

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H3/25/13*

# A Bill

SENATE BILL 808

5 By: Senator Hester  
6 *By: Representative Cozart*  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE PROCEDURES FOR THE CREATION AND  
10 GOVERNANCE OF CERTAIN MUNICIPAL IMPROVEMENT  
11 DISTRICTS; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

15 TO CLARIFY THE PROCEDURES FOR THE  
16 CREATION AND GOVERNANCE OF CERTAIN  
17 MUNICIPAL IMPROVEMENT DISTRICTS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 14-88-202 is amended to read as follows:  
23 14-88-202. Purposes for which created.

24 The council of any city of the first or second class or any  
25 incorporated town may assess all real property within the city or town, or  
26 within any district thereof, for the purpose of opening, grading, or  
27 otherwise improving streets and alleys, including viaducts and underpasses  
28 either within the boundaries of an improvement district, or beyond the  
29 boundaries and beyond the limits of the city or town if the property in the  
30 district will be benefited thereby, including the acquisition of rights-of-  
31 way by purchase or the exercise of the power of eminent domain as provided in  
32 § 14-91-104 and the payment of damages for the taking or injuring of property  
33 resulting from the making of any such improvement, if the work or  
34 construction is done or paid for by the federal government, or any of its  
35 agencies, or by the State of Arkansas or any other public body, or to pay for  
36 any local improvement of a public nature, including sewer systems,



1 theretofore made, by which the property within the district has benefited;  
2 for the purpose of paying the principal of and interest on any bonds at any  
3 time authorized and issued by any ~~such~~ district ~~pursuant to~~ under and in the  
4 manner and for the purposes specified in this section; for the purpose of  
5 buying existing sewer systems, or the construction of sewers, or constructing  
6 facilities for the off-street parking of vehicles, including without  
7 limitation constructing, reconstructing, widening, extending, and maintaining  
8 and operating off-street parking facilities, or constructing sidewalks,  
9 sidewalk overhead covers, benches, recreational areas, and other facilities  
10 pertaining to the construction, maintenance, and utilization thereof; for the  
11 purpose of the making of any other local improvement of a public nature in  
12 the manner set forth in this subchapter; and for the purpose of maintaining,  
13 repairing, and operating any ~~such~~ improvements.

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15 SECTION 2. Arkansas Code § 14-88-208 is repealed.

16 ~~14-88-208. Denial on planning commission recommendation.~~

17 ~~In any case where the organizers of an improvement district within any~~  
18 ~~town or city have secured signatures for more than fifty percent (50%) in~~  
19 ~~value of owners of real property within the proposed district petitioning for~~  
20 ~~the organization of an improvement district, where it appears from a~~  
21 ~~recommendation of the city planning commission that the proposed special~~  
22 ~~improvement does not harmonize with the city plan, or that the proposed~~  
23 ~~project would not contribute to public safety and convenience, or to the~~  
24 ~~service and safety of vehicle and pedestrian traffic, and the planning~~  
25 ~~commission recommends denial of the petition, then the city council may~~  
26 ~~properly deny the organization, although the petition contains more than~~  
27 ~~fifty percent (50%) of the signatures of the owners in value of real property~~  
28 ~~within the district.~~

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30 SECTION 3. Arkansas Code § 14-88-301(a), concerning the appointment of  
31 commissioners of a municipal improvement district, is amended to add an  
32 additional subdivision to read as follows:

33 (3) If a property owner or creditor is a corporation,  
34 partnership, trust, or other legal entity, any officer, director, trustee,  
35 employee, or other designated representative of the entity may be named and  
36 appointed as a commissioner.

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*/s/Hester*