

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/22/11

A Bill

HOUSE BILL 2045

5 By: Representative Garner
6

For An Act To Be Entitled

8 *AN ACT CONCERNING THE AFFAIRS OF CERTAIN IMPROVEMENT*
9 *DISTRICTS; AND FOR OTHER PURPOSES.*

Subtitle

12 *CONCERNING THE AFFAIRS OF CERTAIN*
13 *IMPROVEMENT DISTRICTS*

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

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19 *SECTION 1. Arkansas Code § 14-89-1402 is amended to read as follows:*
20 *14-89-1402. Filing required.*

21 *(a)(1)(A) All improvement districts in any city or incorporated town*
22 *in this state established for the purpose of making improvements for*
23 *municipal purposes shall file an annual financial report with the city clerk*
24 *or recorder of the city or town on or before March 1 of each year, covering*
25 *the financial affairs of the districts for the preceding year.*

26 *~~(2)(B)~~ The annual financial report may be included with the*
27 *report required by § 14-86-2102.*

28 *(2) All improvement districts in any city or incorporated town in*
29 *this state established for the purpose of providing electric utility services*
30 *for municipal purposes shall file an annual financial report with the city*
31 *clerk or recorder of the city or town on or before June 1 of each year,*
32 *covering the financial affairs of the districts for the preceding year.*

33 *(b) The annual financial report shall be certified and filed as*
34 *provided in this section by the commissioners of each district.*

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36 *SECTION 2. Arkansas Code § 14-92-202 is amended to read as follows:*



1 14-92-202. Applicability of 1981 amendments.

2 (a) ~~The provisions of Acts 1981, No. 510, shall not apply to districts~~
3 ~~in existence on March 16, 1981, and these districts shall continue to be~~
4 ~~governed by the law in effect immediately prior to that date.~~

5 ~~(b)(1)~~ Upon the petition of thirty-five percent (35%) of the ~~realty~~
6 property owners of a district ~~in existence on March 16, 1981~~, the district
7 shall be subject to the provisions of § 14-92-209 concerning the election of
8 commissioners to fill vacancies on the commission and concerning the recall
9 of commissioners.

10 ~~(2)(b)~~ The petition may also provide for the board of
11 commissioners to be enlarged from three (3) members to five (5) members and
12 may provide for the imposition of a specified term of years on the board
13 positions. If the petition requests a board of commissioners composed of five
14 (5) members, then two (2) additional commissioners shall be elected in the
15 same manner as provided for filling vacancies under § 14-92-209(b).

16 ~~(3)(c)~~ Commissioners serving at the time the petition is filed
17 shall continue to serve.

18 ~~(4)(d)~~ The petition shall be filed with the circuit court of the
19 judicial district in which most of the district is located.

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21 SECTION 3. Arkansas Code § 14-92-209(c), concerning removal of
22 commissioners and vacancies, is amended to read as follows:

23 (c)(1) ~~The provisions of subsection (a) of this~~ This section
24 shall apply to a district in existence on March 16, 1981.

25 (2)(A) A vacancy ~~created by the recall of a commissioner~~ shall
26 be filled in the ~~same~~ manner as provided in ~~subsection (a) of this section~~.

27 ~~(B) Any other vacancy on the board of commissioners of a~~
28 ~~district in existence on March 16, 1981, shall continue to be filled in the~~
29 ~~same manner as provided by law prior to March 16, 1981.~~

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31 /s/Garner
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