

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 386 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/2/09

A Bill

SENATE BILL 403

5 By: Senator R. Thompson
6
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH ANNUAL REPORTING REQUIREMENTS
10 FOR CERTAIN IMPROVEMENT DISTRICTS; TO REQUIRE
11 COUNTY CLERKS TO PROVIDE NOTICE OF A VACANCY ON A
12 DISTRICT BOARD; TO SET A COUNTY FILING FEE FOR
13 THE IMPROVEMENT DISTRICT REPORT; TO INVESTIGATE A
14 VACANCY ON A DISTRICT BOARD; AND FOR OTHER
15 PURPOSES.
16

Subtitle

17
18 TO REQUIRE REPORTS FROM CERTAIN
19 DISTRICTS; TO REQUIRE NOTICE OF A
20 VACANCY ON A DISTRICT BOARD; TO SET A
21 COUNTY FILING FEE FOR THE DISTRICT
22 REPORT; TO INVESTIGATE A VACANCY ON
23 DISTRICT BOARD.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Title 14, Chapter 86, Subchapter 1 is amended
29 to add an additional section to read as follows:

30 14-86-103. Reporting.

31 (a) Definitions.

32 As used in this section, "district" means any levee, drainage,
33 irrigation, watershed, or river improvement district in Arkansas including,
34 but not limited to, those districts:

35 (1) Formed or operating under this chapter, § 14-87-101 et seq.,



1 § 14-88-101 et seq., § 14-89-101 et seq., § 14-90-101 et seq., § 14-91-101 et
2 seq., § 14-92-101 et seq., § 14-93-101 et seq., § 14-94-101 et seq., § 14-95-
3 101 et seq., § 14-114-101 et seq., § 14-115-101 et seq., § 14-117-101 et
4 seq., § 14-118-101 et seq., § 14-119-101 et seq., § 14-120-101 et seq., § 14-
5 121-101 et seq., § 14-122-101 et seq., § 14-123-101 et seq., § 14-124-101 et
6 seq., and § 14-125-101 et seq.; or

7 (2) Created by a special act of the General Assembly.

8 (b)(1) On or before December 31, 2009, each district shall file an
9 initial report with the clerk of the county court in whose jurisdiction any
10 property of the district is located.

11 (2) The initial report shall include the following:

12 (A) The name of the district;

13 (B) The date on which the district was formed;

14 (C) The statutory or other legal authority under which the
15 district was formed;

16 (D) A description of the district's boundaries and a map
17 of the district;

18 (E) The names and addresses of the district's directors
19 and its officers and their respective terms of office;

20 (F) An identification of any vacancy on the district board
21 or district commission;

22 (G) A map of the parcels of property located in the
23 district; and

24 (H) The time, date, and location of the district board or
25 district commission's next annual meeting or, if the annual meeting is
26 unscheduled, the time, date, and location of the district board or district
27 commission's next meeting.

28 (c) On or before December 31, 2010, and annually afterwards, the
29 district shall file with the clerk of the county court in whose jurisdiction
30 any property of the district is located a report that:

31 (1) Provides the names and addresses of the members of the
32 district board or district commission and its officers;

33 (2) Identifies any vacancy on the district board or the district
34 commission; and

35 (3) Provides the time, date, and location of the district
36 board's or district commission's next annual meeting, if scheduled, and its

1 next regularly-scheduled meeting.

2 (d)(1) A district that fails to perform any of the requirements of
3 subdivision (b) or (c) of this section:

4 (A) Commits a violation punishable by a fine of not less
5 than one hundred dollars (\$100) and not more than one thousand dollars
6 (\$1,000) for each offense.

7 (B) Any fine recovered under subdivision (d)(1)(A) of this
8 section shall be deposited into the county clerk's cost fund.

9 (2) A district shall not receive financial assistance from any
10 state agency for a two-year period following the date the fine was assessed
11 under subdivision (d)(1)(A) of this section.

12
13 SECTION 2. Arkansas Code § 16-20-401 is amended to read as follows:

14 16-20-401. Duties of clerk generally—~~Fees.~~

15 (a) The county clerk shall, by virtue of his office, be clerk of the
16 county court for his county.

17 (b) It shall be his duty to attend each regular or special session of
18 the court, either in person or by deputy, and to keep and preserve in his
19 office a complete and correct record of the proceedings of the court.

20 (c) When a report filed under § 14-86-103 or an affidavit of a
21 district resident containing substantially the same information required
22 under § 14-86-103(c) and filed with the county clerk indicates a vacancy in a
23 district board or district commission, the county clerk shall provide a
24 written notice of the vacancy to:

25 (1) The members of the district board or the district
26 commission; and

27 (2) The county court.

28 (d) When a report filed under Section 1 of this act or an affidavit of
29 a district resident containing substantially the same information required
30 under § 14-86-103(c) and filed with the county clerk indicates a vacancy in a
31 district board or a district commission has not been filled in the interval
32 after the county clerk gave the notices required under subsection (c) of this
33 section, the county clerk shall provide a written notice of the continuing
34 vacancy to:

35 (1) The members of the district board or the district
36 commission;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

(2) The county court; and

(3) Any prosecuting attorney whose judicial district has jurisdiction over the district board or the district commission.

SECTION 3. Arkansas Code Title 16, Chapter 20, Subchapter 4 is amended to add an additional section to read as follows:

16-20-407. Fee for filing a district report or affidavit.

The fee for filing a report or an affidavit under § 14-86-103 shall be the same as the fee for initiating a cause of action under § 21-6-415.

SECTION 4. Arkansas Code Title 16, Chapter 21, Subchapter 1 is amended to add an additional section to read as follows:

16-21-159. Duty after receiving notice of vacancy on district board.

A prosecuting attorney who receives notice under § 16-20-401(d) of a continuing vacancy on a board or commission of a levee, drainage, irrigation, watershed, or river improvement district shall investigate the alleged vacancy and take the appropriate action to fill any existing vacancy.

/s/ R. Thompson

APPROVED: 3/10/2009