

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H3/22/11 S3/31/11 S3/31/11

A Bill

HOUSE BILL 2045

5 By: Representative Garner
6 By: Senator B. Sample
7

For An Act To Be Entitled

8
9 *AN ACT CONCERNING THE AFFAIRS OF CERTAIN IMPROVEMENT*
10 *DISTRICTS; AND FOR OTHER PURPOSES.*
11

Subtitle

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13
14 *CONCERNING THE AFFAIRS OF CERTAIN*
15 *IMPROVEMENT DISTRICTS*
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 *SECTION 1. Arkansas Code § 14-89-1402 is amended to read as follows:*
21 *14-89-1402. Filing required.*

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

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

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

34 *(b) The annual financial report shall be certified and filed as*
35 *provided in this section by the commissioners of each district.*
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1 SECTION 2. Arkansas Code § 14-92-202 is amended to read as follows:
2 14-92-202. Applicability of 1981 amendments.

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

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

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

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

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

21 (c) Subsection (a) of this section shall not apply to any improvement
22 district in any city or incorporated town in this state established for the
23 purpose of providing water or sewer services for municipal purposes.

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

27 (c)(1) The provisions of subsection (a) of this section shall
28 apply to a district in existence on March 16, 1981.

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

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

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35 SECTION 4. Arkansas Code § 14-92-209 is amended to add a new
36 subsection to read as follows:

1 (d)(1) The provisions of subsection (b) of this section shall apply to
2 a district in existence on March 16, 1981 and which is an improvement
3 district in any city or incorporated town in this state established for the
4 purpose of providing water or sewer services for municipal purposes.

5 (2) Any other vacancy on the board of commissioners of any other
6 district in existence on March 16, 1981, shall continue to be filled in the
7 manner as provided by law prior to March 16, 1981.

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9 /s/Garner
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