

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/4/19
A Bill

HOUSE BILL 1896

5 By: Representatives Gates, Brown, Coleman, Evans, Lundstrum
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE LAW CONCERNING THE ESTABLISHMENT
9 OF CERTAIN IMPROVEMENT DISTRICTS; AND FOR OTHER
10 PURPOSES.
11

12
13 **Subtitle**

14 TO AMEND THE LAW CONCERNING THE
15 ESTABLISHMENT OF CERTAIN IMPROVEMENT
16 DISTRICTS.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-88-203(a), concerning the petition and
22 notice to create a municipal improvement district, is amended to read as
23 follows:

24 (a)(1)(A) When persons claiming to be a majority in value, as shown by
25 the last county assessment of the owners of real property, in the whole or
26 any part, of any city or incorporated town, file with the city or town clerk
27 or recorder a petition for the organization of an improvement district for
28 any purposes authorized by § 14-88-202, it shall be the duty of the city or
29 town clerk or recorder to give notice that the petition will be heard at a
30 meeting of the governing body of the city or town named in the notice, which
31 will be held more than ~~fifteen (15)~~ thirty (30) days after the filing of the
32 petition.

33 (B) A petition under this section shall contain a bold
34 heading stating that a signature on the petition is a vote to create the
35 district.

36 (2) The notice shall be published ~~once~~ one (1) time a week for



1 two (2) weeks, the last insertion to be not less than seven (7) days before
2 the date fixed for the hearing, in a newspaper having a general circulation
3 in the county and, if available, on the website of the county or of the
4 Secretary of State.

5
6 SECTION 2. Arkansas Code § 14-92-205(f), concerning a petition to form
7 a suburban improvement district, is amended to read as follows:

8 (f)(1) Any number of identical petitions may be circulated, and
9 identical petitions with additional names may be filed at any time until the
10 court acts.

11 (2) A petition under this section shall contain a bold heading
12 stating that a signature on the petition is a vote to create the district.

13
14 SECTION 3. Arkansas Code § 14-92-206(a), concerning the hearing on the
15 petition and determination on a suburban improvement district, is amended to
16 read as follows:

17 (a)(1) Upon the filing of a petition as prescribed in § 14-92-205, it
18 shall be the duty of the county clerk to give notice of the filing of it,
19 describing the territory to be affected and calling upon all persons who wish
20 to be heard upon the question of the establishment of the suburban
21 improvement district to appear before the county court on a day to be fixed
22 in the notice, at least thirty (30) days after the filing of a petition.

23 (2)(A) The notice shall be published ~~once~~ one (1) time a week
24 for two (2) weeks in some newspaper published and having a bona fide
25 circulation in the county where the lands affected are situated and, if
26 available, on the website of the county or of the Secretary of State.

27 (B) This notice may be in the following form:

28 "Notice is hereby given that a petition has been filed praying for the
29 formation of an improvement district for the purpose of Said petition
30 is on file at the office of the County Clerk of County, where it is
31 open for inspection. All persons desiring to be heard on the question of the
32 formation of said district will be heard by the County Court on the day
33 of, ~~19~~ 20 The following lands are affected: (Here give
34 description of lands affected; same may be described by using the largest
35 subdivision possible.)

36

1 County Clerk”

2

3 SECTION 4. Arkansas Code § 14-93-105(f), concerning the petition to
4 form a property owners’ improvement district, is amended to read as follows:

5 (f)(1) Any number of petitions may be circulated, and identical
6 petitions with additional names may be filed at any time until the court
7 acts.

8 (2) A petition under this section shall contain a bold heading
9 stating that a signature on the petition is a vote to create the district.

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11 SECTION 5. Arkansas Code § 14-93-106(a)(2), concerning the hearing on
12 the petition and determination of a property owners’ improvement district, is
13 amended to read as follows:

14 (2)(A) The judge shall thereupon set a date and time, ~~not later~~
15 ~~than ten (10)~~ not more than sixty (60) days and not less than thirty (30)
16 days after the date of the presentation of the petition to the judge, for a
17 hearing, before the county court, for consideration of the petition.

18 (B) A notice of the hearing shall be published for two (2)
19 consecutive weeks in a newspaper of general circulation in the county and, if
20 available, on the website of the county or of the Secretary of State.

21

22 SECTION 6. Arkansas Code § 14-94-105(c), concerning the petition to
23 form a municipal property owners’ improvement district, is amended to read as
24 follows:

25 (c)(1) Any number of petitions may be circulated, and identical
26 petitions with additional names may be filed at any time until the governing
27 body acts.

28 (2) A petition under this section shall contain a bold heading
29 stating that a signature on the petition is a vote to create the district.

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31 SECTION 7. Arkansas Code § 14-94-106(a)(2)(A), concerning the hearing
32 on the petition and determination of a municipal property owners’ improvement
33 district, is amended to read as follows:

34 (2)(A) The mayor shall thereupon set a date and time, ~~not later~~
35 ~~than fifteen (15)~~ more than sixty (60) days and not less than thirty (30)
36 days after the date of the presentation of the petition to the mayor, for a

1 hearing before the governing body for consideration of the petition.

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3 SECTION 8. Arkansas Code § 14-116-201 is amended to read as follows:
4 14-116-201. Authority to petition for district establishment.

5 (a) When there is water available for industrial, municipal, or
6 agricultural irrigation water supply purposes from wells, lakes, rivers,
7 tributaries, or streams of this state or bordering on this state or from
8 reservoirs heretofore created by the construction of multipurpose dams by or
9 under the direction and supervision of the United States Army Corps of
10 Engineers on any of the rivers, tributaries, or streams of or bordering on
11 this state, or when the Congress of the United States of America has enacted
12 a law authorizing the construction of a reservoir by or under the supervision
13 and direction of the United States Army Corps of Engineers on any of the
14 rivers, tributaries, or streams of or bordering on this state, or when a
15 proposed reservoir on any stream of this state is to be constructed by a
16 water district established under this chapter with federal or other
17 assistance furnished by the United States Secretary of Agriculture under the
18 provisions of the Watershed Protection and Flood Prevention Act, 16 U.S.C. §§
19 1001-1007, or any other federal law, then one hundred (100) or more qualified
20 voters residing and owning lands situated within the boundaries of the water
21 district proposed to be established under the provisions of this chapter may
22 petition the circuit court in the county to establish a water district for
23 the purposes set out in this section.

24 (b) A petition under this section shall contain a bold heading stating
25 that a signature on the petition is a vote to create the district.

26
27 SECTION 9. Arkansas Code § 14-116-205(a), concerning the notice of a
28 hearing on a regional wastewater collection and treatment district, is
29 amended to read as follows:

30 (a) ~~Within~~ Between thirty (30) ~~and sixty (60)~~ days after the report of
31 the ~~commission~~ Arkansas Soil and Water Conservation Commission has been filed
32 in the office of the circuit clerk, the petition shall be presented to the
33 judge of the circuit court of the county, either in term or vacation, and the
34 court shall thereupon enter its order:

- 35 (1) Setting a hearing upon the petition for a day certain; and
36 (2) Directing the clerk of the court to give notice of the

1 hearing by publication for two (2) consecutive weeks in some newspaper or
2 newspapers having a general circulation in each of the counties containing
3 lands embraced within the boundaries of the proposed water district and, if
4 available, on the website of the county or of the Secretary of State.

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6 SECTION 10. Arkansas Code § 14-250-106(b), concerning a petition to
7 establish a regional wastewater collection and treatment district, is amended
8 to read as follows:

9 (b) The petition shall contain a duly executed resolution from each
10 entity authorizing each entity to be included in the district, provided that,
11 in any unincorporated area, fifty-one percent (51%) of property owners by
12 number shall approve by petition ~~prior to~~ before being included in the
13 district. The petition shall also contain:

14 (1) An accurate description and a map of the area to be served
15 initially;

16 (2) A brief statement showing the need for formation of the
17 district and describing the benefits to be received by residents or property
18 owners in the area;

19 (3) The proposed name of the district;

20 (4) The proposed location of the principal office of the
21 district; and

22 (5) A bold heading stating that a signature on the petition is a
23 vote to create the district.

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25 SECTION 11. Arkansas Code § 14-250-107(b), concerning a review of the
26 petition to establish a regional wastewater collection and treatment
27 district, is amended to read as follows:

28 (b) ~~Within~~ Between thirty (30) and sixty (60) days after the report of
29 the department has been filed in the office of the circuit clerk, the
30 petition shall be presented to the judge of the circuit court of the county,
31 either in term or vacation, and the court shall thereupon enter its order
32 setting a hearing upon the petition and directing the clerk of the court to
33 give notice of the hearing by publication for two (2) consecutive weeks on
34 the website of the county or of the Secretary of State, if available, and in
35 a newspaper or newspapers having a general circulation in each of the
36 entities comprising the proposed district. The notice shall contain:

1 (1) A brief and concise statement describing the purpose of the
2 hearing;

3 (2) A description of the territory to be embraced within the
4 district;

5 (3) A brief and concise statement of the action of the
6 department; and

7 (4) A warning to all persons residing or owning property within
8 the boundaries of the proposed district to appear upon the date and at the
9 time and place of the hearing to show cause, if there is any, why the
10 petition should not be granted.

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/s/Gates