

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Hoofman**

A Bill

SENATE BILL 557

For An Act To Be Entitled

8 "AN ACT TO AMEND THE MUNICIPAL PROPERTY OWNERS IMPROVEMENT
9 DISTRICT LAWS TO PROVIDE CLEARLY FOR THE FORMATION OF SUCH
10 DISTRICTS FOR TERRITORY LYING IN MORE THAN A SINGLE
11 MUNICIPALITY; DECLARING AN EMERGENCY; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "TO AMEND THE MUNICIPAL PROPERTY OWNERS IMPROVEMENT
16 DISTRICT LAWS TO PROVIDE FOR FORMATION OF DISTRICTS FOR
17 TERRITORY IN MORE THAN A SINGLE MUNICIPALITY."

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

21 SECTION 1. Arkansas Code of 1987 Annotated §14-94-102 is amended to
22 read as follows:

23 "14-94-102. Legislative intent. (a) It is the intent and purpose of
24 this chapter to authorize the formation of improvement districts by the
25 unanimous approval of the owners of real property located in the territory to
26 be included in the district, provided that all the real property to be located
27 in the district is owned by twenty-five (25) or fewer persons.

28 (b) The formation and creation of such districts is authorized, in
29 whole or in part, outside of any municipality.

30 (c) In the event that lands to be included in a district lie in more
31 than one municipality:

32 (i) The municipality in which lies the largest portion of the
33 lands (exclusive of lands which do not lie in any municipality) shall have
34 jurisdiction to create such district and to conduct all other municipal
35 proceedings relating thereto and to the business and affairs thereof, which

1 municipality is referred to hereinbelow as the _creating municipality_.

2 (ii) No portion of a municipality shall be included in such
3 district unless it shall be found, by the creating municipality, that the
4 owners of real property lying within such municipality and within the district
5 shall have petitioned for creation of such district.

6 (iii) Notice of the filing of the petition for creation of such
7 district shall be given, by first class mail, to the mayor of each such
8 municipality, by the clerk or recorder of the creating municipality, and each
9 such municipality may, at any time within fifteen days after the deposit of
10 such notice in the mails (unless such notice shall be waived by resolution of
11 the governing body of such municipality), file with the clerk or recorder of
12 the creating municipality a certified copy of a resolution of its governing
13 body finding that the proposed improvements do not harmonize with the
14 municipal community facilities plans of such municipality or would diminish
15 vehicular or pedestrian traffic in such municipality.

16 (iv) In the event of the filing of the resolution described in
17 (iii) above, the governing body of the creating municipality shall reject the
18 petition for creation of such district."

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

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

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

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33 SECTION 5. EMERGENCY. It is hereby found and determined by the General
34 Assembly that the ambiguity in existing laws with respect to the formation of
35 municipal property owners improvement districts for lands lying in more than

1 one municipality inhibits the formation of such districts for the construction
2 of projects urgently needed. Therefore, an emergency is hereby declared to
3 exist, and this act being immediately necessary for the preservation of the
4 public peace, health, and safety shall be in full force and effect from and
5 after its passage and approval.

6 */s/Senator Hoofman*

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