

1 State of Arkansas  
2 90th General Assembly  
3 Third Extraordinary Session, 2016  
4

Call Item 5

# A Bill

HOUSE BILL 1008

5 By: Representatives Beck, D. Meeks, S. Meeks, Hickerson  
6 By: Senators Rapert, Irvin, Standridge, D. Sanders, B. Johnson, J. Cooper, J. Woods, Collins-Smith  
7

## For An Act To Be Entitled

9 AN ACT TO ENHANCE AND STREAMLINE THE PROCESS OF  
10 IDENTIFYING AND FILLING BOARD VACANCIES FOR CERTAIN  
11 IMPROVEMENT DISTRICTS, INCLUDING LEVEE, DRAINAGE,  
12 IRRIGATION, WATERSHED, AND RIVER IMPROVEMENT  
13 DISTRICTS; TO DECLARE AN EMERGENCY; AND FOR OTHER  
14 PURPOSES.

## Subtitle

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18 TO ENHANCE EXISTING SAFEGUARDS FOR  
19 IDENTIFYING AND FILLING BOARD VACANCIES  
20 FOR CERTAIN IMPROVEMENT DISTRICTS AND TO  
21 DECLARE AN EMERGENCY.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code § 14-86-103 is amended to read as follows:

27 14-86-103. Reporting.

28 (a) Definitions.

29 As used in this section, "district" means any levee, drainage,  
30 irrigation, watershed, or river improvement district in Arkansas, including,  
31 ~~but not limited to,~~ without limitation those districts:

32 (1) Formed or operating under this chapter, § 14-87-101 et seq.,  
33 § 14-88-101 et seq., § 14-89-101 et seq., § 14-90-101 et seq., § 14-91-101 et  
34 seq., § 14-92-101 et seq., the Property Owners' Improvement District Law, §  
35 14-93-101 et seq., the Municipal Property Owner's Improvement District Law, §  
36 14-94-101 et seq., § 14-95-101 et seq., § 14-114-101 et seq., the Interstate



1 Watershed Cooperation Act, § 14-115-101 et seq., the Arkansas Irrigation,  
 2 Drainage, and Watershed Improvement District Act of 1949, § 14-117-101 et  
 3 seq., § 14-118-101 et seq., The Water Improvement District Accounting Law of  
 4 1973, § 14-119-101 et seq., § 14-120-101 et seq., § 14-121-101 et seq., § 14-  
 5 122-101 et seq., § 14-123-101 et seq., § 14-124-101 et seq., and the  
 6 Conservation Districts Law, § 14-125-101 et seq.; or

7 (2) Created by a special act of the General Assembly.

8 (b)(1) On or before December 31, 2009, each district shall file an  
 9 initial report with the clerk of the county court in whose jurisdiction any  
 10 property of the district is located.

11 (2) The initial report shall include the following:

12 (A) The name of the district;

13 (B) The date on which the district was formed;

14 (C) The statutory or other legal authority under which the  
 15 district was formed;

16 (D) A description of the district's boundaries and a map  
 17 of the district;

18 (E) The names and addresses of the district's directors  
 19 and ~~its~~ officers and their respective terms of office;

20 (F) An identification of any vacancy on the district board  
 21 or district commission;

22 (G) A map of the parcels of property located in the  
 23 district; and

24 (H) The time, date, and location of the district board's  
 25 or district commission's next annual meeting or, if the annual meeting is  
 26 unscheduled, the time, date, and location of the district board's or district  
 27 commission's next meeting.

28 (3) The clerk shall forward a file-marked copy of all reports  
 29 filed under this subsection to the Arkansas Natural Resources Commission.

30 (c)(1) On or before December 31, 2010, and annually afterwards, the  
 31 district shall file with the clerk of the county court in whose jurisdiction  
 32 any property of the district is located a report that:

33 ~~(1)(A)~~ Provides the names and addresses of the members of  
 34 the district board or district commission and its officers;

35 ~~(2)(B)~~ Identifies any vacancy on the district board or the  
 36 district commission; and

1                   ~~(3)~~(C) Provides the time, date, and location of the  
 2 district board's or district commission's next annual meeting, if scheduled,  
 3 and its next regularly scheduled meeting.

4                   (2) The clerk shall forward a file-marked copy of all reports  
 5 filed under this subsection to the Arkansas Natural Resources Commission.

6                   (d)(1) A district that fails to perform any of the requirements of  
 7 subsection (b) or subsection (c) of this section commits a violation  
 8 punishable by a fine of not less than one hundred dollars (\$100) and not more  
 9 than one thousand dollars (\$1,000) for each offense.

10                   (2) ~~Any~~ A fine recovered under subdivision (d)(1) of this  
 11 section shall be deposited into the county clerk's cost fund.

12                   (3) A district shall not receive financial assistance from any  
 13 state agency for a two-year period following the date the fine was assessed  
 14 under subdivision (d)(1) of this section.

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 16                   SECTION 2. Arkansas Code § 16-20-401 is amended to read as follows:  
 17                   16-20-401. Duties of clerk generally.

18                   (a) The county clerk shall, ~~by virtue of his or her office,~~ be clerk  
 19 of the county court for his or her county, by virtue of his or her office.

20                   (b) It shall be his or her duty to attend each regular or special  
 21 session of the county court, either in person or by deputy, and to keep and  
 22 preserve in his or her office a complete and correct record of the  
 23 proceedings of the court.

24                   (c)(1) When a report filed under § 14-86-103 or an affidavit of a  
 25 district resident containing substantially the same information required  
 26 under § 14-86-103**(b)** or § 14-86-103(c) and filed with the county clerk  
 27 indicates a vacancy in a district board or district commission, the county  
 28 clerk shall provide a written notice of the vacancy to:

29                   ~~(1)~~(A) The members of the district board or the district  
 30 commission; and

31                   ~~(2)~~(B) The county court.

32                   (2) A copy of the notice shall be published:

33                   (A) In a newspaper of general circulation in the county;

34 and                   (B) On a county-owned or county-affiliated website, if  
 35 any.

36                   (d)(1) When a report filed under § 14-86-103 or an affidavit of a

1 district resident containing substantially the same information required  
 2 under § 14-86-103(b) or § 14-86-103(c) and filed with the county clerk  
 3 indicates a vacancy in a district board or a district commission has not been  
 4 filled in the interval after the county clerk gave the notices required under  
 5 subsection (c) of this section, the county clerk shall provide a written  
 6 notice of the continuing vacancy to:

7 ~~(1)(A)~~ The members of the district board or the district  
 8 commission; and

9 ~~(2)(B)~~ The county court; and

10 ~~(3) Any prosecuting attorney whose judicial district has~~  
 11 ~~jurisdiction over the district board or the district commission.~~

12 (2) A copy of the notice shall be published on a county-owned or  
 13 county-affiliated website, if any, and in a newspaper of general circulation  
 14 in the county and shall contain:

15 (A) The time, date, and location of a hearing on the  
 16 vacancy before the county court;

17 (B) The purpose of the hearing before the county court  
 18 that requires the landowners in the district to appear; and

19 (C) Notice that the landowners in attendance by majority  
 20 vote may fill the continuing vacancies in the district board or district  
 21 commission.

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 23 SECTION 3. Arkansas Code § 16-21-159 is amended to read as follows:

24 16-21-159. Duty after receiving notice of vacancy on district board.

25 (a) A ~~prosecuting attorney~~ county judge who receives notice under §  
 26 16-20-401(d) of a continuing vacancy on a district board or district  
 27 commission ~~of a levee, drainage, irrigation, watershed, or river improvement~~  
 28 ~~district~~ shall investigate the alleged vacancy, and ~~take the appropriate~~  
 29 ~~action to fill any existing vacancy~~ after conducting a hearing under § 16-20-  
 30 401(d), enter a county order reflecting the majority vote of the landowners  
 31 of the district in attendance at the hearing to fill any continuing vacancies  
 32 in the district board or district commission.

33 (b)(1) The county judge's order may assess the district fines for  
 34 violations as well as the costs of the required publications of notices.

35 (2) A fine under subdivision (b)(1) of this section shall be not  
 36 less than one hundred dollars (\$100) and not more than one thousand dollars

1 (\$1,000) for each offense.

2 (3) A fine recovered under subdivision (b)(2) of this section  
3 shall be deposited into the county clerk's cost fund.

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5 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
6 General Assembly of the State of Arkansas that there are currently many  
7 vacancies in levee district boards across the state; that the current  
8 procedure for filling these vacancies makes the process more difficult; and  
9 that this act is immediately necessary because of the critical importance of  
10 the efficient functioning of levee district boards. Therefore, an emergency  
11 is declared to exist, and this act being immediately necessary for the  
12 preservation of the public peace, health, and safety shall become effective  
13 on:

14 (1) The date of its approval by the Governor;

15 (2) If the bill is neither approved nor vetoed by the Governor,  
16 the expiration of the period of time during which the Governor may veto the  
17 bill; or

18 (3) If the bill is vetoed by the Governor and the veto is  
19 overridden, the date the last house overrides the veto.

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22 **APPROVED: 05/23/2016**  
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