1   State of Arkansas   *As Engrossed: H3/17/15*

2   90th General Assembly   A Bill

3   Regular Session, 2015   HOUSE BILL 1880

4

5   By: Representative Hammer

6   By: Senators J. Hutchinson, Elliott

7

8   **For An Act To Be Entitled**

9   AN ACT TO AMEND THE LAW CONCERNING IMPROVEMENT

10   DISTRICTS; AND FOR OTHER PURPOSES.

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12

13   **Subtitle**

14   TO AMEND THE LAW CONCERNING IMPROVEMENT

15   DISTRICTS.

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

19

20   *SECTION 1. Arkansas Code § 14-88-301(a)(1)(A), concerning the*

21   *appointment of commissioners, is amended to read as follows:*

22   *(a)(1)(A)(i) In the ordinance creating a municipal improvement*

23   *district, the city or town council shall appoint three (3) owners of real*

24   *property ~~therein~~ as commissioners, who shall compose a board of improvement*

25   *for the district.*

26   *(ii)<u>(a)</u> The number of commissioners for ~~any~~ <u>an</u>*

27   *improvement district created under this section may be increased <u>from three</u>*

28   *<u>(3) to five (5) or seven (7) members</u> by<u>:</u>*

29   *<u>(1)</u> ~~ordinance~~ <u>Ordinance</u> of the city or*

30   *town council<u>; or</u>*

31   *<u>(2) Petition to the city or town council</u>*

32   *<u>signed by fifteen percent (15%) of the property owners of record within the</u>*

33   *<u>improvement district</u> ~~from three (3) to five (5) members~~.*

34   *<u>(b)(1) On a board of commissioners whose</u>*

35   *<u>membership has been increased from three (3) to five (5) or seven (7) members</u>*

36   *<u>under subdivision (a)(1)(A)(ii)(a) of this section, a commissioner is limited</u>*

1   *to three (3) three-year terms.*
2   *(2)   The terms shall be initially*
3   *staggered for terms of one (1) year, two (2) years, and three (3) years as*
4   *determined by lot, with each term counting toward the three-term limit.*
5
6   *SECTION 2.   Arkansas Code § 14-88-304 is amended to read as follows:*
7   *14-88-304.   Petition of property owners to fill vacancy.*
8   *(a)(1)   ~~When there is a vacancy on the board of commissioners of any~~*
9   *~~improvement district due to the death of a commissioner or due to the fact~~*
10   *~~that a commissioner has ceased to reside in the state where such a district~~*
11   *~~was created by any town or city council, and in such case, if five (5) or~~*
12   *~~more property owners of the district petition the city or town council,~~*
13   *~~calling attention to the vacancy on the board of commissioners and requesting~~*
14   *~~the appointment of a new commissioner to fill the vacancy, it shall be the~~*
15   *~~duty of the council to take forthwith the necessary steps to fill the vacancy~~*
16   *~~by appointment of a new commissioner, who shall be a property owner in the~~*
17   *~~district~~ The city or town council shall appoint a new commissioner to the*
18   *board of commissioners of an improvement district created by the council if:*
19   *(A)   There is a vacancy on the board because a commissioner*
20   *has died or has ceased to reside in the state in which the improvement*
21   *district was created; and*
22   *(B)   Ten percent (10%) or more of the property owners of*
23   *the improvement district petition the council calling attention to the*
24   *vacancy on the board and requesting the appointment of a new commissioner to*
25   *fill the vacancy.*
26   *(2)   A commissioner appointed under subdivision (a)(1) of this*
27   *section shall be a property owner in the improvement district in which the*
28   *vacancy occurs.*
29   *(b)(1)   Upon the filing of a petition with the council signed by ~~five~~*
30   *~~(5)~~ ten percent (10%) or more of property owners in the improvement district*
31   *affected, reciting that any commissioner is no longer a property owner in the*
32   *improvement district~~,~~ and accompanied by a corroborative certificate of an*
33   *abstractor, the person shall automatically cease to be a commissioner.*
34   *(2)   ~~His~~ The office is declared to be vacant from the date of*
35   *filing the petition, and the council that created the improvement district*
36   *shall ~~forthwith~~ name as commissioner of the improvement district to fill the*

1   *vacancy the person named in the petition and recommended for commissioner of*
2   *the <u>improvement</u> district if the person is a property owner in the <u>improvement</u>*
3   *district.*
4
5   *SECTION 3. Arkansas Code § 14-88-305 is amended to read as follows:*
6   *14-88-305. Removal of member.*
7   *(a)(1) The city or town council ~~shall have the power to~~ <u>may</u> remove a*
8   *municipal board of improvement or any member ~~thereof~~ <u>of the board</u> by a two-*
9   *thirds ~~(2/3)~~ vote of the whole number of aldermen elected to the council.*
10   *(2)(A) Removal shall be for cause only, <u>including without</u>*
11 *<u>limitation noncompliance with state or federal law or local ordinance,</u> and*
12 *after a hearing upon sworn charges proffered in writing by ~~some~~ <u>a</u> real*
13 *property owner in the <u>improvement</u> district.*
14   *(B) Ten (10) days' notice of the hearing of the charges*
15 *shall be given.*
16   *(b)~~(1) The council shall have the power to remove the board or any~~*
17 *~~member thereof of the board by a vote of a majority of the whole number of~~*
18 *~~aldermen elected to the city council, upon the written petition of the owners~~*
19 *~~of a majority in assessed value of the property located within the district,~~*
20 *~~after a hearing upon ten (10) days' notice to each member of the board~~*
21 *~~affected.~~*
22   *~~(2) After July 1, 1999, in cities of the first class with a~~*
23 *~~population of between sixty-one thousand five hundred (61,500) and sixty-two~~*
24 *~~thousand (62,000) persons according to the 1990 Federal Decennial Census, the~~*
25 *<u>The</u> council ~~shall have the power to~~ <u>may</u> remove the board or any member <u>of the</u>*
26 *<u>board</u> by a vote of a majority of the whole number of aldermen elected to the*
27 *~~city~~ council, upon the written petition of ~~twenty-five percent (25%)~~ <u>fifteen</u>*
28 *<u>percent (15%)</u> of the owners of real property located within the <u>improvement</u>*
29 *district stating that the petitioners believe it to be in the best interest*
30 *of the <u>improvement</u> district<u>,</u> and after a <u>mandatory</u> hearing upon ten (10)*
31 *days' notice to each member of the board affected.*
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33   */s/Hammer*
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