

1 State of Arkansas As Engrossed: H3/18/19 H3/20/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1769

4

5 By: Representative Payton

6 By: Senator G. Stubblefield

7

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE FEES COLLECTED
10 BY THE COMMISSIONER OF STATE LANDS; TO AUTHORIZE THE
11 COMMISSIONER OF STATE LANDS TO SET ADEQUATE RATES,
12 FEES, AND CHARGES TO REIMBURSE THE COSTS INCURRED BY
13 THE COMMISSIONER OF STATE LANDS; AND FOR OTHER
14 PURPOSES.

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Subtitle

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

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SECTION 1. Arkansas Code § 21-6-203 is amended to read as follows:

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21-6-203. Commissioner of State Lands.

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~~(a) The following fees shall be charged and collected by the~~

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~~Commissioner of State Lands:~~

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~~(1) Emerged Land Deeds issued pursuant to §§ 22-5-404, 22-5-405~~

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~~..... \$ 5.00~~

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~~(2) Deeds to 16th section school lands under § 22-5-407~~

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~~..... 5.00~~

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~~(3) Quitclaim deed of mineral interest under § 22-6-502~~

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~~..... 5.00~~



1 ~~(4) Issuance of duplicate deeds and patents under § 22-6-104~~
2 ~~..... 5.00~~

3 ~~(5) Issuance of original patents under § 22-6-105~~
4 ~~..... 5.00~~

5 ~~(6) Redemption deeds issued under § 26-37-310~~
6 ~~..... 5.00~~

7 ~~(7) Issuance of sale deeds 5.00~~

8 ~~(8) Double entry statements 3.00~~

9 ~~(9) Disclaimers 3.00~~

10 ~~(10) For each page of field notes issued by the office of the~~
11 ~~Commissioner of State Lands50~~

12 ~~(11) A fee of five dollars (\$5.00) plus actual cost for each~~
13 ~~General Land Office plat copied and distributed.~~

14 ~~(b) The Commissioner of State Lands shall charge a collection fee of~~
15 ~~twenty-five dollars (\$25.00) against all tax delinquent land redeemed or sold~~
16 ~~by the Commissioner of State Lands, except the fees charged for the~~
17 ~~redemption of severed mineral interests shall not include the twenty-five-~~
18 ~~dollar collection fee.~~

19 ~~(c) For each certificate of donation to forfeited lands issued by the~~
20 ~~Commissioner of State Lands, there shall be paid a fee of ten dollars~~
21 ~~(\$10.00).~~

22 ~~(d) For each donation deed issued by the Commissioner of State Lands,~~
23 ~~there shall be paid a fee of one dollar (\$1.00).~~

24 (a) The Commissioner of State Lands may by rule:

25 (1) Establish a schedule of rates, fees, and charges for the
26 deeds produced and filed or services performed in carrying out the
27 established duties and authority of the office of the Commissioner of State
28 Lands; and

29 (2) Revise the rates, fees, and charges to ensure that the
30 revenues from the rates, fees, and charges together with other available
31 funds shall be sufficient to cover the costs of the various deeds produced or
32 filed and services performed in carrying out the established duties and
33 authority of the office.

34 ~~(e)(b)(1) A fee under this section shall not be established in an~~
35 ~~amount that exceeds the costs expended by the Commissioner of State Lands in~~
36 ~~producing or filing deeds or performing services.~~

1 (2) As used in subdivision (b)(1) of this section, "costs" means
2 the actual costs expended by the Commissioner of State Lands plus three
3 percent (3%) of the actual costs expended by the Commissioner of State Lands.

4 (c) All rates, fees, and charges collected by the Commissioner of
5 State Lands shall be deposited into a financial institution in the state.

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7 SECTION 2. Arkansas Code § 26-37-105 is amended to read as follows:
8 26-37-105. Collection fee.

9 (a) The Commissioner of State Lands shall may charge a twenty-five
10 dollar (\$25.00) collection fee for each deed issued by the Commissioner of
11 State Lands, whether the land is redeemed or sold.

12 (b) The collection fee under this section shall be established by rule
13 adopted by the Commissioner of State Lands.

14 (c) However, the collection fee under this section shall not exceed
15 the costs expended by the Commissioner of State Lands in producing or filing
16 the deed.

17 (2) As used in subdivision (c)(1) of this section, "costs" means
18 the actual costs expended by the Commissioner of State Lands plus three
19 percent (3%) of the actual costs expended by the Commissioner of State Lands.

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21 SECTION 3. Arkansas Code § 26-37-201(a)(2), concerning fees to recover
22 the costs of publication of the notice, is amended to read as follows:

23 (2)(A) The publication fee for the notice shall be the same as
24 set forth in § 26-37-107 adopted by rule of the Commissioner of State Lands.

25 (B)(i) However, the fee under this section shall not
26 exceed the costs expended by the Commissioner of State Lands in producing,
27 filing, or performing the deed.

28 (ii) As used in subdivision (a)(2)(B)(i) of this section,
29 "costs" means the actual costs expended by the Commissioner of State Lands
30 plus three percent (3%) of the actual costs expended by the Commissioner of
31 State Lands..

32 /s/Payton

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35 APPROVED: 4/3/19