

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1091

5 By: Representative Lampkin
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE PROVISIONS REGARDING THE
9 ASSESSMENT AND COLLECTION OF FEES AND SERVICE CHARGES
10 BY COUNTY SOLID WASTE MANAGEMENT SYSTEMS; TO MAKE
11 TECHNICAL CORRECTIONS; TO DECLARE AN EMERGENCY; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE PROVISIONS REGARDING THE
16 ASSESSMENT AND COLLECTION OF FEES AND
17 SERVICE CHARGES BY COUNTY SOLID WASTE
18 MANAGEMENT SYSTEMS; TO MAKE TECHNICAL
19 CORRECTIONS; AND TO DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 8-6-212(b)(1)-(3), concerning the fees and
26 charges that a county solid waste management system may levy and collect, is
27 amended to read as follows:

28 (b)(1)(A) A county government ~~shall have the authority to~~ may levy and
29 collect ~~such the~~ the fees and charges and require ~~such the~~ the licenses ~~as may be~~
30 that are appropriate to discharge the county's responsibility for a solid
31 waste management system or any portion thereof. ~~The fees, charges, and~~
32 ~~licenses~~ Each fee, charge, and license shall be based on a fee schedule
33 contained in ~~a duly adopted~~ an ordinance.

34 (B)(i) A county may provide by ordinance that
35 responsibility for payment of the fees and charges rests on the occupant of
36 the property.



1 (ii) The ordinance shall provide that the owner of
 2 the property is ~~considered~~ the occupant unless, ~~prior to~~ before the first day
 3 of the month of service, the owner registers with the county the name and
 4 address of the tenant occupying the property and the date the lease is to
 5 expire.

6 (2)(A)(i) A county government may collect its fees and service
 7 charges ~~through either~~ by using its own system of periodic billing or by
 8 entering the fees and service charges on the county tax records ~~of the county~~
 9 and then collecting the fees and service charges annually with the personal
 10 property taxes ~~on an annual basis~~.

11 (ii)(a) If a tenant has been registered as an
 12 occupant ~~pursuant to~~ under subdivision (b)(1)(B)(ii) of this section, then
 13 the tenant is responsible for ~~the payment of~~ paying the fees and charges, and
 14 the county may collect ~~on an annual basis~~ the fees and charges annually from
 15 the tenant's personal property taxes.

16 (b) The county may also assess an additional
 17 annual fee of ten percent (10%) for invoicing and collecting the fees and
 18 charges from the tenant rather than the owner.

19 (iii) If a tenant has not been registered as an
 20 occupant ~~pursuant to~~ under subdivision (b)(1)(B)(ii) of this section, then
 21 the owner is responsible for ~~the payment of~~ paying the fees and charges, and
 22 the county may collect ~~on an annual basis~~ the fees and charges annually from
 23 the owner's personal property taxes or real property taxes.

24 (B) Further, ~~any fees and service charges~~ a fee or
 25 service charge billed periodically by the county ~~which are~~ that is more than
 26 ninety (90) days delinquent on November 1 of each year may be entered on the
 27 tax records of the county as a delinquent periodic fee or service charge and
 28 may be collected by the county with personal property taxes or with real
 29 property taxes from the owner of the property in accordance with a county
 30 ordinance, except as provided in subdivision (b)(1)(B)(ii) of this section.

31 (C)(i) ~~No county collector of taxes shall~~ A county
 32 collector shall not accept payment of ~~any~~ property taxes ~~when annual fees and~~
 33 ~~service charges or delinquent periodic fees and service charges appear~~ if an
 34 annual fee or service charge or a delinquent periodic fee or service charge
 35 appears on the county tax records of a taxpayer unless the ~~fees and service~~
 36 ~~charges due are~~ fee or service charge due is also receipted.

1 (ii) These funds shall be received and deposited
2 into an official account of the county collector, who shall settle the
3 account at least quarterly.

4 (iii) The amount of ~~any~~ the fees and service charges
5 collected shall ~~then~~ be paid to the county treasurer by the county collector,
6 less four percent (4%) to be retained by the county collector. In addition,
7 when the county collector maintains a separate tax book for ~~those~~ the fees
8 and charges, the county collector may charge an additional two dollars and
9 fifty cents (\$2.50) for collection.

10 (3)(A) In counties ~~where~~ in which the fees are entered on the
11 tax records for yearly collection or if the periodic fees and service charges
12 are more than ninety (90) days delinquent ~~as of November 1~~ or are delinquent
13 as of the date set by the quorum court by ordinance, the fees and service
14 charges shall be entered on the tax records of the county by the county clerk
15 and shall be collected by the county collector with the personal property
16 taxes or with real property taxes from the owner of the property in
17 accordance with a county ordinance, except as provided in subdivision
18 (b)(1)(B)(ii) of this section.

19 (B) The fees and service charges to be collected shall be
20 certified to the county clerk by December 1 each year by an appropriate
21 municipal official or the mayor.

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23 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly of the State of Arkansas that counties face a significant
25 risk of nonpayment when a tenant is registered as an occupant for purposes of
26 payment of solid waste management fees and charges; that an increasing number
27 of tenants are not paying county solid waste management fees and charges; and
28 that this act is necessary because counties are losing an increasing amount
29 of revenue as the result of nonpayment of fees and charges by transient
30 tenants. Therefore, an emergency is declared to exist and this act being
31 immediately necessary for the preservation of the public peace, health, and
32 safety shall become effective on:

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

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

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

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