

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H2/22/05 H3/24/05 S4/5/05

# A Bill

HOUSE BILL 1705

5 By: Representative Cowling  
6 By: *Senator Hill*  
7

## For An Act To Be Entitled

10 AN ACT TO REALLOCATE REAL ESTATE TRANSFER TAX;  
11 AND FOR OTHER PURPOSES.  
12

### Subtitle

14 AN ACT TO REALLOCATE REAL ESTATE  
15 TRANSFER TAX.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 *SECTION 1. Arkansas Code § 15-12-103 is amended to read as follows:*

21 *15-12-103. Disposition of revenues - Grants.*

22 *(a) All revenues derived from the additional tax levied by § 26-60-*  
23 *105(b) shall be deposited by the Director of the Department of Finance and*  
24 *Administration in the State Treasury as special revenues.*

25 *(b) After deducting three percent (3%) of the revenues for*  
26 *distribution to the Constitutional Officers Fund and the State Central*  
27 *Services Fund to be used for the purposes as provided by law, the Treasurer*  
28 *of State shall credit the net amount thereof as follows:*

29 *(1)(A) ~~Eighty percent (80%)~~ Sixty-five percent (65%) of the net*  
30 *amount shall be credited to the Natural and Cultural Resources Grants and*  
31 *Trust Fund, to be preserved and managed by the Arkansas Natural and Cultural*  
32 *Resources Council for use in the acquisition, management, and stewardship of*  
33 *state-owned lands or the preservation of state-owned historic sites,*  
34 *buildings, structures, or objects which the council determines to be of value*  
35 *for recreation or conservation purposes, with the properties to be used,*  
36 *preserved, and conserved for the benefit of this and future generations.*



1                   (B) It is not the intention of this chapter that the  
2 council shall itself manage, operate, or maintain any lands so acquired, but,  
3 rather, that it from time to time in its own discretion shall make grants to  
4 other agencies of the state authorized by law to acquire, manage, operate,  
5 and maintain the lands.

6                   (C) The grants shall be made in such amounts, for such  
7 purposes, and to such agencies as the council in its discretion shall select.

8                   (D) However, in choosing among competing purposes or  
9 expenditures, the council shall be guided by the principles set forth in the  
10 Arkansas Statewide Comprehensive Outdoor Recreation Plan as it may exist and  
11 be in force from time to time.

12                   (E) In funding state park improvements, the council should  
13 initially emphasize the restoration or renovation of existing facilities and  
14 historic structures within the system.

15                   (F) The council in its discretion shall have power either  
16 to allow moneys paid into the Natural and Cultural Resources Grants and Trust  
17 Fund to accumulate, with only the income thereon being spent, or to expend  
18 the whole or any part of the corpus or principal of the Natural and Cultural  
19 Resources Grants and Trust Fund.

20                   (G) However, the council shall have power to do any and  
21 all things necessary to take advantage of federal or private funds donated or  
22 obtainable through the use of the Natural and Cultural Resources Grants and  
23 Trust Fund.

24                   (H) Without limiting the generality of the foregoing  
25 provisions of this section, the council shall have power to set aside any  
26 portion of the Natural and Cultural Resources Grants and Trust Fund into a  
27 separate and segregated account, the corpus or principal of which shall be  
28 inviolate, and only the income of which may be expended, to the extent  
29 necessary to comply with any federal law, regulation, or other requirement in  
30 connection with federal matching or grant moneys.

31                   (I) As used in this section, the term "stewardship" shall  
32 include moneys necessary for the maintenance, preservation, operation,  
33 improvement, and management of state-owned lands acquired for recreational or  
34 conservational purposes and shall include such other stewardship purposes as  
35 may be authorized by the council;

36                   (2) Ten percent (10%) of the net amount shall be distributed to

1 the Parks and Tourism Fund, to be used by the Department of Parks and  
2 Tourism, on approval of the Parks, Recreation, and Tourism Grant Advisory  
3 Committee, for making grants for outdoor recreational purposes to cities and  
4 counties of this state in accordance with the plan; ~~and~~

5 (3) Ten percent (10%) of the net amount shall be credited to a  
6 fund to be known as the "Natural and Cultural Resources Historic Preservation  
7 Trust Fund", to be used by the council for providing a source of funds for  
8 the operation of the state historic preservation program and the "Main  
9 Street" program; and

10 (4) Fifteen percent (15%) of the net amount shall be credited as  
11 special revenues to the County Aid Fund.

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13 SECTION 2. Arkansas Code § 26-60-112 is amended to read as follows:

14 26-60-112. Disposition of funds collected.

15 (a) The revenues from the additional tax levied by § 26-60-105(b)  
16 shall be deemed special revenues and shall be deposited and distributed  
17 according to § 15-12-103.

18 (b) The revenues derived from the tax levied by § 26-60-105(a) shall  
19 be deposited by the Director of the Department of Finance and Administration  
20 in the State Treasury, and the Treasurer of State shall, after deducting  
21 three percent (3%) thereof for distribution to the Constitutional Officers  
22 Fund and the State Central Services Fund to be used for the purposes as  
23 provided by law, distribute the net amount thereof as follows:

24 (1) Ten percent (10%) of the remainder shall be distributed as  
25 special revenues, as follows:

26 (A) The first sixty thousand dollars (\$60,000) of the  
27 remainder during each fiscal year shall be credited to the County and Circuit  
28 Clerks Continuing Education Fund, which is established in the State Treasury,  
29 to be used for defraying the expenses of training seminars and other  
30 educational projects benefiting county and circuit clerks in this state, as  
31 provided by appropriations enacted by the General Assembly; and

32 (B) The remainder of the ten percent (10%) of the  
33 remainder available for distribution during each fiscal year shall be  
34 credited as special revenues to the County Aid Fund, to be distributed in the  
35 manner provided by law to the circuit clerk in the county in which the  
36 property upon which the tax is paid is situated, to be paid over by the

1 circuit clerk to the county general fund;

2 (2) ~~Ninety percent (90%) of the remainder thereof~~ After making  
3 the distributions required under subdivision (b)(1) of this section, the  
4 remaining amount of revenues shall be distributed as follows:

5 (A) The entire amount of tax collected during each fiscal  
6 year until there has been collected an amount of ~~such~~ the tax equaling the  
7 amount of tax collected under this chapter during fiscal year 1982-83 shall  
8 be credited as general revenues to be allocated to the various funds  
9 participating in the distribution of general revenues in the amount of each  
10 ~~such~~ fund as provided by and to be used for the respective purposes set forth  
11 in the Revenue Stabilization Law, § 19-5-101 et seq.; ~~and~~

12 (B) ~~After making the distribution thereof as provided in~~  
13 ~~subdivision (b)(2)(A) of this section, the remainder available each fiscal~~  
14 ~~year shall be credited as special revenues to the Administration of Justice~~  
15 ~~Fund to be used for supplementing moneys therein for court reporter salaries~~  
16 ~~and expenses in the event that the moneys available in the Court Reporters~~  
17 ~~Fund are inadequate during any fiscal year to make the necessary payments for~~  
18 ~~salary and related expenses of the various court reporters of the state. Any~~  
19 ~~amount received over and above this amount shall be credited as special~~  
20 ~~revenues to the County Aid Fund.~~ Of the amount remaining after the  
21 distribution under subdivision (b)(2)(A) of this section, the next one  
22 million five hundred thousand dollars (\$1,500,000) shall be credited as  
23 special revenues to the State Administration of Justice Fund to be used for  
24 supplementing moneys for court reporter salaries and expenses if moneys  
25 available in the Court Reporters' Fund are inadequate during a fiscal year to  
26 make the necessary payments for salaries and related expenses of the court  
27 reporters of the state; and

28 (C) The amount remaining after the distribution under  
29 subdivision (b)(2)(B) of this section shall be credited as special revenues  
30 to the County Aid Fund.

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32 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
33 General Assembly of the State of Arkansas that revenue from real estate  
34 transfer tax is more than adequate to fund the state programs and agencies  
35 that benefit from the tax; that the need for funds for public schools, school  
36 districts, and public school facilities is very great; and that this act is

1 immediately necessary to enhance funding for the next fiscal year with  
2 additional sources of general revenue. Therefore, an emergency is declared  
3 to exist and this act being necessary for the preservation of the public  
4 peace, health, and safety shall become effective on July 1, 2005.

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6 */s/ Cowling*  
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