

1 State of Arkansas As Engrossed: H3/17/15 S3/25/15

2 90th General Assembly

# A Bill

3 Regular Session, 2015

HOUSE BILL 1880

4

5 By: Representative Hammer

6 By: Senators J. Hutchinson, Elliott, Irvin

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## For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING IMPROVEMENT

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DISTRICTS; AND FOR OTHER PURPOSES.

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## Subtitle

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TO AMEND THE LAW CONCERNING IMPROVEMENT

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DISTRICTS.

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

19

20 *SECTION 1. Arkansas Code § 14-88-301(a)(1)(A), concerning the*  
21 *appointment of commissioners, is amended to read as follows:*

22 *(a)(1)(A)(i) In the ordinance creating a municipal improvement*  
23 *district, the city or town council shall appoint three (3) owners of real*  
24 *property ~~therein~~ as commissioners, who shall compose a board of improvement*  
25 *for the district.*

26 *(ii)(a) The number of commissioners for ~~any an~~*  
27 *improvement district created under this section may be increased from three*  
28 *(3) to five (5) or seven (7) members by:*

29 *(1) ~~ordinance~~ Ordinance of the city or*  
30 *town council; or*

31 *(2) Petition to the city or town council*  
32 *signed by fifteen percent (15%) of the property owners of record within the*  
33 *improvement district ~~from three (3) to five (5) members.~~*

34 *(b)(1) On a board of commissioners whose*  
35 *membership has been increased from three (3) to five (5) or seven (7) members*  
36 *under subdivision (a)(1)(A)(ii)(a) of this section, a commissioner is limited*



1 to three (3) three-year terms.

2 (2) The terms shall be initially  
 3 staggered for terms of one (1) year, two (2) years, and three (3) years as  
 4 determined by lot, with each term counting toward the three-term limit.

5  
 6 SECTION 2. Arkansas Code § 14-88-304 is amended to read as follows:

7 14-88-304. Petition of property owners to fill vacancy.

8 ~~(a)(1) When there is a vacancy on the board of commissioners of any~~  
 9 ~~improvement district due to the death of a commissioner or due to the fact~~  
 10 ~~that a commissioner has ceased to reside in the state where such a district~~  
 11 ~~was created by any town or city council, and in such case, if five (5) or~~  
 12 ~~more property owners of the district petition the city or town council,~~  
 13 ~~calling attention to the vacancy on the board of commissioners and requesting~~  
 14 ~~the appointment of a new commissioner to fill the vacancy, it shall be the~~  
 15 ~~duty of the council to take forthwith the necessary steps to fill the vacancy~~  
 16 ~~by appointment of a new commissioner, who shall be a property owner in the~~  
 17 ~~district~~ The city or town council shall appoint a new commissioner to the  
 18 board of commissioners of an improvement district created by the council if:

19 (A) There is a vacancy on the board because a commissioner  
 20 has died or has ceased to reside in the state in which the improvement  
 21 district was created; and

22 (B) Ten percent (10%) or more of the property owners of  
 23 the improvement district petition the council calling attention to the  
 24 vacancy on the board and requesting the appointment of a new commissioner to  
 25 fill the vacancy.

26 (2) A commissioner appointed under subdivision (a)(1) of this  
 27 section shall be a property owner in the improvement district in which the  
 28 vacancy occurs.

29 ~~(b)(1) Upon the filing of a petition with the council signed by five~~  
 30 ~~(5) ten percent (10%) or more of property owners in the improvement district~~  
 31 ~~affected, reciting that any commissioner is no longer a property owner in the~~  
 32 ~~improvement district, and accompanied by a corroborative certificate of an~~  
 33 ~~abstractor, the person shall automatically cease to be a commissioner.~~

34 (2) His The office is declared to be vacant from the date of  
 35 filing the petition, and the council that created the improvement district  
 36 shall forthwith name as commissioner of the improvement district to fill the

1 vacancy the person named in the petition and recommended for commissioner of  
 2 the improvement district if the person is a property owner in the improvement  
 3 district.

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 5 SECTION 3. Arkansas Code § 14-88-305 is amended to read as follows:  
 6 14-88-305. Removal of member.

7 (a)(1) The city or town council ~~shall have the power to~~ may remove a  
 8 municipal board of improvement or any member ~~thereof~~ of the board by a two-  
 9 thirds ~~(2/3)~~ vote of the whole number of aldermen elected to the council.

10 (2)(A) Removal shall be for cause only, including without  
 11 limitation noncompliance with state or federal law or local ordinance, and  
 12 after a hearing upon sworn charges proffered in writing by ~~some~~ a real  
 13 property owner in the improvement district.

14 (B) Ten (10) days' notice of the hearing of the charges  
 15 shall be given.

16 (b)(1) ~~The council shall have the power to remove the board or any~~  
 17 ~~member thereof of the board by a vote of a majority of the whole number of~~  
 18 ~~aldermen elected to the city council, upon the written petition of the owners~~  
 19 ~~of a majority in assessed value of the property located within the district,~~  
 20 ~~after a hearing upon ten (10) days' notice to each member of the board~~  
 21 ~~affected.~~

22 ~~(2) After July 1, 1999, in cities of the first class with a~~  
 23 ~~population of between sixty one thousand five hundred (61,500) and sixty two~~  
 24 ~~thousand (62,000) persons according to the 1990 Federal Decennial Census, the~~  
 25 The council shall have the power to may remove the board or any member of the  
 26 board by a vote of a majority of the whole number of aldermen elected to the  
 27 ~~city~~ council, upon the written petition of ~~twenty five percent (25%)~~ fifteen  
 28 percent (15%) of the owners of real property located within the improvement  
 29 district stating that the petitioners believe it to be in the best interest  
 30 of the improvement district, and after a mandatory hearing upon ten (10)  
 31 days' notice to each member of the board affected.

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 33 /s/Hammer

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 35 APPROVED: 04/04/2015