

1 State of Arkansas  
2 79th General Assembly  
3 Regular Session, 1993  
4 By: Representatives Molinaro, *McCuston and Wren*

# A Bill

ACT 317 OF 1993  
HOUSE BILL 1407

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 14-14-709 TO REQUIRE TWENTY-FIVE PERCENT (25%) IN THE NUMBER, TWENTY-FIVE PERCENT (25%) IN VALUE, AND TWENTY-FIVE PERCENT (25%) IN AREA OF THE OWNERS OF REAL PROPERTY WITHIN A PROPOSED DISTRICT TO PETITION THE QUORUM COURT PRIOR TO ESTABLISHING A COUNTY SUBORDINATE SERVICE DISTRICT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

### Subtitle

"AN ACT TO CHANGE THE METHOD OF CREATING A SUBORDINATE SERVICE DISTRICT TO REQUIRE A PETITION BY *TWENTY-FIVE PERCENT (25%)* IN NUMBER, VALUE, AND AREA OF OWNERS OF REAL ESTATE."

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

**SECTION 1.** Arkansas Code § 14-14-709 is hereby amended to read as follows:

**"14-14-709. Establishment of subordinate service districts.**

**(a) Procedure Generally.** A subordinate service district may be established by ordinance of the quorum court in the following manner:

**(1)** Upon petition to the quorum court by *twenty-five percent (25%)* of the number of realty owners within the proposed subordinate service district, the owners of *twenty-five percent (25%)* of the realty in the area of the proposed subordinate service district, and the owners of *twenty-five percent (25%)* of the assessed value of the realty within the proposed subordinate service district. The quorum court shall set a date for a public hearing and shall give notice of the hearing on the petition to form the proposed subordinate service district. Following the public hearing, the court may either adopt an ordinance creating the subordinate service district or refuse to act further on the matter.

**(2)** If hearings indicate that a geographic area desires exclusion from the

1 proposed subordinate service district, the quorum court may amend the boundaries of the  
2 proposed subordinate service district to exclude the *property in that area.*

3 *(3) Where an ordinance is adopted establishing a subordinate service district,*  
4 *the quorum court shall, in addition to all other requirements, publish notice of the adoption of*  
5 *the ordinance. The notice shall include a statement setting out the elector's right to protest. If*  
6 *within thirty (30) days of the notice, twenty-five percent (25%) or more of the number of*  
7 *realty owners within the proposed subordinate service district, the owners of a twenty-five*  
8 *percent (25%) of the realty in the area of the proposed subordinate service district, and the*  
9 *owners of a twenty-five percent (25%) of the assessed value of the realty within the proposed*  
10 *subordinate service district file a written protest, by individual letter or petition, then the*  
11 *ordinance creating the subordinate service district shall be void.*

12 **(b) Ordinance Requirements.** An ordinance to establish a subordinate service district  
13 shall include:

- 14 **(1) The name of the proposed district;**
- 15 **(2) The services to be provided by the proposed district;**
- 16 **(3) The convenience or necessity of the proposed district;**
- 17 **(4) A map containing the boundaries of the proposed district;**
- 18 **(5) The estimated cost of services to be provided and methods of**  
19 **financing the proposed services. Service charges adopted by a quorum court shall be equally**  
20 **administered on a per capita, per household, per unit of service, or a combination of these**  
21 **methods. Service charges adopted by the court on a per capita or per household method shall**  
22 **be administered equally without regard to an individual or household availing themselves of**  
23 **the service; and**
- 24 **(6) The method for administering the proposed district.**

25 **(c) Initiative and Referendum.** All provisions of Arkansas Constitution, Amendment 7,  
26 shall apply to the establishment of county subordinate service areas."  
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28 **SECTION 2.** All provisions of this act of general and permanent nature are  
29 amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision  
30 Commission shall incorporate the same in the Code.  
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32 **SECTION 3.** If any provisions of this act or the application thereof to any person or  
33 circumstance is held invalid, the invalidity shall not affect other provisions or applications of  
34 the act which can be given effect without the invalid provisions or application, and to this end  
35 the provisions of this act are declared to be severable.

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

*/s/Joe Molinaro, et al*

**APPROVED: 03/02/93**