

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.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 823

4  
5 By: Senator Broadway  
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## For An Act To Be Entitled

8  
9 AN ACT TO CHANGE THE MAILING PROCEDURES FOR  
10 CERTAIN NOTICES FROM SUBURBAN IMPROVEMENT  
11 DISTRICTS; AND FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 TO CHANGE THE MAILING PROCEDURES FOR  
15 CERTAIN NOTICES FROM SUBURBAN  
16 IMPROVEMENT DISTRICTS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 14-92-209 is amended to read as follows:  
22 14-92-209. Removal of commissioners - Vacancies.

23 (a) ~~Commissioners~~ A commissioner of a suburban improvement ~~districts~~  
24 district established pursuant to this subchapter may be removed from office  
25 as follows:

26 (1) ~~The owners~~ An owner of realty within the district may  
27 petition the county court to call a public hearing for the purpose of the  
28 removal of ~~the commissioners~~ a commissioner named in the petition and the  
29 election of ~~successors~~ a successor.

30 (2) Upon determining that at least twenty-five percent (25%) of  
31 the number of owners of realty within the proposed district have signed the  
32 recall petition, the court shall call a public hearing on the matter and  
33 shall notify ~~the owners~~ each owner of realty within the proposed district in  
34 the manner prescribed by § 14-92-204, except that the notice shall be mailed  
35 by first class mail.

36 (3) Upon the affirmative vote of a majority, but not less than



1 twenty-five percent (25%) of all votes entitled to be cast, of all votes cast  
 2 by owners in attendance, in person or by proxy, at the public meeting as  
 3 recorded through the number voting "yea" and the number voting "~~nay,~~ the  
 4 "nay", a ~~commissioners~~ commissioner named in the recall petitions may be  
 5 removed.

6 (4) The court shall at the meeting declare the ~~commissioners~~  
 7 commissioner removed and accept nominations for a successor ~~commissioners~~  
 8 commissioner.

9 (5)(A) The successor ~~commissioners~~ commissioner shall be  
 10 nominated by a realty owner in attendance, in person or by proxy, at the  
 11 public hearing.

12 (B) The ~~nominees~~ nominee shall meet the qualifications  
 13 required of the ~~commissioners~~ commissioner originally elected.

14 (6) ~~Successor commissioners~~ A successor commissioner shall be  
 15 elected from among those so nominated, at a subsequent public meeting called  
 16 and held by the court in accordance with the provisions of § 14-92-204,  
 17 except that any required notice shall be mailed by first class mail.

18 (b) ~~Successor commissioners~~ A successor commissioner to fill ~~vacancies~~  
 19 a vacancy on the board of commissioners due to any other reason than  
 20 proceedings under subsection (a) of this section shall be nominated at a  
 21 public hearing called by the county court within thirty (30) days of  
 22 notification of the vacancy, and any required notice shall be mailed by first  
 23 class mail. ~~They~~ The successor commissioner shall be elected at a subsequent  
 24 public hearing in the same manner as provided in subsection (a) of this  
 25 section.

26 (c)(1) The provisions of subsection (a) of this section shall apply to  
 27 ~~districts~~ a district in existence on March 16, 1981.

28 (2)(A) A vacancy created by the recall of a commissioner shall  
 29 be filled in the same manner as provided in subsection (a) of this section.

30 (B) ~~All other vacancies~~ Any other vacancy on the board of  
 31 commissioners of a district in existence on March 16, 1981, shall continue to  
 32 be filled in the same manner as provided by law prior to March 16, 1981.

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