

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H1/27/11 S2/23/11

A Bill

HOUSE BILL 1185

5 By: Representatives English, Hammer
6 By: Senator Burnett
7

For An Act To Be Entitled

9 AN ACT CONCERNING PROCEDURES FOR IMPROVEMENT
10 DISTRICTS AND PROTECTION DISTRICTS FOR COLLECTION OF
11 ASSESSMENTS BY COUNTY COLLECTORS AND MAKING EXPLICIT
12 THE APPLICABILITY OF THE FREEDOM OF INFORMATION ACT
13 OF 1967 TO ALL TYPES OF IMPROVEMENT DISTRICTS AND
14 PROTECTION DISTRICTS; AND FOR OTHER PURPOSES.
15
16

Subtitle

17
18 "THE IMPROVEMENT DISTRICT TRANSPARENCY
19 ACT".
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 14, Chapter 86, is amended to add an
25 additional subchapter to read as follows:

26 Subchapter 21. Improvement Districts And Protection Districts
27 Procedures When County Collector Used For Collection Of Assessments.
28

29 14-86-2101. Legislative Intent.

30 This subchapter applies to all improvement districts or protection
31 districts organized under Arkansas law that use the county collector for
32 collection of improvement district assessments or protection district
33 assessments unless otherwise noted.
34

35 14-86-2102. Annual improvement district or protection district filing.

36 (a) By March 1 of each year or upon the creation of an improvement



1 district or protection district, an improvement district or protection
2 district that uses or intends to use the county collector for collection of
3 improvement district assessments or protection district assessments shall:

4 (1)(A) File an annual report with the county clerk in any county
5 in which a portion of the improvement district or protection district is
6 located.

7 (B) The annual report shall be available for inspection
8 and copying by assessed landowners in the district.

9 (C) The county clerk shall not charge any costs or fees
10 for filing the annual report.

11 (D) The improvement district or protection district shall
12 deliver a filed copy of the annual report to the county collector within five
13 (5) days of filing; and

14 (2) The annual report shall contain the following information as
15 of December 31 of the current calendar year:

16 (A) Identification of the primary statute under which the
17 improvement district or protection district was formed;

18 (B) A general statement of the purpose of the improvement
19 district or protection district;

20 (C) A list of contracts, identity of the parties to the
21 contracts, and obligations of the improvement district or protection
22 district;

23 (D)(i) Any indebtedness, including bonded indebtedness,
24 and the reason for the indebtedness.

25 (ii) The stated payout or maturity date of the
26 indebtedness, if any, shall be included.

27 (iii) The total existing delinquent assessments and
28 the party responsible for the collection;

29 (E) Identification of the improvement district or
30 protection district commissioners and contact information;

31 (F) The date, time, and location for any scheduled meeting
32 of the improvement district or protection district for the following year;

33 (G) The contact information for the improvement district
34 or protection district assessor;

35 (H) Information concerning to whom the county treasurer is
36 to pay improvement district or protection district assessments;

1 (I) An explanation of the statutory penalties, interest,
2 and costs;

3 (J) The method used to compute improvement district or
4 protection district assessments; and

5 (K) A statement itemizing the income and expenditures of
6 the improvement district or protection district, including a statement of
7 fund and account activity for the improvement district or protection
8 district.

9 (b)(1) An improvement district or protection district that does not
10 comply with subsection (a) of this section commits a violation punishable by
11 a fine of not less than one hundred dollars (\$100) nor more than one thousand
12 dollars (\$1,000) for each offense.

13 (2) A fine recovered under subdivision (b)(1) of this section
14 shall be deposited into the county clerk's cost fund.

15 (c)(1) On or before December 31, the improvement district or
16 protection district shall file its list of special assessments for the
17 following calendar year with the county clerk.

18 (2)(A) After filing the list of special assessments, the
19 improvement district or protection district shall deliver a copy of the filed
20 list of special assessments to the preparer of the tax books.

21 (B) If the county collector is not the designated preparer
22 of the tax books, the improvement district or protection district shall
23 deliver a copy of the filed list of special assessments to the county
24 collector.

25 (3) The list of special assessments shall contain:

26 (A) A list of each parcel with an assessment levied
27 against it within the improvement district or protection district; and

28 (B) The contact information for the improvement district
29 assessor or protection district assessor.

30 (4) The list of fees shall not include assessments on parcels
31 that otherwise would not appear on the tax books for the following year.

32 (5) After the December 31 deadline to file the list of special
33 assessments, the county collector may reject an assessment submitted by the
34 improvement district or protection district for inclusion in the list of
35 special assessments.

36

1 14-86-2103. County treasurers.

2 (a) A county treasurer may retain up to five percent (5%) of all
3 remittances to a fire district in reserve for up to sixty (60) days.

4 (b) Upon approval of the governing body of a fire district, a county
5 treasurer may retain up to ten percent (10%) of all remittances to a fire
6 district in reserve until final settlement is made in December of each year.

7
8 14-86-2104. Delinquent levies.

9 (a)(1) A county collector may certify all delinquent levies to an
10 improvement district or protection district for collection after January 1
11 of each year.

12 (2)(A) A county collector shall accept a delinquent levy after
13 certification to an improvement district or protection district if the payor
14 is paying:

15 (i) In person; and

16 (ii) By separate check from the payment of ad
17 valorem taxes.

18 (B) The county collector shall forward the delinquent levy
19 to the improvement district or protection district.

20 (C)(i) The county collector is not required to provide a
21 receipt for the payment of the delinquent levy.

22 (ii) The payor is responsible for obtaining a
23 receipt for payment of the delinquent levy from the improvement district or
24 protection district.

25 (b) A county collector who continues to collect and remit delinquent
26 levies to the improvement district or protection district after certification
27 shall impose penalties against the payor on behalf of the improvement
28 district or protection district.

29
30 14-86-2105. Commissioner of State Lands.

31 The county collector shall not certify an improvement district levy or
32 protection district levy to the Commissioner of State Lands for delinquency.

33
34 *SECTION 2. Arkansas Code § 25-19-103(5)(A), concerning the definition*
35 *of public records under the Freedom of Information Act of 1967, is amended to*
36 *read as follows:*

1 (5)(A) "Public records" means writings, recorded sounds, films,
2 tapes, electronic or computer-based information, or data compilations in any
3 medium required by law to be kept or otherwise kept and that constitute a
4 record of the performance or lack of performance of official functions that
5 are or should be carried out by a public official or employee, a governmental
6 agency, or any other agency or improvement district that is wholly or
7 partially supported by public funds or expending public funds. All records
8 maintained in public offices or by public employees within the scope of their
9 employment shall be presumed to be public records.

10
11 SECTION 3. Arkansas Code § 14-89-1102 is amended to read as follows:
12 14-89-1102. Filing requirement.

13 (a)(1) ~~Annually, during the month of September on or before March 1,~~
14 ~~all municipal boards of improvement created under § 14-88-212 shall file a~~
15 ~~settlement with the clerk of the city or town in which the improvements shall~~
16 ~~have been ordered showing all collections and money received and paid out,~~
17 ~~with proper vouchers for all payments.~~

18 (2) The settlement may be included with the report required by §
19 14-86-2102.

20 (b) ~~The settlement shall lie over for one (1) month for examination~~
21 ~~and adjustment, during which time any taxpayer of the district may file~~
22 ~~exceptions to the settlement.~~

23
24 SECTION 4. Arkansas Code § 14-89-1402 is amended to read as follows:
25 14-89-1402. Filing required.

26 (a)(1) All improvement districts in any city or incorporated town in
27 this state established for the purpose of making improvements for municipal
28 purposes shall file an annual financial report with the city clerk or
29 recorder of the city or town on or before March 1 of each year, covering the
30 financial affairs of the districts for the preceding year.

31 (2) The annual financial report may be included with the report
32 required by § 14-86-2102.

33 (b) ~~The statement~~ annual financial report shall be certified and filed
34 as provided in this section by the ~~chief financial officer~~ commissioners of
35 each district.

36 /s/English **APPROVED: 03/08/2011**