

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

SENATE BILL 96

4
5 By: Senator C. Penzo
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING DETACHMENT BY A
10 REGIONAL AIRPORT AUTHORITY; TO REPEAL REGIONAL
11 AIRPORT AUTHORITY DETACHMENT; AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND THE LAW CONCERNING DETACHMENT
16 BY A REGIONAL AIRPORT AUTHORITY; AND TO
17 REPEAL REGIONAL AIRPORT AUTHORITY
18 DETACHMENT.
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-362-132(c), concerning exemptions of
23 regional airports from annexation and municipal regulation, is amended to
24 read as follows:

25 (c) ~~An authority may detach from a municipality upon compliance with~~
26 ~~the detachment requirements under § 14-362-301 et seq.~~ If a municipality in
27 which the property of an authority is located merges with, is annexed to, or
28 is consolidated with another municipality, the authority may detach from the
29 municipality upon the approval of a majority vote of the board of directors
30 of the authority.
31

32 SECTION 2. Arkansas Code Title 14, Chapter 362, Subchapter 3, is
33 repealed.

34 ~~Subchapter 3 — Annexation and Detachment~~
35 ~~14-362-301. Legislative findings.~~
36 ~~(a) The General Assembly finds that:~~



1 ~~(1) The public and governmental functions of an authority~~
 2 ~~required under this chapter are best achieved by giving the authority the~~
 3 ~~discretion to determine whether it is in the best interest of the authority~~
 4 ~~to achieve its mission in conjunction with or separate from a municipality;~~

5 ~~(2) The requirements of this subchapter are:~~

6 ~~(A) Supplemental to constitutional or statutory provisions~~
 7 ~~now existing or later adopted which may provide for an authority's annexation~~
 8 ~~or detachment from a municipality; and~~

9 ~~(B) Intended to:~~

10 ~~(i) Provide for the orderly detachment of an~~
 11 ~~authority from one (1) or more municipalities in a manner that protects the~~
 12 ~~interests of the authority and the municipality; and~~

13 ~~(ii) Ensure to the extent a municipality may have~~
 14 ~~issued bonds or other evidences of indebtedness secured by or payable from a~~
 15 ~~tax or other revenue relating to the operations of the authority, that the~~
 16 ~~bonds or other evidences of indebtedness are protected so that the contract~~
 17 ~~for repayment between a municipality and any third party is not impaired.~~

18
 19 ~~14-362-302. Involuntary annexation prohibited.~~

20 ~~Property owned by an authority that is not within the corporate limits~~
 21 ~~of a municipality shall not be annexed by a municipality without a two-thirds~~
 22 ~~($\frac{2}{3}$) vote of approval by the members of the board of directors of the~~
 23 ~~authority.~~

24
 25 ~~14-362-303. Coordination with Arkansas Geographic Information Systems~~
 26 ~~Office to annex or detach.~~

27 ~~Before an authority begins an annexation or detachment proceeding under~~
 28 ~~this subchapter, the authority shall coordinate with the Arkansas Geographic~~
 29 ~~Information Systems Office for preparation of legal descriptions and digital~~
 30 ~~mapping for the annexation or detachment areas.~~

31
 32 ~~14-362-304. Petition for annexation — Definition.~~

33 ~~(a) As used in this section, "enclave" means an unincorporated~~
 34 ~~improved or developed area that is enclosed within and bounded on all sides~~
 35 ~~by a single city or incorporated town.~~

36 ~~(b) Except as provided in subsection (c) of this section, an authority~~

1 ~~may petition a municipality for voluntary annexation in the same manner~~
 2 ~~provided in § 14-40-609.~~

3 ~~(c)(1) The creation of an enclave owned by an authority is not~~
 4 ~~prohibited under this section.~~

5 ~~(2) An authority petitioning a municipality to annex land~~
 6 ~~containing an enclave under subdivision (c)(1) of this section shall include~~
 7 ~~the following in the petition:~~

8 ~~(A) The reason the authority's continued ownership of the~~
 9 ~~enclave is necessary; and~~

10 ~~(B) The authority's intended use of the enclave.~~

11

12 ~~14-362-305. Petition for detachment.~~

13 ~~(a) An authority may petition for detachment under this section upon~~
 14 ~~the passing of a resolution by the board of directors of the authority:~~

15 ~~(1) Recommending the detachment of property owned by the~~
 16 ~~authority from one (1) or more municipalities in which the authority's~~
 17 ~~property is located; and~~

18 ~~(2) Approved by a vote of at least two-thirds (2/3) of the members~~
 19 ~~of the board.~~

20 ~~(b)(1) An authority shall file a petition for detachment in the county~~
 21 ~~in which the property the authority is petitioning for detachment is located~~
 22 ~~with the:~~

23 ~~(A) County court;~~

24 ~~(B) County assessor; and~~

25 ~~(C) County clerk.~~

26 ~~(2) A petition filed under subdivision (b)(1) of this section~~
 27 ~~shall:~~

28 ~~(A) Be in writing;~~

29 ~~(B) Name the persons authorized to act on behalf of the~~
 30 ~~authority;~~

31 ~~(C) Contain an attestation signed before a notary or~~
 32 ~~notaries by a person authorized to sign for the authority as the owner of the~~
 33 ~~property or an agent of the authority confirming the desire to be detached;~~

34 ~~(D) Contain an accurate description of the relevant~~
 35 ~~property;~~

36 ~~(E) Contain a letter or title opinion from a certified~~

~~1 abstractor or title company verifying that the authority is the owner of
2 record of the relevant property;~~

~~3 (F) Contain a letter or verification from a certified
4 surveyor or engineer verifying that an enclave that is not owned by the
5 authority will not be created;~~

~~6 (G) Include a schedule of services that are currently
7 provided by the municipality to the property being detached; and~~

~~8 (H) Identify any special considerations or factors that
9 the authority and municipality should agree to before the detachment is
10 finalized, including without limitation:~~

~~11 (i) The negotiation of outstanding debt obligations;
12 and~~

~~13 (ii) A determination of all financial matters
14 pertaining to the schedule of services provided by the municipality under
15 subdivision (b)(2)(G) of this section.~~

~~16 (c)(1) Within fifteen (15) days from the date the petition is filed
17 under subdivision (b)(1) of this section, the county assessor and the county
18 clerk shall:~~

~~19 (A) Determine whether the petition meets the requirements
20 of subdivision (b)(2) of this section; and~~

~~21 (B) Report the determination required under subdivision
22 (b)(2) of this section to the county court.~~

~~23 (2)(A) If it is determined that the petition does not meet the
24 requirements of subdivision (b)(2) of this section, the county court shall
25 enter a court order identifying the deficiencies in the petition within five
26 (5) business days from the date the determination was reported to the county
27 court under subdivision (c)(1)(B) of this section.~~

~~28 (B)(i) An authority may file an amended petition at any
29 time after the county court enters the court order required under subdivision
30 (c)(2)(A) of this section.~~

~~31 (ii) The amended petition is required to meet the
32 requirements of subdivision (b)(2) of this section.~~

~~33 (3) If a county assessor and a county clerk report that the
34 petition meets the requirements of subdivision (b)(2) of this section, the
35 county court has fifteen (15) business days from the date the determination
36 was reported to:~~

1 ~~(A) Review the petition and records for completeness and~~
2 ~~accuracy;~~

3 ~~(B) Determine that the detachment does not create an~~
4 ~~enclave that is not owned by the authority;~~

5 ~~(C) Confirm the petition contains the schedule of services~~
6 ~~required by subdivision (b)(2)(G) of this section;~~

7 ~~(D) At the discretion of the county judge, determine~~
8 ~~whether the county will be responsible for the maintenance of dedicated~~
9 ~~public roads and rights of way abutting or traversing the property that is~~
10 ~~being detached; and~~

11 ~~(E) Issue an order stating the findings required under~~
12 ~~this subdivision (c)(3) and provide the:~~

13 ~~(i) Order to the authority; and~~

14 ~~(ii) Petition and order to the municipality to which~~
15 ~~the authority is petitioning for detachment.~~

16 ~~(d)(1) An order issued under subdivision (c)(3)(E) of this section~~
17 ~~shall require the municipality being petitioned for detachment to file a~~
18 ~~response with the county court:~~

19 ~~(A) Within fifteen (15) business days from the date the~~
20 ~~court order was received; and~~

21 ~~(B) That states whether the municipality agrees or does~~
22 ~~not agree with the special considerations or factors to be addressed before~~
23 ~~the detachment is finalized under subdivision (b)(2)(H) of this section.~~

24 ~~(2) A municipality that does not agree with the special~~
25 ~~considerations or factors stated in the petition under subdivision (b)(2)(H)~~
26 ~~of this section shall file a response with the county court that:~~

27 ~~(A) States the reason the municipality disagrees with the~~
28 ~~special considerations or factors stated in the petition under subdivision~~
29 ~~(b)(2)(H) of this section; and~~

30 ~~(B) Includes any additional special considerations or~~
31 ~~factors the municipality may have.~~

32 ~~(e)(1) An authority has five (5) business days from the date the~~
33 ~~municipality files the response required under subdivision (d)(2) of this~~
34 ~~section to respond to the municipality's additional special considerations or~~
35 ~~factors under subdivision (d)(2)(B) of this section.~~

36 ~~(2)(A) If the authority does not agree with the additional~~

1 ~~special considerations or factors, the county court clerk shall set a hearing~~
 2 ~~date to determine the special considerations or factors to be addressed~~
 3 ~~before detachment.~~

4 ~~(B) The hearing under subdivision (e)(2)(A) of this~~
 5 ~~section shall be set on a date of earliest convenience for both parties but~~
 6 ~~no later than sixty (60) calendar days after the filing of the authority's~~
 7 ~~response under subdivision (e)(1) of this section.~~

8 ~~(3)(A) If a municipality agrees with the special considerations~~
 9 ~~or factors in the petition required under subdivision (b)(2)(H) of this~~
 10 ~~section, then the county court shall enter an order providing a timeline for~~
 11 ~~the authority and the municipality to negotiate in good faith and to reach an~~
 12 ~~agreement with respect to the special considerations or factors required~~
 13 ~~before detachment is finalized.~~

14 ~~(B) Unless a different period of time is mutually agreed~~
 15 ~~to by the municipality and the authority, the county court shall require the~~
 16 ~~municipality and the authority to report their agreement to the county court~~
 17 ~~not later than ninety (90) calendar days from the date the order was filed.~~

18 ~~(C)(i) If an authority and a municipality cannot reach an~~
 19 ~~agreement by the deadline provided under this subdivision (e)(3), the county~~
 20 ~~court shall order the municipality and authority to participate in mediation.~~

21 ~~(ii) The mediation shall take place not later than~~
 22 ~~sixty (60) calendar days from the date of the order requiring mediation.~~

23 ~~(iii)(a) The mediator shall file a mediation report~~
 24 ~~with the county court no later than thirty (30) calendar days after the date~~
 25 ~~of the mediation required under subdivision (e)(3)(C)(i) of this section.~~

26 ~~(b) The mediator's report shall:~~

27 ~~(1) Contain the agreed upon terms~~
 28 ~~relating to the special considerations and factors, but only if the mediation~~
 29 ~~is successful; or~~

30 ~~(2) If the mediation is unsuccessful,~~
 31 ~~state that the parties were unable to come to an agreement relating to the~~
 32 ~~special considerations and factors.~~

33 ~~(iv)(a) The county court shall enter an order~~
 34 ~~confirming the detachment, and no later than thirty (30) calendar days from~~
 35 ~~the date the mediation report is filed, the county clerk shall forward a copy~~
 36 ~~of the order to the county assessor and to the Secretary of State.~~

1 ~~(b) The order shall contain:~~

2 ~~(1) The final terms relating to the~~
3 ~~special considerations and factors, but only if the mediation is successful;~~
4 ~~or~~

5 ~~(2) If the mediation is unsuccessful,~~
6 ~~the order shall only address the matters required under § 14 362 306.~~

7 ~~(f) The property shall be detached from the municipality on the date~~
8 ~~the county court enters the order confirming the detachment and the county~~
9 ~~clerk forwards a copy of the order as required under subdivision~~
10 ~~(e)(3)(C)(iv) of this section.~~

11 ~~(g)(1) This section shall not prevent the municipality and the~~
12 ~~authority from presenting a joint agreement confirming their mutually agreed-~~
13 ~~upon resolution of special considerations or factors that should be addressed~~
14 ~~before detachment at any time after the petition for detachment is filed by~~
15 ~~the authority.~~

16 ~~(2) Absent a determination by the county court that the mutually~~
17 ~~agreed-upon resolution under subdivision (g)(1) of this section violates~~
18 ~~Arkansas law, the county court shall accept the mutually agreed-upon~~
19 ~~resolution and include it in the order approving detachment.~~

20
21 ~~14 362 306. Special considerations relating to existing municipal debt~~
22 ~~obligations.~~

23 ~~(a) If an authority detaches from a municipality that has previously~~
24 ~~issued and currently has outstanding bonds or other evidences of indebtedness~~
25 ~~that are secured by or payable from taxes or other revenues relating to the~~
26 ~~operations of the authority, then the detachment shall not be effective until~~
27 ~~the authority and the municipality mutually have attempted to agree in~~
28 ~~writing to a lump sum payment or recurring or periodic payments in an amount~~
29 ~~sufficient to avoid impairing the municipality's contractual obligations to~~
30 ~~the persons or entities to which payment is due.~~

31 ~~(b) In reaching the agreement required under subsection (a) of this~~
32 ~~section, an authority and the municipality may engage with and rely on the~~
33 ~~opinions and reports of legal and financial professionals to ensure that the~~
34 ~~agreement reached by the authority and the municipality does not diminish the~~
35 ~~prospects of, or adversely interfere with, expected payments to be received~~
36 ~~by the persons or entities to which payment is due, and therefore does not~~

1 ~~unconstitutionally impair the contract between the municipality and the~~
 2 ~~persons or entities to which payment is due.~~

3 ~~(c)(1) If an authority and a municipality cannot reach an agreement,~~
 4 ~~any taxes or other revenues relating to the operations of the authority shall~~
 5 ~~be collected in the same manner and amounts as if the land had not been~~
 6 ~~detached.~~

7 ~~(2) However, after a petition for detachment has been filed by~~
 8 ~~the authority, the municipality:~~

9 ~~(A) Shall not take any action to:~~

10 ~~(i) Increase the taxes assessed or levied;~~

11 ~~(ii) Lengthen the maturity date of the debt~~
 12 ~~obligations;~~

13 ~~(iii) Decrease amounts paid by other persons or~~
 14 ~~entities that are contributing to amounts used by the municipality to pay the~~
 15 ~~debt obligations; or~~

16 ~~(iv) Reallocate available revenues to the detriment~~
 17 ~~of the authority beyond those in existence as of the date of the filing of~~
 18 ~~the petition with the county court; and~~

19 ~~(B) As permitted by the documents relating to the debt~~
 20 ~~obligations, shall use or escrow all pledged taxes and revenues to pay off or~~
 21 ~~prepay the debt obligations and shall not use the pledged taxes and revenues~~
 22 ~~for any other purpose.~~

23 ~~(d)(1) An authority and a municipality shall enter into a payment in~~
 24 ~~lieu of taxes agreement, interlocal cooperative agreement, or similar~~
 25 ~~agreement documenting the agreement reached by the authority and the~~
 26 ~~municipality with respect to any taxes collected or payments made by the~~
 27 ~~authority while debt obligations are outstanding.~~

28 ~~(2) The agreement required under subdivision (d)(1) of this~~
 29 ~~section shall contain terms and conditions permitting the renegotiation or~~
 30 ~~revision of payments in the event of unforeseen force majeure events,~~
 31 ~~including without limitation a global pandemic or population or retail~~
 32 ~~growth, that significantly modify the facts known or assumptions made in~~
 33 ~~calculating the payments agreed upon.~~

34 ~~(3) The municipality shall provide the certificates and~~
 35 ~~directions to the Department of Finance and Administration that are necessary~~
 36 ~~to effect the agreement between the authority and the municipality.~~

1 ~~(e) A municipality may refinance existing debt obligations after an~~
2 ~~authority has filed a petition for detachment to achieve debt service savings~~
3 ~~so long as the refinancing does not increase annual debt service payments,~~
4 ~~extend the maturity date, or increase the aggregate amount of principal due~~
5 ~~with respect to the debt obligation.~~

6 ~~(f) Upon the payment in full at maturity or optional redemption, other~~
7 ~~than in connection with a refunding permitted under subsection (e) of this~~
8 ~~section, the authority's property and operations shall be released and exempt~~
9 ~~from future tax collections or payments, as applicable.~~

10 ~~(g) A municipality shall not initiate litigation alleging impairment~~
11 ~~of contract if the authority and the municipality have entered into a written~~
12 ~~agreement under subsection (d) of this section or if the county court has~~
13 ~~entered an order for detachment under § 14-362-305(e) that is consistent with~~
14 ~~subsection (e) of this section.~~

15
16 SECTION 3. DO NOT CODIFY. Retroactivity – Effect.

17 This act applies retroactively to January 1, 2024, and invalidates any
18 petition to detach filed by a regional airport authority under § 14-362-301
19 et seq. on or after January 1, 2024.

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