

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1719

5 By: Representative L. Fite  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING IMPROVEMENT  
9 DISTRICT PROCEDURES; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO AMEND THE LAW CONCERNING IMPROVEMENT  
12 DISTRICT PROCEDURES.  
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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 Title 14, Chapter 86, Subchapter 1, is  
20 amended to add two (2) additional sections to read as follows:

21 14-86-104. Improvement district – Audit – Vacancy – Meetings.

22 (a)(1)(A) Ten percent (10%) or more of the property owners in an  
23 improvement district may present to the county judge of the county or to the  
24 mayor of the municipality in which the improvement district lies a petition  
25 and an affidavit:

26 (i) Concerning the financial affairs of the  
27 improvement district; and

28 (ii) Showing substantially insufficient financial  
29 information of an improvement district provided by the improvement district  
30 as a result of a valid request under the Freedom of Information Act of 1967,  
31 § 25-19-101 et seq.

32 (B) Upon the presentation of a petition and affidavit  
33 under subdivision (a)(1)(A) of this section, the county judge or mayor shall  
34 request the financial information of the improvement district.

35 (2)(A) The improvement district shall provide the financial  
36 information requested under subdivision (a)(1) of this section if the



1 financial information exists.

2 (B) If within thirty (30) days of the request under  
 3 subdivision (a)(1) of this section the improvement district does not provide  
 4 to the county judge or to the mayor the financial information or state that  
 5 the financial information does not exist, the county judge or the mayor may  
 6 order an independent audit to be conducted of the improvement district at the  
 7 improvement district's expense.

8 (b) If a vacancy exists on a board of commissioners of an improvement  
 9 district and the procedure for filling the vacancy is for the remaining  
 10 commissioners to appoint a replacement commissioner, the county judge of the  
 11 county or the mayor of the municipality in which the improvement district  
 12 lies may appoint a replacement commissioner on his or her own accord or by  
 13 petition of ten percent (10%) or more of the property owners in the  
 14 improvement district.

15 (c)(1) All meetings of the board of commissioners of an improvement  
 16 district shall be held in a central and convenient location in the county or  
 17 the municipality in which the improvement district lies.

18 (2) Upon petition of ten percent (10%) or more of the property  
 19 owners in the improvement district, the meeting location shall be determined  
 20 by the county judge or the mayor.

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 22 14-86-105. Improvement district board of commissioners -  
 23 Administrator.

24 (a) The county judge of the county or the mayor of the municipality in  
 25 which an improvement district lies shall appoint an administrator of the  
 26 improvement district to act as the board of commissioners:

27 (1) If all positions on a board of commissioners of the  
 28 improvement district are vacant and no interested property owner within the  
 29 improvement district boundaries is willing to serve as a commissioner; or

30 (2) At the discretion of the county judge or the mayor.

31 (b) The administrator appointed under subsection (a) of this section:

32 (1) Is subject to the applicable laws of the improvement  
 33 district;

34 (2) Shall provide evidence of his or her economic viability;

35 (3) Shall receive such payment for his or her services as the  
 36 county judge or the mayor may allow;

1           (4) Shall serve at the pleasure of the county judge or mayor or  
2 until an interested property owner in the improvement district boundaries is  
3 willing to serve as commissioner of the improvement district; and

4           (5) Is not liable for damages in connection with the improvement  
5 district unless the administrator acted with corrupt and malicious intent.

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