State of Arkansas

88th General Assembly

Regular Session, 2011

By: Representatives English, Hammer

By: Senator Burnett

For An Act To Be Entitled

AN ACT CONCERNING PROCEDURES FOR IMPROVEMENT
DISTRICTS AND PROTECTION DISTRICTS FOR COLLECTION OF
ASSESSMENTS BY COUNTY COLLECTORS AND MAKING EXPLICIT
THE APPLICABILITY OF THE FREEDOM OF INFORMATION ACT
OF 1967 TO ALL TYPES OF IMPROVEMENT DISTRICTS AND
PROTECTION DISTRICTS; AND FOR OTHER PURPOSES.

Subtitle

"THE IMPROVEMENT DISTRICT TRANSPARENCY
ACT".

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

SECTION 1. Arkansas Code Title 14, Chapter 86, is amended to add an
additional subchapter to read as follows:

Subchapter 21. Improvement Districts And Protection Districts
Procedures When County Collector Used For Collection Of Assessments.

14-86-2101. Legislative Intent.

This subchapter applies to all improvement districts or protection
districts organized under Arkansas law that use the county collector for
collection of improvement district assessments or protection district
assessments unless otherwise noted.

14-86-2102. Annual improvement district or protection district filing.

(a) By March 1 of each year or upon the creation of an improvement
district or protection district, an improvement district or protection
district that uses or intends to use the county collector for collection of
improvement district assessments or protection district assessments shall:

(1)(A) File an annual report with the county clerk in any county
in which a portion of the improvement district or protection district is
located.

(B) The annual report shall be available for inspection
and copying by assessed landowners in the district.

(C) The county clerk shall not charge any costs or fees
for filing the annual report.

(D) The improvement district or protection district shall
deliver a filed copy of the annual report to the county collector within five
(5) days of filing; and

(2) The annual report shall contain the following information as
of December 31 of the current calendar year:

(A) Identification of the primary statute under which the
improvement district or protection district was formed;

(B) A general statement of the purpose of the improvement
district or protection district;

(C) A list of contracts, identity of the parties to the
contracts, and obligations of the improvement district or protection
district;

(D)(i) Any indebtedness, including bonded indebtedness,
and the reason for the indebtedness.

(ii) The stated payout or maturity date of the
indebtedness, if any, shall be included.

(iii) The total existing delinquent assessments and
the party responsible for the collection;

(E) Identification of the improvement district or
protection district commissioners and contact information;

(F) The date, time, and location for any scheduled meeting
of the improvement district or protection district for the following year;

(G) The contact information for the improvement district
or protection district assessor;

(H) Information concerning to whom the county treasurer is
to pay improvement district or protection district assessments;
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(I) An explanation of the statutory penalties, interest, and costs;

(J) The method used to compute improvement district or protection district assessments; and

(K) A statement itemizing the income and expenditures of the improvement district or protection district, including a statement of fund and account activity for the improvement district or protection district.

(b)(1) An improvement district or protection district that does not comply with subsection (a) of this section commits a violation punishable by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each offense.

(2) A fine recovered under subdivision (b)(1) of this section shall be deposited into the county clerk’s cost fund.

(c)(1) On or before December 31, the improvement district or protection district shall file its list of special assessments for the following calendar year with the county clerk.

(2)(A) After filing the list of special assessments, the improvement district or protection district shall deliver a copy of the filed list of special assessments to the preparer of the tax books.

(B) If the county collector is not the designated preparer of the tax books, the improvement district or protection district shall deliver a copy of the filed list of special assessments to the county collector.

(3) The list of special assessments shall contain:

(A) A list of each parcel with an assessment levied against it within the improvement district or protection district; and

(B) The contact information for the improvement district assessor or protection district assessor.

(4) The list of fees shall not include assessments on parcels that otherwise would not appear on the tax books for the following year.

(5) After the December 31 deadline to file the list of special assessments, the county collector may reject an assessment submitted by the improvement district or protection district for inclusion in the list of special assessments.
14-86-2103. County treasurers.

(a) A county treasurer may retain up to five percent (5%) of all remittances to a fire district in reserve for up to sixty (60) days.

(b) Upon approval of the governing body of a fire district, a county treasurer may retain up to ten percent (10%) of all remittances to a fire district in reserve until final settlement is made in December of each year.

14-86-2104. Delinquent levies.

(a)(1) A county collector may certify all delinquent levies to an improvement district or protection district for collection after January 1 of each year.

(2)(A) A county collector shall accept a delinquent levy after certification to an improvement district or protection district if the payor is paying:

(i) In person; and

(ii) By separate check from the payment of ad valorem taxes.

(B) The county collector shall forward the delinquent levy to the improvement district or protection district.

(C)(i) The county collector is not required to provide a receipt for the payment of the delinquent levy.

(ii) The payor is responsible for obtaining a receipt for payment of the delinquent levy from the improvement district or protection district.

(b) A county collector who continues to collect and remit delinquent levies to the improvement district or protection district after certification shall impose penalties against the payor on behalf of the improvement district or protection district.

14-86-2105. Commissioner of State Lands.

The county collector shall not certify an improvement district levy or protection district levy to the Commissioner of State Lands for delinquency.

SECTION 2. Arkansas Code § 25-19-103(5)(A), concerning the definition of public records under the Freedom of Information Act of 1967, is amended to read as follows:
(5)(A) "Public records" means writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or any other agency or improvement district that is wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records.

SECTION 3. Arkansas Code § 14-89-1102 is amended to read as follows:

14-89-1102. Filing requirement.

(a)(1) Annually, during the month of September on or before March 1, all municipal boards of improvement created under § 14-88-212 shall file a settlement with the clerk of the city or town in which the improvements shall have been ordered showing all collections and money received and paid out, with proper vouchers for all payments.

(2) The settlement may be included with the report required by § 14-86-2102.

(b) The settlement shall lie over for one (1) month for examination and adjustment, during which time any taxpayer of the district may file exceptions to the settlement.

SECTION 4. Arkansas Code § 14-89-1402 is amended to read as follows:

14-89-1402. Filing required.

(a)(1) All improvement districts in any city or incorporated town in this state established for the purpose of making improvements for municipal purposes shall file an annual financial report with the city clerk or recorder of the city or town on or before March 1 of each year, covering the financial affairs of the districts for the preceding year.

(2) The annual financial report may be included with the report required by § 14-86-2102.

(b) The statement annual financial report shall be certified and filed as provided in this section by the chief financial officer commissioners of each district.

/s/EnglishAPPROVED: 03/08/2011