

Stricken language would be deleted from and underlined language would be added to present law.
Act 1025 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S4/4/19
A Bill

HOUSE BILL 1896

By: Representatives Gates, Brown, Coleman, Evans, Lundstrum

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ESTABLISHMENT
OF CERTAIN IMPROVEMENT DISTRICTS; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
ESTABLISHMENT OF CERTAIN IMPROVEMENT
DISTRICTS.

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

SECTION 1. Arkansas Code § 14-88-203(a), concerning the petition and notice to create a municipal improvement district, is amended to read as follows:

(a)(1)(A) When persons claiming to be a majority in value, as shown by the last county assessment of the owners of real property, in the whole or any part, of any city or incorporated town, file with the city or town clerk or recorder a petition for the organization of an improvement district for any purposes authorized by § 14-88-202, it shall be the duty of the city or town clerk or recorder to give notice that the petition will be heard at a meeting of the governing body of the city or town named in the notice, which will be held more than ~~fifteen (15)~~ thirty (30) days after the filing of the petition.

(B) A petition under this section shall contain a bold heading stating that a signature on the petition is a vote to create the district.

(2) The notice shall be published ~~once~~ one (1) time a week for



two (2) weeks, the last insertion to be not less than seven (7) days before the date fixed for the hearing, in a newspaper having a general circulation in the county and, if available, on the website of the county or of the Secretary of State.

SECTION 2. Arkansas Code § 14-92-205(f), concerning a petition to form a suburban improvement district, is amended to read as follows:

(f)(1) Any number of identical petitions may be circulated, and identical petitions with additional names may be filed at any time until the court acts.

(2) A petition under this section shall contain a bold heading stating that a signature on the petition is a vote to create the district.

SECTION 3. Arkansas Code § 14-92-206(a), concerning the hearing on the petition and determination on a suburban improvement district, is amended to read as follows:

(a)(1) Upon the filing of a petition as prescribed in § 14-92-205, it shall be the duty of the county clerk to give notice of the filing of it, describing the territory to be affected and calling upon all persons who wish to be heard upon the question of the establishment of the suburban improvement district to appear before the county court on a day to be fixed in the notice, at least thirty (30) days after the filing of a petition.

(2)(A) The notice shall be published ~~once~~ one (1) time a week for two (2) weeks in some newspaper published and having a bona fide circulation in the county where the lands affected are situated and, if available, on the website of the county or of the Secretary of State.

(B) This notice may be in the following form:

“Notice is hereby given that a petition has been filed praying for the formation of an improvement district for the purpose of Said petition is on file at the office of the County Clerk of County, where it is open for inspection. All persons desiring to be heard on the question of the formation of said district will be heard by the County Court on the day of, ~~19~~ 20 The following lands are affected: (Here give description of lands affected; same may be described by using the largest subdivision possible.)

.....

County Clerk”

SECTION 4. Arkansas Code § 14-93-105(f), concerning the petition to form a property owners’ improvement district, is amended to read as follows:

(f)(1) Any number of petitions may be circulated, and identical petitions with additional names may be filed at any time until the court acts.

(2) A petition under this section shall contain a bold heading stating that a signature on the petition is a vote to create the district.

SECTION 5. Arkansas Code § 14-93-106(a)(2), concerning the hearing on the petition and determination of a property owners’ improvement district, is amended to read as follows:

(2)(A) The judge shall thereupon set a date and time, ~~not later than ten (10)~~ not more than sixty (60) days and not less than thirty (30) days after the date of the presentation of the petition to the judge, for a hearing, before the county court, for consideration of the petition.

(B) A notice of the hearing shall be published for two (2) consecutive weeks in a newspaper of general circulation in the county and, if available, on the website of the county or of the Secretary of State.

SECTION 6. Arkansas Code § 14-94-105(c), concerning the petition to form a municipal property owners’ improvement district, is amended to read as follows:

(c)(1) Any number of petitions may be circulated, and identical petitions with additional names may be filed at any time until the governing body acts.

(2) A petition under this section shall contain a bold heading stating that a signature on the petition is a vote to create the district.

SECTION 7. Arkansas Code § 14-94-106(a)(2)(A), concerning the hearing on the petition and determination of a municipal property owners’ improvement district, is amended to read as follows:

(2)(A) The mayor shall thereupon set a date and time, ~~not later than fifteen (15)~~ more than sixty (60) days and not less than thirty (30) days after the date of the presentation of the petition to the mayor, for a

hearing before the governing body for consideration of the petition.

SECTION 8. Arkansas Code § 14-116-201 is amended to read as follows:
14-116-201. Authority to petition for district establishment.

(a) When there is water available for industrial, municipal, or agricultural irrigation water supply purposes from wells, lakes, rivers, tributaries, or streams of this state or bordering on this state or from reservoirs heretofore created by the construction of multipurpose dams by or under the direction and supervision of the United States Army Corps of Engineers on any of the rivers, tributaries, or streams of or bordering on this state, or when the Congress of the United States of America has enacted a law authorizing the construction of a reservoir by or under the supervision and direction of the United States Army Corps of Engineers on any of the rivers, tributaries, or streams of or bordering on this state, or when a proposed reservoir on any stream of this state is to be constructed by a water district established under this chapter with federal or other assistance furnished by the United States Secretary of Agriculture under the provisions of the Watershed Protection and Flood Prevention Act, 16 U.S.C. §§ 1001-1007, or any other federal law, then one hundred (100) or more qualified voters residing and owning lands situated within the boundaries of the water district proposed to be established under the provisions of this chapter may petition the circuit court in the county to establish a water district for the purposes set out in this section.

(b) A petition under this section shall contain a bold heading stating that a signature on the petition is a vote to create the district.

SECTION 9. Arkansas Code § 14-116-205(a), concerning the notice of a hearing on a regional wastewater collection and treatment district, is amended to read as follows:

(a) ~~Within~~ Between thirty (30) ~~and sixty (60)~~ days after the report of the ~~commission~~ Arkansas Soil and Water Conservation Commission has been filed in the office of the circuit clerk, the petition shall be presented to the judge of the circuit court of the county, either in term or vacation, and the court shall thereupon enter its order:

- (1) Setting a hearing upon the petition for a day certain; and
- (2) Directing the clerk of the court to give notice of the

hearing by publication for two (2) consecutive weeks in some newspaper or newspapers having a general circulation in each of the counties containing lands embraced within the boundaries of the proposed water district and, if available, on the website of the county or of the Secretary of State.

SECTION 10. Arkansas Code § 14-250-106(b), concerning a petition to establish a regional wastewater collection and treatment district, is amended to read as follows:

(b) The petition shall contain a duly executed resolution from each entity authorizing each entity to be included in the district, provided that, in any unincorporated area, fifty-one percent (51%) of property owners by number shall approve by petition ~~prior to~~ before being included in the district. The petition shall also contain:

(1) An accurate description and a map of the area to be served initially;

(2) A brief statement showing the need for formation of the district and describing the benefits to be received by residents or property owners in the area;

(3) The proposed name of the district;

(4) The proposed location of the principal office of the district; and

(5) A bold heading stating that a signature on the petition is a vote to create the district.

SECTION 11. Arkansas Code § 14-250-107(b), concerning a review of the petition to establish a regional wastewater collection and treatment district, is amended to read as follows:

(b) ~~Within~~ Between thirty (30) and sixty (60) days after the report of the department has been filed in the office of the circuit clerk, the petition shall be presented to the judge of the circuit court of the county, either in term or vacation, and the court shall thereupon enter its order setting a hearing upon the petition and directing the clerk of the court to give notice of the hearing by publication for two (2) consecutive weeks on the website of the county or of the Secretary of State, if available, and in a newspaper or newspapers having a general circulation in each of the entities comprising the proposed district. The notice shall contain:

(1) A brief and concise statement describing the purpose of the hearing;

(2) A description of the territory to be embraced within the district;

(3) A brief and concise statement of the action of the department; and

(4) A warning to all persons residing or owning property within the boundaries of the proposed district to appear upon the date and at the time and place of the hearing to show cause, if there is any, why the petition should not be granted.

/s/Gates

APPROVED: 4/15/19