

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

Act 475 of 1999  
SENATE BILL 390

5 By: Senator Hoofman  
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## For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE  
10 TITLE 14, CHAPTERS 93 AND 94, REGARDING PROPERTY  
11 OWNERS' AND MUNICIPAL PROPERTY OWNERS' IMPROVEMENT  
12 DISTRICTS; TO ELIMINATE THE MAXIMUM NUMBER OF PROPERTY  
13 OWNERS NEEDED TO PETITION TO FORM THE DISTRICT; TO  
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES. "

## Subtitle

16 "TO AMEND VARIOUS LAWS PERTAINING TO  
17 PROPERTY OWNERS' AND MUNICIPAL PROPERTY  
18 OWNERS' IMPROVEMENT DISTRICTS; TO REMOVE  
19 THE NUMBER LIMIT ON OWNERS FORMING A  
20 DISTRICT. "  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 14-93-102 is amended to read as follows:

27 "14-93-102. Legislative intent.

28 (a) It is the intent and purpose of this chapter to authorize the  
29 formation of improvement districts by the unanimous approval of all owners of  
30 real property located in the territory to be included in the district ~~if all~~  
31 ~~the real property to be located in the district is owned by twenty-five (25)~~  
32 ~~or fewer persons.~~

33 (b) It is the intention of Acts 1985, No. 296, to amend or repeal only  
34 such sections or subsections of Acts 1983, No. 613, as are specifically  
35 mentioned in Acts 1985, No. 296, and the remainder of Acts 1983, No. 613,  
36 shall remain in full force and effect as enacted until Acts 1983, No. 613,

1 shall be further amended or repealed."

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 3 SECTION 2. Arkansas Code § 14-93-105(a), regarding the petition to form  
 4 a property owners' improvement district, is amended to read as follows:

5 (a) Upon the petition of all the owners of the record title as  
 6 reflected by the deed records in the office of the circuit clerk and ex  
 7 officio recorder of the pertinent county of real property in any territory,  
 8 ~~all the real property of which territory is owned by twenty-five (25) or fewer~~  
 9 ~~persons,~~ it shall be the duty of the county court to:

10 (1) Lay off into an improvement district the territory described  
 11 in the petition for the purpose of:

12 (A) Purchasing, accepting as a gift, constructing, or  
 13 maintaining waterworks, recreational facilities, systems of gas pipelines, and  
 14 sewers;

15 (B) Grading, draining, paving, curbing, and guttering  
 16 streets and highways and laying sidewalks;

17 (C) Establishing, equipping, and maintaining rural fire  
 18 departments; or

19 (D) More than one (1) of such purposes; and

20 (2) Name as commissioners of the district the three (3) persons  
 21 whose names appear in the petition, if the petition contains names, or, if  
 22 not, three (3) individuals of integrity and good business ability."

23  
 24 SECTION 3. Arkansas Code § 14-94-102 is amended to read as follows:

25 "14-94-102. Legislative intent.

26 It is the intent and purpose of this chapter to authorize the formation  
 27 of improvement districts by the unanimous approval of the owners of real  
 28 property located in the territory to be included in the district, ~~provided~~  
 29 ~~that all the real property to be located in the district is owned by twenty-~~  
 30 ~~five (25) or fewer persons."~~

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 32 SECTION 4. Arkansas Code § 14-94-105(a), regarding the petition to form  
 33 a municipal property owners' improvement district, is amended to read as  
 34 follows:

35 "(a) Upon the petition of all the owners of the record title as  
 36 reflected by the deed records in the office of the circuit clerk and ex

1 officio recorder of the pertinent county, ~~all the real property of which~~  
2 ~~territory is owned by twenty-five (25) or fewer persons,~~ it shall be the duty  
3 of the governing body to:

4 (1) Lay off into an improvement district the territory described  
5 in the petition for the purpose of purchasing, accepting as a gift,  
6 constructing, or maintaining facilities for waterworks, recreation, drainage,  
7 gas pipelines, underground trenches and excavations necessary for the  
8 installation by public utilities or municipal utilities of electric and  
9 telephone distribution systems, sanitary sewers, streets and highways,  
10 including curbs and gutters, and sidewalks, together with facilities related  
11 to any of the foregoing, or for more than one (1) of those purposes; and

12 (2)(A) Name as commissioners of the district the three (3)  
13 individuals whose names appear in the petition if the petition contains those  
14 names and, if not, then three (3) individuals of integrity and good business  
15 ability who own real property in the district, or are creditors of the  
16 district, or live in the district.

17 (B) In the event that a property owner or creditor is a  
18 corporation, partnership, trust, or other legal entity, any officer, director,  
19 trustee, employee, or other designated representative of the entity may be  
20 named and appointed as a commissioner."

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22 SECTION 5. All provisions of this act of a general and permanent nature  
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 6. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

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32 SECTION 7. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

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36 APPROVED: 3/8/1999