

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representative Purdom**

# A Bill

**ACT 362 OF 1995**  
**HOUSE BILL 1440**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 14-88-406; TO ASSIST LOCAL  
9 IMPROVEMENT DISTRICTS IN SECURING LEGAL REPRESENTATION; TO  
10 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

## Subtitle

13 "TO ASSIST LOCAL IMPROVEMENT DISTRICTS  
14 IN SECURING LEGAL REPRESENTATION."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. Arkansas Code 14-88-406 is amended to read as follows:

19 "14-88-406. Attorney of second-class cities and towns.

20 (a)(1) In all cities of the second class and incorporated towns within  
21 the State of Arkansas, the attorney representing the municipality may be the  
22 attorney for all boards and commissioners of all local improvement districts  
23 within the city or incorporated town.

24 (2) Municipal improvement districts formed under 14-88-202 et  
25 seq. for the purpose of acquiring, constructing, operating, or maintaining a  
26 recreational facility, and local improvement districts within cities of the  
27 second class or incorporated towns, may, at their option, employ private  
28 attorneys in lieu of the city attorney.

29 (b)(1) It shall be the duty of the attorney to:

30 (A) Advise the board at any time needed;

31 (B) Do all things enjoined upon him by the commissioners;

32 and

33 (C) Perform all legal duties pertaining to the formation  
34 and operation of the district.

35 (2) The attorney shall represent a board in all suits brought for  
36 or against it.

1 (c) The attorney shall receive as his compensation such fees as may be  
2 agreed upon by the boards. "

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4 SECTION 2. All provisions of this act of a general and permanent  
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
6 Code Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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17 SECTION 5. EMERGENCY. It is hereby found and determined by the  
18 Eightieth General Assembly of the State of Arkansas that the present law  
19 pertaining to the representation of local improvement districts is outdated,  
20 unduly restricts representation of improvement districts to noncontroversial  
21 matters and limits legal fees to amounts which prohibit the retention of  
22 counsel. Therefore, an emergency is hereby declared to exist and this act  
23 being necessary for the immediate preservation of the public peace, health and  
24 safety shall be in full force and effect from and after its passage and  
25 approval.

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APPROVED: 2-20-95

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