

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 782 OF 1993**  
**HOUSE BILL 1596**

4 **By: Representatives Goodwin and Davis**

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

8 "AN ACT TO AMEND ARKANSAS CODE 14-92-202 TO ALLOW SUBURBAN  
9 IMPROVEMENT DISTRICTS WITHOUT AN ELECTED BOARD OF  
10 COMMISSIONERS TO PETITION FOR THE RIGHT TO FILL VACANCIES  
11 BY ELECTION AND TO ALLOW FOR RECALL OF ANY COMMISSIONER;  
12 TO AMEND ARKANSAS CODE 14-92-232 TO ADD A NEW SUBSECTION  
13 CONCERNING COLLECTION OF SUBURBAN IMPROVEMENT DISTRICT  
14 ASSESSMENTS; AND FOR OTHER PURPOSES."

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## **Subtitle**

18 "AN ACT TO ALLOW CERTAIN SUBURBAN IMPROVEMENT DISTRICTS TO  
19 FILL VACANCIES BY ELECTION AND TO ALLOW FOR RECALL OF ANY  
20 COMMISSIONER; AND CONCERNING DISTRICT ASSESSMENTS."

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

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24 SECTION 1. Arkansas Code 14-92-202 is amended to read as follows:

25 "14-92-202. Applicability of 1981 amendments.

26 (a) The provisions of Acts 1981, No. 510 shall not apply to districts in  
27 existence on March 16, 1981, and these districts shall continue to be governed  
28 by the law in effect immediately prior to this date.

29 (b)(1) Upon the petition of *thirty-five percent (35%)* of the realty  
30 owners of a district in existence on March 16, 1981, the district shall be  
31 subject to the provisions of § 14-92-209 concerning the election of  
32 commissioners to fill vacancies on the commission and concerning the recall of  
33 commissioners.

34 (2) The petition may also provide for the board of commissioners  
35 to be enlarged from three (3) members to five (5) members. If the petition  
36 requests a board of commissioners composed of five (5) members, then two (2)

1 additional commissioners shall be elected in the same manner as provided for  
2 filling vacancies under § 14-92-209 (b).

3           (3) Commissioners serving at the time the petition is filed shall  
4 continue to serve.

5           (4) The petition shall be filed with the circuit court of the  
6 judicial district in which most of the district is located."

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8           SECTION 2. Arkansas Code 14-92-232 is amended to add an additional  
9 subsection to read as follows:

10           "(c) A suburban improvement district may enforce collection of  
11 delinquent suburban improvement district assessments by chancery proceedings  
12 in the chancery court of the county, in the manner as provided for municipal  
13 property owners' improvement districts under §14-94-122."

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15           SECTION 3. All provisions of this act of a general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.

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19           SECTION 4. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

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25           SECTION 5. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

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*/s/Larry Goodwin, et al*

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APPROVED: 3/29/93