

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

A Bill

SENATE BILL

For An Act To Be Entitled

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

Subtitle

14 "TO AMEND MUNICIPAL IMPROVEMENT DISTRICT LAWS TO PROVIDE
15 CLEARLY FOR FORMATION OF SUCH DISTRICTS FOR TERRITORY
16 LYING IN MORE THAN A SINGLE MUNICIPALITY."

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

20 SECTION 1. Arkansas Code 14-88-201 is amended to read as follows:

21 "14-88-201. Applicability. (a) The provisions of § 14-88-202 shall
22 extend to any municipal improvement district formed or created.

23 (b) The formation and creation of these districts is authorized, in
24 whole or in part, outside of any city of the first or second class or
25 incorporated town.

26 (c) In the event that lands to be included in a municipal improvement
27 district lie in more than one municipality:

28 (i) The municipality in which lies the largest portion of the
29 lands (exclusive of lands which do not lie in any municipality) shall have
30 jurisdiction to create such district and to conduct all other municipal
31 proceedings relating thereto and to the business and affairs thereof, which
32 municipality is referred to hereinbelow as the creating municipality.

33 (ii) No portion of a municipality shall be included in such
34 district unless it shall be found, by the creating municipality, that a
35 majority in assessed value of the owners of real property lying within such

1 municipality shall have petitioned for creation of such district.

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

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

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

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

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

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29 SECTION 5. EMERGENCY. It is hereby found and determined by the General
30 Assembly that the ambiguity in existing laws with respect to the formation of
31 municipal improvement districts for lands lying in more than one municipality
32 inhibits the formation of such districts for the construction of projects
33 urgently needed. Therefore, an emergency is hereby declared to exist, and
34 this act being immediately necessary for the preservation of the public peace,
35 health, and safety shall be in full force and effect from and after its

1 passage and approval.