

1 State of Arkansas As Engrossed: H3/10/17 H3/21/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 2238

4

5 By: Representative Love

6 By: Senator J. Hutchinson

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW TO CREATE TRANSPARENCY AND
10 ACCOUNTABILITY IN MUNICIPAL IMPROVEMENT DISTRICTS;
11 AND FOR OTHER PURPOSES.

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Subtitle

15 TO AMEND THE LAW TO CREATE TRANSPARENCY
16 AND ACCOUNTABILITY IN MUNICIPAL
17 IMPROVEMENT DISTRICTS.

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

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22 SECTION 1. Arkansas Code § 14-88-301(a)(1)(A)(ii)(a)(2), concerning
23 the appointment of commissioners, is amended to read as follows:

24 (2) *Petition to the city or town council*
25 *signed by ~~fifteen percent (15%) of the property owners of record within~~*
26 *representing ten percent (10%) or more of the assessed properties in the*
27 *improvement district and that designates persons to fill the newly-created*
28 *positions on the board of commissioners who shall be property owners of*
29 *assessed properties in the improvement district.*

30 SECTION 2. Arkansas Code § 14-88-303 is amended to read as follows:
31 14-88-303. Vacancies generally.

32 (a) ~~All vacancies~~ A vacancy that may occur occurs after a municipal
33 board ~~shall have been~~ is organized shall be filled by the city or town
34 council.

35 (b) ~~If all places~~ a position on the board ~~shall become~~ is vacant ~~or~~
36 ~~those~~ because of a resignation, death, removal under § 14-88-305, refusal to



1 ~~act, or negligence appointed shall refuse or neglect to act, a new members~~
 2 ~~member shall be appointed by the city or town council, as in the first~~
 3 ~~instance, except that after July 1, 1999, in cities of the first class with a~~
 4 ~~population of between sixty one thousand five hundred (61,500) and sixty two~~
 5 ~~thousand (62,000) persons according to the 1990 Federal Decennial Census, new~~
 6 ~~members shall be appointed only for the remainder of the vacant term and no~~
 7 ~~person who is removed as a commissioner shall qualify if a petition under §~~
 8 ~~14-88-304(b)(1) is filed.~~

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 10 SECTION 3. Arkansas Code § 14-88-304(b)(1), concerning petitions of
 11 property owners to fill vacancies, is amended to read as follows:

12 (b)(1) ~~Upon the filing of a petition with the council signed by ten~~
 13 ~~percent (10%) or more of property owners in the improvement district affected~~
 14 ~~reciting that any commissioner is no longer a property owner in the~~
 15 ~~improvement district and accompanied by a corroborative certificate of an~~
 16 ~~abstractor, the person shall automatically cease to be a commissioner A~~
 17 ~~person shall cease to be a commissioner on the board of commissioners upon~~
 18 ~~the filing of a petition with the city or town council that:~~

19 ~~(A) Is signed by property owners representing ten percent~~
 20 ~~(10%) or more of the assessed properties in the improvement district~~
 21 ~~affected;~~

22 ~~(B) Recites that the commissioner is no longer a property~~
 23 ~~owner in the improvement district;~~

24 ~~(C) Is accompanied by a corroborative certificate of an~~
 25 ~~abstractor;~~

26 ~~(D) A vacancy exists under § 14-88-303; and~~

27 ~~(E) Designates a person to fill the vacancy who is a~~
 28 ~~property owner of assessed property in the improvement district.~~

29
 30 SECTION 4. Arkansas Code § 14-89-1501(a), concerning quarterly
 31 financial reports, is amended to read as follows:

32 (a)(1) All improvement districts in any city or incorporated town in
 33 this state established for the purpose of making improvements for municipal
 34 purposes shall meet at least four (4) times per year or quarterly.

35 (2) Notice of ~~all meetings~~ each meeting, including ~~quarterly~~
 36 ~~meetings~~ without limitation each quarterly meeting under this section, shall

1 be given by the improvement district to all record owners of property in the
2 district ~~at least~~ no more than thirty (30) days before the meeting date and
3 no less than ten (10) days ~~prior to~~ before the meeting date.

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/s/Love

APPROVED: 04/05/2017