

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S3/23/09

# A Bill

SENATE BILL 608

5 By: Senator Broadway  
6  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING PROCEDURES FOR IMPROVEMENT  
10 DISTRICTS FOR COLLECTION OF ASSESSMENTS BY COUNTY  
11 COLLECTORS; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 CONCERNING PROCEDURES FOR IMPROVEMENT  
15 DISTRICTS FOR COLLECTION OF ASSESSMENTS  
16 BY COUNTY COLLECTORS.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

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

23 Subchapter 21. Improvement District Procedures When County Collector  
24 Used for Collection of Assessments

25  
26 14-86-2101. Legislative intent.

27 This subchapter applies to all improvement districts organized under  
28 Arkansas law that use the county collector for collection of improvement  
29 district assessments unless otherwise noted.  
30

31 14-86-2102. Annual improvement district filing.

32 (a) By March 1 of each year or upon the creation of an improvement  
33 district, an improvement district that uses or intends to use the county  
34 collector for collection of improvement district assessments shall:

35 (1)(A) File an annual report with the county clerk in any county  
36 in which any portion of the improvement district is located.



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

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

5                   (D) The improvement district shall deliver a filed copy of  
6 the report to the county collector within five (5) days of filing; and

7                   (2)(A) Notify all assessed landowners in the improvement  
8 district of the portion of the accounting containing items listed in  
9 subdivisions (b)(5)-(7) of this section by:

10                   (i) Mail;

11                   (ii) Electronic mail;

12                   (iii) Publishing in a newspaper of general  
13 circulation in the county;

14                   (iv) Posting at the court house in a conspicuous  
15 place;

16                   (v) Posting on the Internet; or

17                   (vi) Hand delivery.

18                   (B) The improvement district shall certify to the county  
19 collector that the requirement in subdivision (a)(2)(A) of this section has  
20 been met.

21                   (b) The annual report shall contain:

22                   (1) Identification of the statute under which the improvement  
23 district was formed;

24                   (2) A general statement of the purpose of the improvement  
25 district;

26                   (3) A list of ongoing responsibilities of the improvement  
27 district, if any;

28                   (4) The most recent balance sheet or other financial statement  
29 of the improvement district for the prior calendar year, including:

30                   (A) Any indebtedness, including bonded indebtedness, and  
31 the reason for the indebtedness;

32                   (B) The expected payout of the indebtedness, if any;

33                   (C) A summation of cash flow; and

34                   (D) Any existing delinquent assessments and the party  
35 responsible for the collection;

36                   (5) Identification of improvement district commissioners and

1 contact information;

2 (6) The date, time, and location for any scheduled meeting of  
3 the improvement district for the following year;

4 (7) The contact information for the improvement district  
5 assessor;

6 (8) Information concerning to whom improvement district  
7 assessments are to be paid by the county treasurer; and

8 (9) The amount of penalties and costs, if any, to be charged  
9 upon delinquency.

10 (c) An improvement district that complies with subsection (a) of this  
11 section is not required to file an annual report under § 14-89-1102.

12 (d)(1) An improvement district that does not comply with subsection  
13 (a) of this section:

14 (A) Commits a violation punishable by a fine of not less  
15 than one hundred dollars (\$100) and not more than one thousand dollars  
16 (\$1,000) for each offense.

17 (B) Any fine recovered under subdivision (d)(1)(A) of this  
18 section shall be deposited into the county clerk's cost fund.

19 (e)(1) On or before November 1, the improvement district shall file  
20 its annual assessment with the county clerk.

21 (2)(A) After filing the annual assessment, the improvement  
22 district shall deliver a copy of the filed annual assessment to the preparer  
23 of the tax books.

24 (B) If the county collector is not the designated preparer  
25 of the tax books, a copy of the filed annual assessment shall be delivered to  
26 the county collector.

27 (3) The annual assessment shall contain:

28 (A) A list of each parcel with an assessment levied  
29 against it within the improvement district;

30 (B) The method used to derive the assessment; and

31 (C) The contact information for the improvement district  
32 assessor.

33 (4) The annual assessment shall not include assessments on  
34 parcels that would otherwise not appear on the tax books for the following  
35 year.

36 (5) After the November 1 deadline to file the annual assessment,

1 any other assessments submitted by the improvement district for the annual  
2 assessment may be rejected by the county collector.

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4 14-86-2103. County treasurers.

5 (a) A county treasurer may retain up to five percent (5%) of all  
6 remittances to a fire district in reserve until final settlement is made in  
7 December of each year.

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

11  
12 14-86-2104. Delinquent levies.

13 (a)(1) A county collector may certify all delinquent levies to an  
14 improvement district for collection by January 10 of each year.

15 (2)(A) A county collector shall accept a delinquent levy after  
16 certification to an improvement district if the payor is paying:

17 (i) In person; and

18 (ii) By separate check from the payment of ad  
19 valorem taxes.

20 (B) The county collector shall forward the delinquent levy  
21 to the improvement district.

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

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

26 (b) A county collector who continues to collect and remit delinquent  
27 levies to the improvement district after certification shall impose penalties  
28 prescribed by law on behalf of the improvement district.

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30 14-86-2105. State Land Commissioner.

31 An improvement district levy shall not be certified to the State Land  
32 Commissioner for delinquency.

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36 /s/ Broadway