

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S3/3/99*  
**A Bill**

SENATE BILL 506

5 By: Senator Gwatney  
6  
7

### 8 **For An Act To Be Entitled**

9 "AN ACT TO AMEND ARKANSAS CODE §14-118-106 TO GIVE THE  
10 COUNTY JUDGE THE AUTHORITY TO SELECT COMMISSIONERS FOR  
11 THE BOARD OF AN IMPROVEMENT DISTRICT FOR RIVERS; AND  
12 FOR OTHER PURPOSES."  
13

### 14 **Subtitle**

15 "TO GIVE THE COUNTY JUDGE THE AUTHORITY  
16 TO SELECT THE BOARD OF COMMISSIONERS OF  
17 AN IMPROVEMENT DISTRICT FOR RIVERS."  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 14-118-106 is amended to read as follows:

23 "14-118-106. Board of commissioners.

24 (a) When the circuit court has established any improvement district, it  
25 shall ~~appoint any number of owners of real property within the district, the~~  
26 ~~number to be fixed by the court, to act as commissioners~~ enter a written order  
27 as to the number of commissioners to serve on the board of commissioners for  
28 that district. At least one (1) shall be appointed from each county containing  
29 lands embraced in the district. The circuit court will further designate the  
30 number of commissioners from each county containing lands embraced in the  
31 district. The county judge of each county containing lands embraced in the  
32 district will then proceed to appoint the number of commissioners ordered by  
33 the circuit court from the owners of real property within the county.

34 (b) Each of these commissioners shall take the oath of office required  
35 by Arkansas Constitution, Article 19, § 20, and shall also swear that he will  
36 not directly or indirectly be interested in any contract made by the board,

1 and that he will well and truly assess all benefits resulting from the  
 2 improvement and all damages caused thereby. Any commissioner failing to take  
 3 the oath within thirty (30) days after his appointment shall have been deemed  
 4 to decline, and his place shall be filled by ~~the circuit court, if in session,~~  
 5 ~~and if not, by the circuit judge~~ appropriate county judge as designated by the  
 6 circuit court.

7 (c) All vacancies of the board shall be filled by the ~~circuit court~~  
 8 ~~wherein the district was formed or the judge thereof in vacation~~ county judge  
 9 that appointed that commissioner. The county judge will then appoint an owner  
 10 of real property in the county to fill the vacancy.

11 (d) Any present commissioner's appointment on an improvement district  
 12 board will terminate at the end of the term of appointment for that  
 13 commissioner.

14 ~~(d)(e)~~ The board shall select one of their number as chairman, and a  
 15 majority shall constitute a quorum.

16 ~~(e)(f)~~ The commissioners provided for shall receive as compensation the  
 17 sum of five dollars (\$5.00) each day for attending meetings of the board,  
 18 together with their necessary expenses.

19 ~~(f)(g)~~ The board of commissioners shall have the right, power, and  
 20 authority to:

21 (1) Employ attorneys, agents, and personnel as it deems  
 22 necessary, and fix their respective compensation; and

23 (2) Purchase and operate machinery or to contract work required  
 24 by the federal agency."  
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26 SECTION 2. All provisions of this act of a general and permanent nature  
 27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 28 Revision Commission shall incorporate the same in the Code.  
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30 SECTION 3. If any provision of this act or the application thereof to  
 31 any person or circumstance is held invalid, such invalidity shall not affect  
 32 other provisions or applications of the act which can be given effect without  
 33 the invalid provision or application, and to this end the provisions of this  
 34 act are declared to be severable.  
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36 SECTION 4. All laws and parts of laws in conflict with this act are

1 hereby repeal ed.

/s/ Gwatney

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