

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: H3/24/97

# A Bill

HOUSE BILL 2180

4  
5 By: Representatives Purdom, Hunton, and Lavery

## For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE ESTABLISHMENT OF NOXIOUS WEED  
10 ABATEMENT DISTRICTS AND THE ESTABLISHMENT OF ASSESSED  
11 BENEFITS ON REAL PROPERTY EXCLUDING IMPROVEMENTS IN THE  
12 DISTRICTS TO FINANCE THEIR OPERATION; TO AUTHORIZE THE  
13 NOXIOUS WEED ABATEMENT BOARD OF ANY SUCH DISTRICT TO ISSUE  
14 BONDS; AND FOR OTHER PURPOSES.

## Subtitle

16  
17 "AN ACT TO AUTHORIZE THE ESTABLISHMENT  
18 OF NOXIOUS WEED ABATEMENT DISTRICTS."

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

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

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

32  
33 SECTION 2. If a majority of land owners by acreage within the proposed  
34 district petition for formation of a district, the county court shall enter an  
35 order establishing the district as described in the petition.

36

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

5        (1) Execute contracts and other instruments for and in behalf of the  
6 district;

7        (2) Cooperate in carrying out the purposes of the district with any  
8 other noxious weed abatement district or any political subdivision or agency  
9 of the state or the United States, including, but not limited to, Cooperative  
10 Extension Service, USDA-APHIDS, State Plant Board, Soil and Water Conservation  
11 Commission and USDA-NRCS;

12        (3) Establish rules and regulations for the transaction of the  
13 district's business and for carrying out the purposes of the district;

14        (4) Make assessments of benefits against real property excluding  
15 improvements in the district and provide for the collection of the assessments  
16 and issue bonds as provided in this act to finance the district and its  
17 purposes; and

18        (5) Do any and all other actions necessary or desirable to enable the  
19 board to carry out its responsibilities and to accomplish the purposes of the  
20 district.

21

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

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

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

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

1 which occur in the county assessment list.

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

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

7

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

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

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

26

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

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

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

1 abatement services provided by the district.

2

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

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

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

18

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

26 (b) The board shall enforce the collection by chancery proceedings in  
27 the chancery court of the county in the manner provided by Arkansas Code §§  
28 14-121-426 through 14-121-432.

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

32

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

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

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

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

6                   (c) The board shall file with the county clerk in January of each year a  
7 certified itemized report showing all money received, the date of receipt, and  
8 the source from which received; and all money paid out, date paid, to whom  
9 paid, and for what purpose, during the preceding year, together with an  
10 itemized list of all delinquent taxes showing owner, description of the real  
11 property, years for which the tax is delinquent, and amount of total  
12 delinquency.

13

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

19                   (1) Bonds issued by the board shall be for a term of not more than  
20 twenty (20) years and shall bear interest at a rate not to exceed ten percent  
21 (10%) per annum.

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

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

35                   (1) The bonds shall have all the qualities of negotiable  
36 instruments under the laws of the State of Arkansas, subject to provisions as

1 to registration, as set forth above.

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

12 (c) The authorizing resolution may provide for the execution of a trust  
13 indenture by the district with a bank or trust company within or without the  
14 State of Arkansas. The trust indenture may contain any terms, covenants, and  
15 conditions that are deemed desirable by the board including, without  
16 limitation, those pertaining to the maintenance of various funds and reserves,  
17 the nature and extent of the security, the issuance of additional bonds and  
18 the nature of the lien and pledge, parity or priority, in that event, the  
19 custody and application of the proceeds of the bonds, the collection and  
20 disposition of assessments and of revenues, the investing and reinvesting in  
21 securities specified by the board of any money during periods not needed for  
22 authorized purposes, and the rights, duties, and obligations of the board and  
23 the holders and registered owners of the bonds.

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

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

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

36 (3) The award, if made, shall be to the bidder whose bid results

1 in the lowest net interest cost.

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

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

8  
9 SECTION 11. (a)(1) It shall be plainly stated on the face of each bond  
10 that it has been issued under the provisions of this act, that the bonds shall  
11 be obligations only of the district, and that in no event shall they  
12 constitute any indebtedness for which the faith and credit of the state or the  
13 county or conservation district or any of the revenues of the state or the  
14 county or the conservation district are pledged.

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

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

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

28  
29 SECTION 12. (a) Bonds may be issued for the purpose of refunding any  
30 bonds issued under this act.

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

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

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

7

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

11

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

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

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

21

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

25

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

31

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

34

35 /s/Rep. Purdom et al