of the governing body of the existing municipal corporation is~~  
2 ~~not required.~~

3  
4 SECTION 2. Arkansas Code § 14-38-115(a)(1)(A), concerning an  
5 alternative method of incorporation, is amended to read as follows:

6 (A) The territory proposed to be incorporated has at least  
7 ~~four thousand (4,000)~~ one thousand five hundred (1,500) inhabitants according  
8 to the most recent federal decennial census; and

9  
10 SECTION 3. Arkansas Code § 14-38-115(f)(1), concerning an alternative  
11 method of incorporation, is amended to read as follows:

12 (f)(1) After the hearing, if the county judge is satisfied that the  
13 procedures for filing the petition for incorporation were followed, that the  
14 requirements for signatures under subsection (a) of this section have been  
15 met, that the limits of the territory to be incorporated have been accurately  
16 described and an accurate map was made and filed, and if the prayer of the  
17 petitioner is right and proper, then the county judge shall enter an order  
18 that:

19 (A) Grants the petition to hold an election on the date of  
20 the next ~~general~~ election; and

21 (B) Sets the date of the next ~~general~~ election as the date  
22 of the election on the issue of incorporating the city or town and electing  
23 officers.