

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

# A Bill

HOUSE BILL 1335

5 By: Representatives Cozart, Gates  
6 By: Senator A. Clark  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE A DETACHMENT PROCEDURE FOLLOWING THE  
10 ANNEXATION OF SURROUNDED LAND; TO DECLARE AN  
11 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO CREATE A DETACHMENT PROCEDURE  
15 FOLLOWING THE ANNEXATION OF SURROUNDED  
16 LAND; AND TO DECLARE AN EMERGENCY.  
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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 Title 14, Chapter 40, Subchapter 5, is  
23 amended to add an additional section to read as follows:

24 14-40-505. Petition for detachment by qualified electors in annexed  
25 territory.

26 (a) If within one (1) year from the annexation of surrounded land  
27 under this subchapter a majority of the qualified electors in the annexed  
28 territory submit a petition to the governing body of the municipality calling  
29 for the detachment of the annexed land from the municipality, the  
30 municipality shall detach the annexed territory by ordinance and return the  
31 territory to the county.

32 (b)(1) Upon the detachment of the territory under subsection (a) of  
33 this section, the county court shall order the return of the property into  
34 the county.

35 (2) A copy of the order shall be transmitted to the Secretary of  
36 State and the Arkansas Geographic Information Systems Office.



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2           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
3 General Assembly of the State of Arkansas that there are many areas across  
4 the state subject to annexation by a municipality; that because of the  
5 procedural requirements of the annexation, the annexation can occur without  
6 majority support of the electors in the annexed area; and that this act is  
7 immediately necessary because it gives the majority of the electors in the  
8 annexed area the ability to detach from the municipality if desired.  
9 Therefore, an emergency is declared to exist, and this act being immediately  
10 necessary for the preservation of the public peace, health, and safety shall  
11 become effective on:

12                   (1) The date of its approval by the Governor;

13                   (2) If the bill is neither approved nor vetoed by the Governor,  
14 the expiration of the period of time during which the Governor may veto the  
15 bill; or

16                   (3) If the bill is vetoed by the Governor and the veto is  
17 overridden, the date the last house overrides the veto.