

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 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H3/8/07*

# A Bill

HOUSE BILL 2246

5 By: Representatives L. Smith, Pennartz  
6 By: *Senator Baker*  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING CENTRAL BUSINESS IMPROVEMENT  
10 DISTRICTS; AND FOR OTHER PURPOSES.  
11

### Subtitle

12  
13 CONCERNING CENTRAL BUSINESS IMPROVEMENT  
14 DISTRICTS.  
15  
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17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 14-184-103 is amended to read as follows:  
21 14-184-103. Legislative determinations.

22 (a) It is determined and declared by the General Assembly that:

23 (1) The deterioration of the central business districts of urban  
24 centers of the state by reason of obsolescence, overcrowding, faulty  
25 arrangement or design, deleterious land use, or a combination of these or  
26 other factors is a threat to the property tax and other revenue sources of  
27 municipalities;

28 (2) Increases in population and automobile usage have created  
29 conditions of traffic congestion in central business districts, and such  
30 conditions constitute a hazard to the safety of pedestrians and impede the  
31 use of public rights-of-way;

32 (3) The elimination of urban blight and decay and the  
33 modernization and general improvement of central business districts by  
34 governmental action are considered necessary to promote the public health,  
35 safety, and welfare of the communities; and

36 (4) The restoration of central business districts is the



1 appropriate subject for remedial legislation.

2 (b) It is further determined and declared by the General Assembly  
3 that:

4 (1) Municipalities should be encouraged to create self-financing  
5 improvement districts and designated district management corporations to  
6 execute self-help programs to enhance local business climates; and

7 (2) Municipalities should be given the broadest possible  
8 discretion in establishing self-help programs consistent with local needs,  
9 goals, and objectives.

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11 SECTION 2. Arkansas Code § 14-184-111 is amended to read as follows:  
12 14-184-111. Board of commissioners.

13 (a)(1)(A) In the ordinance creating a central business improvement  
14 district, the governing body shall appoint ~~five (5)~~ a minimum of five (5)  
15 persons who shall be owners of real property in the district, or officers or  
16 stockholders of a corporation owning real property within the district, as  
17 commissioners, who shall compose a board of commissioners for the district.

18 (B) In cities operating under a commission form of  
19 government, the mayor and city commissioners, by virtue of their offices,  
20 ~~shall may~~ be commissioners of each district and ~~shall may~~ comprise the board  
21 of each district.

22 (2)(A) At the initial meeting of commissioners, the governing  
23 body of the municipality shall divide randomly the commissioners into three  
24 (3) groups roughly equal in number.

25 (B)(i) The first group of commissioners shall serve a term  
26 of two (2) years.

27 (ii) The second group of commissioners shall serve a  
28 term of four (4) years.

29 (iii) The third group of commissioners shall serve a  
30 term of six (6) years.

31 (C) Following the initial group of commissioners, all  
32 commissioners shall serve a term of six (6) years.

33 ~~(2)(3)~~ The board of commissioners shall elect a chairman and a  
34 secretary.

35 (b)(1)(A)(i) All vacancies that may occur after the board shall have  
36 been organized shall be filled by the governing body.

1                   (ii) The vacating member shall serve, if possible,  
2 until a successor is appointed by the governing body of the municipality.

3                   (B) If all places on the board shall become vacant, or  
4 those appointed shall refuse or neglect to act or shall cease to have the  
5 qualifications required for their original appointment, new members shall be  
6 appointed by the governing body as in the first instance.

7                   (2)(A)(i) The governing body shall have the power to remove the  
8 board, or any member of it, by a two-thirds (2/3) vote of the whole number of  
9 the members of the governing body.

10                   (ii) Removal shall be for cause only and after a  
11 hearing upon sworn charges preferred in writing by a property owner in the  
12 district. Ten (10) days' notice of the hearing on the charges shall be given.

13                   (B) The governing body shall have the power to remove the  
14 board, or any member of it, by a vote of the majority of the whole number of  
15 the members elected to the governing body upon the written petition of the  
16 owners of a majority in assessed value of the property located within the  
17 district, after a hearing upon ten (10) days' notice to each member of the  
18 board affected.

19                   (c) The members of the board shall receive no compensation for their  
20 services but may be reimbursed for their actual expenses incurred in the  
21 performance of their duties.

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23                   SECTION 3. Arkansas Code § 14-184-115 is amended to read as follows:  
24                   14-184-115. Powers of improvement district generally.

25                   A central business improvement district shall have all powers necessary  
26 or desirable to undertake and carry out any or all parts of the planned  
27 improvement including, but not limited to, the following:

28                   (1) Existence as a body corporate, having the power to sue and  
29 to be sued and to contract in its name;

30                   (2) To own, acquire, improve, operate, maintain, sell, lease as  
31 lessor or lessee, and contract concerning, or otherwise deal in or dispose  
32 of, any and all real and personal property necessary or desirable for the  
33 accomplishment of the plan;

34                   (3)(A) To acquire, construct, install, operate, maintain, and  
35 contract regarding pedestrian or shopping malls, plazas, sidewalks or moving  
36 sidewalks, parks, parking lots, parking garages, offices, urban residential

1 facilities including, without limitation, apartments, condominiums, hotels,  
2 motels, convention halls, rooms, and related facilities, and buildings and  
3 structures to contain any of these facilities, bus stop shelters, decorative  
4 lighting, benches or other seating furniture, sculptures, telephone booths,  
5 traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings or  
6 canopies, walls and barriers, paintings or murals, alleys, shelters, display  
7 cases, fountains, child-care facilities, restrooms, information booths,  
8 aquariums or aviaries, tunnels and ramps, pedestrian and vehicular overpasses  
9 and underpasses;

10 (B) To acquire airspace for, and to construct, pedestrian  
11 walkways through buildings; and

12 (C) To construct each and every other useful, necessary,  
13 or desired facility or improvement which may secure and develop industry and  
14 be conducive to improved economic activity within the district.

15 (4) To landscape and plant trees, bushes and shrubbery, grass,  
16 flowers, and each and every other kind of decorative planting;

17 (5) To install and operate, or to lease, public music and news  
18 facilities;

19 (6) To acquire and operate buses, minibuses, mobile benches, and  
20 other modes of transportation;

21 (7) To construct and operate child-care facilities;

22 (8) To acquire air rights for and to construct, operate, and  
23 maintain pedestrian overpasses, vehicular overpasses, public restaurants or  
24 other facilities within the air rights, to establish, operate, and maintain  
25 other restaurants or public eating facilities within the district, and to  
26 lease space within the district for sidewalk cafe tables and chairs;

27 (9) To construct lakes, dams, and waterways of whatever size;

28 (10) To employ and provide special police facilities and  
29 personnel for the protection and enjoyment of the property owners and the  
30 general public using the facilities of the district;

31 (11) To employ such persons as are necessary to procure such  
32 equipment as may be required to maintain the streets, alleys, malls, bridges,  
33 ramps, tunnels, lawns, trees, and decorative planting of each and every  
34 nature, and every structure or object of any nature whatsoever constructed or  
35 operated by the district;

36 (12) To grant permits for newsstands, sidewalk cafes, and every

1 other useful and desired private usage of public or private property;

2 (13) To prohibit or restrict vehicular traffic on the streets  
3 within the district as the governing body may deem necessary and to provide  
4 the means for access by emergency vehicles to or in these areas;

5 (14) To acquire, construct, reconstruct, extend, maintain,  
6 operate, repair, or lease to others for public use, parking lots, or parking  
7 garages, both above and below ground, or other facilities for the parking of  
8 vehicles, including the power to install these facilities in public and  
9 private areas, whether these areas are owned in fee simple, by easement, or  
10 by leasehold, with the approval and authority of the governing body and,  
11 where desirable, to exchange property in kind by negotiations with private  
12 owners, in the acquisition of property and property rights for the public  
13 purposes contemplated by this subchapter;

14 (15)(A) To remove, by agreement or by the power of eminent  
15 domain, any existing structures or signs of any description in the district  
16 not conforming to the plan of improvement; and

17 (B) To require, whether by agreement or by the exercise of  
18 eminent domain, any or all utilities servicing the district to lay such pipe,  
19 extend such wires, provide such facilities, or conform, modify, or remove  
20 existing facilities to effectuate the plan of improvement for the district;  
21 ~~and~~

22 (16) To provide services for the improvement and operation of  
23 the district including, without limitation:

24 (A) Promotion and marketing;

25 (B) Advertising;

26 (C) Health and sanitation;

27 (D) Public safety;

28 (E) Security;

29 (F) Undertake traffic and parking improvements;

30 (G) Recreation;

31 (H) Cultural enhancement;

32 (I) Consultation regarding planning, management, and  
33 development activities;

34 (J) Maintenance of improvements;

35 (K) Activities in support of business or residential  
36 recruitment, retention, or management development;

