

HOUSE AMENDMENT 1 TO hb2180.

deleting sections 1 through 19 and substituting therefor the following:

"SECTION 1. (a) A noxious weed abatement district may be formed under this act by the submission to the county court of a petition for formation by a majority of the land owners by acreage within the proposed district.

(b) Petitions shall specifically define the area proposed to be included in a noxious weed abatement district the type of noxious weed to be abated and the maximum annual levy of assessed benefits which may be levied against real property excluding improvements within the district for the support of the district. In no event shall the annual assessed benefits in any district exceed one dollar (\$1.00) per acre on real property. Value of improvements shall not be used in assessment of benefits.

SECTION 2. If a majority of land owners by acreage within the proposed district petition for formation of a district, the county court shall enter an order establishing the district as described in the petition.

SECTION 3. The conservation district board of directors shall serve as the board for any district created pursuant to this act and shall in addition to other powers contained in Title 14, Chapter 125 of the Arkansas Code, have the power and authority to:

- (1) Execute contracts and other instruments for and in behalf of the district;
- (2) Cooperate in carrying out the purposes of the district with any other noxious weed abatement district or any political subdivision or agency of the state or the United States, including, but not limited to, Cooperative Extension Service, USDA-APHIDS, State Plant Board, Soil and Water Conservation Commission and USDA-NRCS;
- (3) Establish rules and regulations for the transaction of the district's business and for carrying out the purposes of the district;
- (4) Make assessments of benefits against real property excluding improvements in the district and provide for the collection of the assessments and issue bonds as provided in this act to finance the district and its purposes; and
- (5) Do any and all other actions necessary or desirable to enable the board to carry out its responsibilities and to accomplish the purposes of the district.

SECTION 4. (a) As soon as is practical after its establishment, the board shall prepare plans for providing noxious weed abatement services and for acquiring the property and equipment necessary to carry out the purposes of the district.

(b) The board shall appoint an assessor who shall assess the annual benefits which will accrue to the real property within the district from the providing of noxious weed abatement services.

(c) The original assessment of benefits and any reassessment shall be advertised and equalized in the same manner as provided in this act, and owners of all property whose assessment has been raised shall have the right to be heard and to appeal from the decision of the assessor, as provided in this act.

(d) The assessor shall place opposite each tract the name of the supposed owner, as shown by the last county assessment, but a mistake in the name shall not void the assessment, and the assessor shall correct errors which occur in the county assessment list.

(e) The assessments levied under this act shall be collected by the county collector in the same manner as property taxes.

(f) Forest land, and property located within the boundaries of any first class city, second class city or incorporated town shall be excluded from the assessment

SECTION 5. (a) The assessment shall be filed with the county clerk of the county, and the secretary of the board shall thereupon give notice of its filing by publication one (1) time a week for two (2) weeks in a newspaper published and having a bona fide circulation in the county. This notice may be in the following form:

Notice is hereby given that the assessment of annual benefits of District Number has been filed in the office of the County Clerk of County, where it is open for inspection. All persons wishing to be heard on said assessment will be heard by the board of said district in the office of the county clerk between the hours of 1 P.M. and 4 P.M., at, on the day of, 19 ..."

(b) On the day named by the notice, it shall be the duty of the board to meet, at the place named, as a board of review, to hear all complaints against the assessment, and to equalize and adjust the assessments. Their determination shall be final unless suit is brought in the chancery court within thirty (30) days to review it. If the board is unable to hear all complaints between the hours designated, they shall adjourn over from day to day until all parties have been heard.

SECTION 6. (a) The board shall one (1) time a year order the assessor to reassess the annual benefits of the district, provided there have been changes in real property use in one (1) or more tracts of land in the district, making it necessary to have the annual benefits revised.

(b) (1) Whereupon, it shall be the duty of the assessor to reassess the benefits of the district, and the annual benefits assessed may be raised or lowered as the value and use of the real property change.

(2) However, the benefits extended against any piece of real property shall not be increased from the benefits originally extended unless changes are made to the land use that will be benefited by the noxious weed abatement services provided by the district.

SECTION 7. (a) The original assessment record or any reassessment record shall be filed with the county assessor, whose duty it shall be to extend the levy of annual benefits upon the tax books of the county until the district is dissolved.

(b) It shall then be the duty of the collector to collect each year the levy of annual benefits extended upon the book along with the other taxes, and the taxes shall be paid over by the collector to the depository of the district at the same time that he pays over the county money.

(c) If there is any change in the annual benefits assessed, a certified copy of the revised assessment shall be filed with the county assessor who shall extend the revised assessment annually upon the tax books until a new assessment is made, which shall be extended upon the tax books in a similar manner. The power to reassess and extend the assessment upon the tax books shall be a continuing power as long as the district continues to exist. It shall be the duty of the county collector to collect the taxes so extended.

SECTION 8. (a) All annual benefits extended and levied under the terms of this act shall be payable at the time ad valorem taxes are payable, and if any annual benefit assessments levied by the board in pursuance to this act are not paid when due, the collector shall not embrace the assessments in the taxes for which he shall sell the lands, but he shall report the delinquencies to the district board. The board shall add to the amount of the annual assessment a penalty of ten percent (10%).

(b) The board shall enforce the collection by chancery proceedings in the chancery court of the county in the manner provided by Arkansas Code §§ 14-121-426 through 14-121-432.

(c) The owner of real property sold for taxes thereunder shall have the right to redeem it at any time within two (2) years from the time when his lands have been stricken off by the commissioner making the sale.

SECTION 9. (a) District money shall be expended only upon the order of the board and upon a voucher check signed by two members of the board.

(1) Every voucher check shall state upon its face to whom payable, the amount, and the purpose for which it is used.

(2) All voucher checks shall be dated and shall be numbered consecutively in a record to be kept by the board of the number and amount of each.

(b) All proceedings and transactions of the board shall be a matter of public record and shall be open to the inspection of the public.

(c) The board shall file with the county clerk in January of each year a certified itemized report showing all money received, the date of receipt, and the source from which received; and all money paid out, date paid, to whom paid, and for what purpose, during

the preceding year, together with an itemized list of all delinquent taxes showing owner, description of the real property, years for which the tax is delinquent, and amount of total delinquency.

SECTION 10. (a) The board shall have the authority to issue negotiable bonds or certificates of indebtedness to secure money for the expenses of the district including office supplies and salaries, the purchase of equipment, facilities, chemicals, and such other items as may be necessary to carry out the purposes of the district.

(1) Bonds issued by the board shall be for a term of not more than twenty (20) years and shall bear interest at a rate not to exceed ten percent (10%) per annum.

(2) To secure the bonds, the board may pledge all or a portion of the benefit assessed against real property excluding improvements in the district.

(b) Bonds of the districts shall be authorized by resolution of the board and shall be registrable as to principal only or as to principal and interest and may be made exchangeable for bonds of another denomination, may be in such form and denomination, may have such date or dates, may be stated to mature at such times, may bear interest payable at such times and at such rate or rates, provided that no bond may bear interest at a rate exceeding the rate allowed by law, may be payable at such places within or without the State of Arkansas, may be made subject to such terms of redemption in advance of maturity at such prices, and may contain such terms and conditions, all as the board shall determine.

(1) The bonds shall have all the qualities of negotiable instruments under the laws of the State of Arkansas, subject to provisions as to registration, as set forth above.

(2) The authorizing resolution may contain any of the terms, covenants, and conditions that are deemed desirable by the board including, without limitation, those pertaining to the maintenance of various funds and reserves, the nature and extent of the security, the issuance of additional bonds and the nature of the lien and pledge, parity or priority, in that event, the custody and application of the proceeds of the bonds, the collection and disposition of revenues, the investing and reinvesting in securities specified by the board of any money during periods not needed for authorized purposes, and the rights, duties, and obligations of the district, the board, and of the holders and registered owners of the bonds.

(c) The authorizing resolution may provide for the execution of a trust indenture by the district with a bank or trust company within or without the State of Arkansas. The trust indenture may contain any terms, covenants, and conditions that are deemed desirable by the board including, without limitation, those pertaining to the maintenance of various funds and reserves, the nature and extent of the security, the issuance of additional bonds and the nature of the lien and pledge, parity or priority, in that event, the custody and application of the proceeds of the bonds, the collection and disposition of

assessments and of revenues, the investing and reinvesting in securities specified by the board of any money during periods not needed for authorized purposes, and the rights, duties, and obligations of the board and the holders and registered owners of the bonds.

(d) The bonds shall be sold at public sale on sealed bids.

(1) Notice of the sale shall be published one (1) time a week for at least two (2) consecutive weeks in a newspaper having a general circulation throughout the State of Arkansas, with the first publication to be at least twenty (20) days prior to the date of sale and may be published in such other publications as the district may determine.

(2) The bonds may be sold at such price as the board may accept including sale at a discount, but in no event shall any bid be accepted which results in a net interest cost, which is determined by computing the aggregate interest cost from date to maturity at the rate or rates bid and deducting any premium or adding any amount of any discount, in excess of the interest cost computed at par for bonds bearing interest at the maximum rate allowed by law.

(3) The award, if made, shall be to the bidder whose bid results in the lowest net interest cost.

(e) (1) The bonds shall be executed by the manual or facsimile signature of the chairman and the secretary-treasurer of the board.

(2) In case any of the officers whose signatures appear on the bonds or coupons shall cease to be officers before the delivery of the bonds or coupons, their signatures shall, nevertheless, be valid and sufficient for all purposes.

SECTION 11. (a) (1) It shall be plainly stated on the face of each bond that it has been issued under the provisions of this act, that the bonds shall be obligations only of the district, and that in no event shall they constitute any indebtedness for which the faith and credit of the state or the county or conservation district or any of the revenues of the state or the county or the conservation district are pledged.

(2) No member of the board shall be personally liable on the bonds or for any damages sustained by anyone in connection with any contracts entered into in carrying out the purpose and intent of this act unless he shall have acted with corrupt intent.

(b) (1) The principal of, interest on, and paying agent's fees in connection with the bonds shall be secured by a lien on, and pledge of, and shall be payable from the assessments levied against the real property excluding improvements within the district.

(2) The right to issue subsequent issues of bonds can, if the district so determines, be reserved in any authorizing resolution or trust indenture on either a parity or subordinate lien basis and upon such terms and conditions as the district may determine and specify in the particular authorizing resolution or trust indenture.

SECTION 12. (a) Bonds may be issued for the purpose of refunding any bonds issued under this act.

(b) Refunding bonds may be either sold or delivered in exchange for the bonds being refunded. If sold, the proceeds may be either applied to the payment of the bonds being refunded or deposited in trust and there maintained in cash or investments for the retirement of the bonds being refunded, as shall be specified by the district in the resolution or trust indenture securing the bonds.

(c) The resolution or trust indenture securing the refunding bonds may provide that the refunding bonds shall have the same priority on assessments or revenues pledged for their payment as was enjoyed by the bonds refunded.

(d) Refunding bonds shall be sold and secured in accordance with the provisions of this act pertaining to the sale and security of the bonds initially issued.

SECTION 13. Bonds issued under the provisions of this act, and the interest thereon, shall be exempt from all state, county, and municipal taxes. This exemption shall include income, inheritance and estate taxes.

SECTION 14. (a) A noxious weed abatement district may be dissolved upon petition of the owners of more than one-half of the real property by acreage.

(b) If any district having outstanding bonds or other indebtedness is dissolved, the assessed benefits being levied at the time of dissolution shall continue to be levied and collected until the outstanding bonds or other indebtedness are paid.

(c) No noxious weed district shall be dissolved within the first three (3) years after the establishment of the district.

SECTION 15. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 17. All laws and parts of laws in conflict with this act are hereby repealed."