

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representatives Molinaro, McCuiston and Wren**

# **A Bill**

**HOUSE BILL 1407**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 14-14-709 TO REQUIRE  
9 TWENTY-FIVE PERCENT (25%) IN THE NUMBER, TWENTY-FIVE  
10 PERCENT (25%) IN VALUE, AND TWENTY-FIVE PERCENT (25%) IN  
11 AREA OF THE OWNERS OF REAL PROPERTY WITHIN A PROPOSED  
12 DISTRICT TO PETITION THE QUORUM COURT PRIOR TO  
13 ESTABLISHING A COUNTY SUBORDINATE SERVICE DISTRICT; TO  
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

## **Subtitle**

16 "AN ACT TO CHANGE THE METHOD OF CREATING A SUBORDINATE  
17 SERVICE DISTRICT TO REQUIRE A PETITION BY TWENTY-FIVE  
18 PERCENT (25%) IN NUMBER, VALUE, AND AREA OF OWNERS OF REAL  
19 ESTATE."

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

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24 SECTION 1. Arkansas Code § 14-14-709 is hereby amended to read as  
25 follows:

26 "14-14-709. Establishment of subordinate service districts.

27 (a) Procedure Generally. A subordinate service district may be  
28 established by ordinance of the quorum court in the following manner:

29 (1) Upon petition to the quorum court by *twenty-five percent*  
30 (*25%*) of the number of realty owners within the proposed subordinate service  
31 district, the owners of *twenty-five percent (25%)* of the realty in the area of  
32 the proposed subordinate service district, and the owners of *twenty-five*  
33 *percent (25%)* of the assessed value of the realty within the proposed  
34 subordinate service district. The quorum court shall set a date for a public  
35 hearing and shall give notice of the hearing on the petition to form the

1 proposed subordinate service district. Following the public hearing, the  
2 court may either adopt an ordinance creating the subordinate service district  
3 or refuse to act further on the matter.

4 (2) If hearings indicate that a geographic area desires exclusion  
5 from the proposed subordinate service district, the quorum court may amend the  
6 boundaries of the proposed subordinate service district to exclude the  
7 property in that area.

8 (3) Where an ordinance is adopted establishing a subordinate  
9 service district, the quorum court shall, in addition to all other  
10 requirements, publish notice of the adoption of the ordinance. The notice  
11 shall include a statement setting out the elector's right to protest. If  
12 within thirty (30) days of the notice, twenty-five percent (25%) or more of  
13 the number of realty owners within the proposed subordinate service district,  
14 the owners of a twenty-five percent (25%) of the realty in the area of the  
15 proposed subordinate service district, and the owners of a twenty-five percent  
16 (25%) of the assessed value of the realty within the proposed subordinate  
17 service district file a written protest, by individual letter or petition,  
18 then the ordinance creating the subordinate service district shall be void.

19 (b) Ordinance Requirements. An ordinance to establish a subordinate  
20 service district shall include:

- 21 (1) The name of the proposed district;
- 22 (2) The services to be provided by the proposed district;
- 23 (3) The convenience or necessity of the proposed district;
- 24 (4) A map containing the boundaries of the proposed district;
- 25 (5) The estimated cost of services to be provided and methods of  
26 financing the proposed services. Service charges adopted by a quorum court  
27 shall be equally administered on a per capita, per household, per unit of  
28 service, or a combination of these methods. Service charges adopted by the  
29 court on a per capita or per household method shall be administered equally  
30 without regard to an individual or household availing themselves of the  
31 service; and
- 32 (6) The method for administering the proposed district.

33 (c) Initiative and Referendum. All provisions of Arkansas  
34 Constitution, Amendment 7, shall apply to the establishment of county  
35 subordinate service areas."

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

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

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

*/s/Joe Molinaro, et al*

***As Engrossed: 2/8/93 2/11/93 2/16/93 2/17/93***

**HB 1407**

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