

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 598 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 823

4
5 By: Senator Broadway
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For An Act To Be Entitled

8
9 AN ACT TO CHANGE THE MAILING PROCEDURES FOR
10 CERTAIN NOTICES FROM SUBURBAN IMPROVEMENT
11 DISTRICTS; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO CHANGE THE MAILING PROCEDURES FOR
15 CERTAIN NOTICES FROM SUBURBAN
16 IMPROVEMENT DISTRICTS.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-92-209 is amended to read as follows:
22 14-92-209. Removal of commissioners - Vacancies.

23 (a) ~~Commissioners~~ A commissioner of a suburban improvement ~~districts~~
24 district established pursuant to this subchapter may be removed from office
25 as follows:

26 (1) ~~The owners~~ An owner of realty within the district may
27 petition the county court to call a public hearing for the purpose of the
28 removal of ~~the commissioners~~ a commissioner named in the petition and the
29 election of ~~successors~~ a successor.

30 (2) Upon determining that at least twenty-five percent (25%) of
31 the number of owners of realty within the proposed district have signed the
32 recall petition, the court shall call a public hearing on the matter and
33 shall notify ~~the owners~~ each owner of realty within the proposed district in
34 the manner prescribed by § 14-92-204, except that the notice shall be mailed
35 by first class mail.



1 (3) Upon the affirmative vote of a majority, but not less than
 2 twenty-five percent (25%) of all votes entitled to be cast, of all votes cast
 3 by owners in attendance, in person or by proxy, at the public meeting as
 4 recorded through the number voting "yea" and the number voting "~~nay,~~ the
 5 "nay", a ~~commissioners~~ commissioner named in the recall petitions may be
 6 removed.

7 (4) The court shall at the meeting declare the ~~commissioners~~
 8 commissioner removed and accept nominations for a successor ~~commissioners~~
 9 commissioner.

10 (5)(A) The successor ~~commissioners~~ commissioner shall be
 11 nominated by a realty owner in attendance, in person or by proxy, at the
 12 public hearing.

13 (B) The ~~nominees~~ nominee shall meet the qualifications
 14 required of the ~~commissioners~~ commissioner originally elected.

15 (6) ~~Successor commissioners~~ A successor commissioner shall be
 16 elected from among those so nominated, at a subsequent public meeting called
 17 and held by the court in accordance with the provisions of § 14-92-204,
 18 except that any required notice shall be mailed by first class mail.

19 (b) ~~Successor commissioners~~ A successor commissioner to fill ~~vacancies~~
 20 a vacancy on the board of commissioners due to any other reason than
 21 proceedings under subsection (a) of this section shall be nominated at a
 22 public hearing called by the county court within thirty (30) days of
 23 notification of the vacancy, and any required notice shall be mailed by first
 24 class mail. ~~They~~ The successor commissioner shall be elected at a subsequent
 25 public hearing in the same manner as provided in subsection (a) of this
 26 section.

27 (c)(1) The provisions of subsection (a) of this section shall apply to
 28 ~~districts~~ a district in existence on March 16, 1981.

29 (2)(A) A vacancy created by the recall of a commissioner shall
 30 be filled in the same manner as provided in subsection (a) of this section.

31 (B) ~~All other vacancies~~ Any other vacancy on the board of
 32 commissioners of a district in existence on March 16, 1981, shall continue to
 33 be filled in the same manner as provided by law prior to March 16, 1981.

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 35 APPROVED: 3/28/2007
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