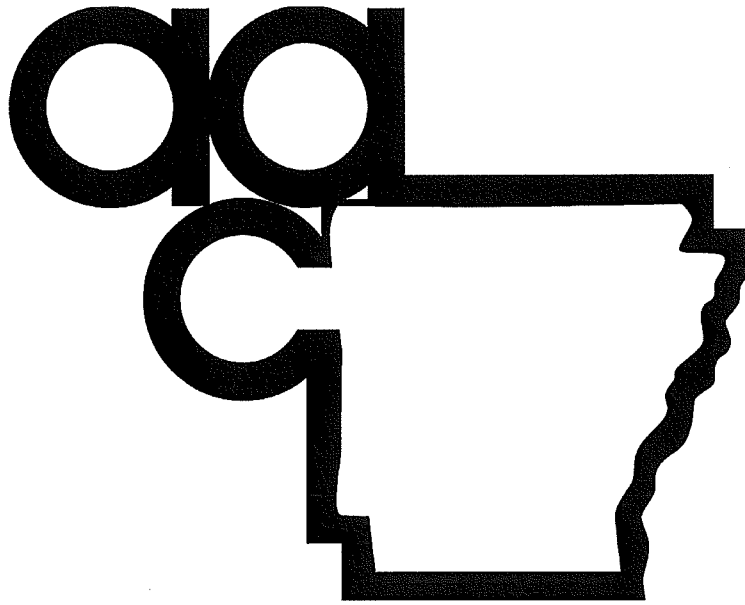


2016 AAC Legislative Committee Packet



GENERAL

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE NUMBER OF
9 MEMBERS SERVING ON THE COUNTY TREASURER'S CONTINUING
10 EDUCATION BOARD AND THE COUNTY COLLECTOR'S CONTINUING
11 EDUCATION BOARD; AND FOR OTHER PURPOSES.
12

Subtitle

13
14
15 TO AMEND THE LAW CONCERNING THE NUMBER OF
16 MEMBERS SERVING ON THE COUNTY TREASURER'S
17 CONTINUING EDUCATION BOARD AND THE COUNTY
18 COLLECTOR'S CONTINUING EDUCATION BOARD.
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-15-811(a), concerning the membership of
23 the County Treasurer's Continuing Education Board, is amended to read as
24 follows:

25 (a) There is created the County Treasurer's Continuing Education
26 Board, which shall be composed of the following ~~six (6)~~ members:

27 (1) ~~Four (4)~~ Eight (8) members of the Arkansas County
28 ~~Treasurers' Treasurer's Association~~, designated by the Arkansas County
29 ~~Treasurers' Treasurer's Association~~;

30 (2) One (1) member designated by the Association of Arkansas
31 Counties; and

32 (3) The Auditor of State or a person designated by the Auditor
33 of State.
34

35 SECTION 2. Arkansas Code § 14-15-811(d), concerning the funds in the
36 County Treasurer's Continuing Education Fund, is amended to read as follows:

1 (d) The funds in the County Treasurers' Continuing Education Fund
2 shall be used exclusively for ~~the establishment and operation of:~~

3 (1) Establishing and operating a continuing education program
4 for county treasurers and ~~for paying;~~

5 (2) Paying the meals, lodging, registration fees, and mileage at
6 the rate prescribed in state travel regulations of county treasurers who
7 attend the continuing education program;

8 (3) Acquiring educational materials; and

9 (4) Paying presenter fees and expenses.

10
11 SECTION 3. Arkansas Code § 14-15-1001(a), concerning the membership of
12 the County Collector's Continuing Education Board, is amended to read as
13 follows:

14 (a) There is ~~hereby~~ created the County Collector's Continuing
15 Education Board, which shall be composed of the following ~~six (6)~~ members:

16 (1) Four (4) Eight (8) members of the Arkansas County Tax
17 ~~collectors' Collector's Association, designated by the Arkansas County Tax~~
18 ~~collectors' Collector's Association;~~

19 (2) One (1) member designated by the Association of Arkansas
20 Counties; and

21 (3) The Auditor of State or a person designated by the Auditor
22 of State.

23
24 SECTION 4. Arkansas Code § 14-15-1001(d), concerning the funds in the
25 County Collectors' Continuing Education Trust Fund, is amended to read as
26 follows:

27 (d) The funds in the County Collectors' Continuing Education Trust
28 Fund shall be used exclusively for ~~the establishment and operation of:~~

29 (1) Establishing and operating a continuing education program
30 for county collectors and sheriff-collectors and ~~for paying;~~

31 (2) Paying the meals, lodging, registration fees, and mileage at
32 the rate prescribed in state travel regulations of county collectors and
33 sheriff-collectors who attend the continuing education programs;

34 (3) Acquiring educational materials; and

35 (4) Paying presenter fees and expenses.

36

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

A Bill

DRAFT KLC/KLC
SENATE BILL

4
5 By: Senator <NA>

For An Act To Be Entitled

6
7
8 AN ACT CONCERNING COUNTY RECORD RETENTION; TO
9 IMPLEMENT REQUIREMENTS FOR RECORD RETENTION
10 CONVERSION REVIEW; AND FOR OTHER PURPOSES.

Subtitle

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14 CONCERNING COUNTY RECORD RETENTION; AND
15 TO IMPLEMENT REQUIREMENTS FOR RECORD
16 RETENTION CONVERSION REVIEW.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 13-4-301 is amended to read as follows:

22 13-4-301. Retention required - Destruction - Electronic reproduction.

23 (a)(1) ~~All counties of the state of Arkansas~~ A county shall maintain
24 the records named in this subchapter for the period of time provided for in
25 this subchapter, after which time the records may be destroyed.

26 (2)(A) ~~But in no case shall the~~ The records named in this
27 subchapter shall not be destroyed until at least one (1) year after an audit
28 by Arkansas Legislative Audit or ~~any a private auditor audit~~ is completed and
29 approved.

30 (B) ~~No record of any kind~~ A record named in this
31 subchapter that is over fifty (50) years old ~~will~~ shall not be destroyed
32 before written notice by the custodian of the records describing the scope
33 and nature of the records in question has been furnished to the Arkansas
34 State Archives, ~~describing the scope and nature of the records,~~ at least
35 sixty (60) days ~~prior to~~ before the destruction of the records.

36 (b)(1) If a record is photographically or electronically transferred

1 to other media of a permanent nature, the original documents may be
 2 destroyed, except that no handwritten records over fifty (50) years old shall
 3 be destroyed.

4 (2) A county record that is photographically or electronically
 5 transferred to other media of a permanent nature shall be transferred by a
 6 process that accurately reproduces or forms a durable medium for reproducing
 7 the original.

8 (c) When county records are transferred to other media of a permanent
 9 nature, the resulting transfer shall meet the following requirements:

10 (1) The information in the county record retained shall be
 11 transferred into a usable and accessible format capable of accurately
 12 reproducing the original over the time periods specified in this section and
 13 §§ 13-4-302 -- 13-4-308;

14 (2) Operational procedures shall ensure that the authenticity,
 15 confidentiality, accuracy, reliability, and appropriate level of security are
 16 provided to safeguard the integrity of the information in the county record;

17 (3) Procedures shall be available for the backup, recovery, and
 18 storage of records to protect the records against media destruction or
 19 deterioration and information loss; and

20 (4) A retention conversion-and-review schedule shall be
 21 established by each county official to ensure that electronically or
 22 optically stored information, for records required to be kept permanently, is
 23 reviewed for data conversion at least one (1) time every four (4) years or
 24 more frequently when necessary to prevent the physical loss of data or loss
 25 due to technological obsolescence of the medium.

26 ~~(c)~~(d) Before any a record shall be is destroyed, the custodian of the
 27 record shall document the date and type of document.

28 (e) Records not addressed explicitly under this subchapter may be
 29 destroyed no sooner than three (3) years after an audit by Arkansas
 30 Legislative Audit or any private auditor is completed and approved.

31
 32 SECTION 2. Arkansas Code § 13-4-302 is amended to read as follows:

33 13-4-302. Court records.

34 ~~All counties of the State of Arkansas shall maintain records for the~~
 35 ~~county courts as follows, if they are currently being maintained~~ If a county
 36 of the State of Arkansas maintains records for the county courts, the county

1 shall maintain these records as follows:

2 (1)(A) For circuit court, civil and criminal, domestic
3 relations, juvenile, and probate records:

4 ~~(A)(i) Permanently maintain~~ The county shall
5 permanently maintain:

6 ~~(i)(a)~~ Complete case files and written
7 exhibits for all courts;

8 ~~(ii)(b)~~ Case indices for all courts;

9 ~~(iii)(c)~~ Case dockets for all courts;

10 ~~(iv)(d)~~ Grand jury reports;

11 ~~(v)(e)~~ Grand juror lists;

12 ~~(vi)(f)~~ Petit jury lists in criminal cases;

13 ~~(vii)(g)~~ Original records, documents, and
14 transcripts relating to the summoning of jurors and jury selection for a
15 petit jury in a criminal case; and

16 ~~(viii)(h)~~ All probate records required to be
17 maintained under § 28-1-108;

18 ~~(B)(ii) Maintain~~ The county shall maintain for ten
19 (10) years, after audit by Arkansas Legislative Audit:

20 ~~(i)(a)~~ Records and reports of costs; and

21 ~~(ii)(b)~~ Fees assessed and collected; and

22 ~~(c)(iii) Maintain~~ The county shall maintain for
23 three (3) years, after audit by Arkansas Legislative Audit:

24 ~~(i)(a)~~ canceled checks;

25 ~~(ii)(b)~~ Bank statements;

26 ~~(iii)(c)~~ Petit jury lists in civil cases and
27 original records, documents, and transcripts relating to the summoning of
28 jurors and jury selection for a petit jury in a civil case; and

29 ~~(iv)(d)~~ served and quashed warrants;

30 (B) The county shall maintain records of the juvenile
31 division of circuit court, in accordance with § 9-27-309 and other provisions
32 of Title 9 and the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;

33 (2) For county court records:

34 (A) ~~Permanently maintain~~ The county shall permanently
35 maintain:

36 (i) County court ~~record~~ records;

- 1 (ii) Cemetery permits;
- 2 (iii) ~~Statement~~Statements of receipt and
- 3 expenditures; and
- 4 (iv) County improvement ~~districts~~district reports;
- 5 and
- 6 (B) ~~Maintain~~The county shall permanently maintain for ten
- 7 (10) years, after audit by Arkansas Legislative Audit:
 - 8 (i) County court ~~file~~files;
 - 9 (ii) County general claims ~~docket~~dockets;
 - 10 (iii) County road claims ~~docket~~dockets;
 - 11 (iv) Contracts for lease-purchase on rental
 - 12 payments;
 - 13 (v) County school board financial reports;
 - 14 (vi) Solid waste disposal revenue bonds; and
 - 15 (vii) ~~Allocation~~Allocations of state funds for
 - 16 solid waste disposal; and
- 17 (3) For quorum court records:
 - 18 (A) ~~Permanently maintain~~The county shall permanently
 - 19 maintain:
 - 20 (i) Ordinance, appropriation ordinance, and
 - 21 resolution ~~register~~registers;
 - 22 (ii) ~~Record~~Records of proceedings;
 - 23 (iii) Codification of ordinances;
 - 24 (iv) ~~Register~~Registers of county advisory and
 - 25 administrative boards;
 - 26 (v) Appointments to subordinate service districts;
 - 27 and
 - 28 (vi) Quorum court minutes; and
 - 29 (B) ~~Maintain~~The county shall maintain for one (1) year
 - 30 the county treasurer's monthly financial report.

31

32 SECTION 3. Arkansas Code § 13-4-306 is amended to read as follows:

33 13-4-306. Voter registration and election records.

34 All counties ~~of the State of Arkansas~~ shall maintain county voter

35 registration and election records for the county as follows, if ~~they the~~the

36 records are currently being maintained:

- 1 (1) ~~Maintain~~ Maintained permanently:
- 2 (A) Voter registration record files;
- 3 (B) Maps of election precincts from the county election
- 4 commission;
- 5 (C) ~~Certificate~~ Certificates of election; and
- 6 (D) Ordinance election results; and
- 7 (2)(A) ~~Maintain~~ Maintained for ten (10) years, after canceled, a
- 8 person's voter registration record and reason for cancellation of a person's
- 9 voter registration.
- 10 (B) ~~Maintain~~ Maintained for ten (10) years:
- 11 (i) Minutes of board of election commission; and
- 12 (ii) Election ~~file~~ files.
- 13 (C) ~~Maintain~~ Maintained for five (5) years:
- 14 (i) Petition, certificate, and notices for
- 15 ordinance;
- 16 (ii) Political practice ~~pledge~~ pledges;
- 17 (iii) Campaign contribution and expenditure sheets;
- 18 (iv) Code of ethics statements; and
- 19 (v) Financial ~~disclosure~~ disclosures.
- 20 (D) ~~Maintain~~ Maintained for two (2) years:
- 21 (i) Acknowledgement notices giving the disposition
- 22 of a person's voter registration application;
- 23 (ii) Precinct voter registration lists prepared for
- 24 each election;
- 25 (iii) Confirmation notices mailed by a county clerk
- 26 to confirm a voter's change of residence or name;
- 27 (iv) Confirmation return cards received in response
- 28 to a confirmation notice; and
- 29 (v) Absentee ballot applications and lists, except
- 30 where litigation follows or federal law governs;
- 31 (vi) Voter registration cards; and
- 32 (E) Until an election is certified to the Secretary of
- 33 State under § 7-5-701, all unused ballots.
- 34

35 SECTION 4. Arkansas Code § 13-4-401 is amended to read as follows:

36 13-4-401. Retention required – Destruction – Electronic reproduction.

1 (a)(1) A county sheriff's office shall maintain the records named in
 2 this subchapter for the period of time provided in this subchapter, after
 3 which time the records may be destroyed.

4 (2)(A) ~~In no case shall administrative records~~ Administrative
 5 records shall not be destroyed until at least one (1) year after an audit by
 6 Arkansas Legislative Audit or a private auditor is completed and approved.

7 (B) ~~Any A record over fifty (50) years old will~~ shall not
 8 be destroyed before written notice by the custodian of the records in
 9 question has been furnished to the Arkansas State Archives, describing the
 10 scope and nature of the records, at least sixty (60) days before the
 11 destruction of the records.

12 (b)(1) If a record is photographically or ~~otherwise electronically~~
 13 transferred to other media of a permanent nature, the original document may
 14 be destroyed, except that a handwritten record over fifty (50) years old
 15 shall not be destroyed.

16 (2) A county record that is photographically transferred to
 17 other media of a permanent nature shall be transferred by a process that
 18 accurately reproduces or forms a durable medium for reproducing the original.

19 (c) When county records are transferred to other media of a permanent
 20 nature, the resulting transfer shall meet the following requirements:

21 (1) The information in the county record retained shall be
 22 transferred into a usable and accessible format capable of accurately
 23 reproducing the original over the time periods specified in § 13-4-301 et
 24 seq.:

25 (2) Operational procedures shall ensure that the authenticity,
 26 confidentiality, accuracy, reliability, and appropriate level of security are
 27 provided to safeguard the integrity of the information in the county record:

28 (3) Procedures shall be available for the backup, recovery, and
 29 storage of records to protect the records against media destruction or
 30 deterioration and information loss; and

31 (4) A retention conversion-and-review schedule shall be
 32 established to ensure that electronically or optically stored information is
 33 reviewed for data conversion at least one (1) time every four (4) years or
 34 more frequently when necessary to prevent the physical loss of data or loss
 35 due to technological obsolescence of the medium.

36 (c)(d) Before any record is destroyed, the custodian of the record

1 shall document the date and type of document.

2 (e) Records explicitly not addressed in this subchapter may be
 3 destroyed no sooner than three (3) years after an audit by Arkansas
 4 Legislative Audit or a private auditor is completed and approved.

5

6 SECTION 5. Arkansas Code § 13-4-403 is amended to read as follows:
 7 13-4-403. Criminal investigation documentation.

8 (a) ~~In As used in this section~~, "criminal investigation documentation"
 9 includes without limitation:

- 10 (1) Incident or offense reports;
 11 (2) Arrest warrant records;
 12 (3) Search warrant records; and
 13 (4) Investigative case files, including:
 14 (A) Photographs;
 15 (B) Lab reports; and
 16 (C) Audiovisual media.

17 (b) Criminal investigation documentation shall be retained for the
 18 following periods of time:

- 19 (1) If the documentation is associated with a Class Y ~~or Class A~~
 20 felony, it shall be retained indefinitely;
 21 (2) If the documentation is associated with ~~any other a non-~~
 22 Class Y felony, it shall be retained for at least ten (10) years;
 23 (3) If the documentation is associated with a misdemeanor or
 24 violation, it shall be retained for at least five (5) years; and
 25 (4) If the documentation relates to a civil matter or ~~any other~~
 26 noncriminal matter, it shall be retained for at least three (3) years.

27 (c) Criminal investigation documentation may be disposed of by the
 28 order of the county judge upon recommendation of the county sheriff after the
 29 period of time dictated by subsection (b) of this section.

30

31 SECTION 6. Arkansas Code § 13-4-404 is amended to read as follows:
 32 13-4-404. Jail booking records.

33 (a) ~~In As used in this section~~, "jail booking records" means records
 34 generated and kept during jail booking procedures and while a person is in
 35 custody and includes without limitation:

- 36 (1) Fingerprint cards;

1 (2) Booking photographs; and

2 (3) Jail detention logs.

3 (b) Jail booking records shall be kept for ~~thirty (30)~~ at least five
4 (5) years, after which time they may be disposed of by order of the county
5 judge upon recommendation of the county sheriff.

6

7 SECTION 7. Arkansas Code § 13-4-405 is amended to read as follows:

8 13-4-405. Dispatch reports.

9 (a) ~~In~~ As used in this section, "dispatch reports" means records
10 generated and kept regarding:

11 (1) Incoming calls to the county sheriff's office involving
12 reports or complaints from the general public;

13 (2) Complaint cards; and

14 (3) Radio traffic logs.

15 (b) Dispatch reports shall be kept for a period of ~~seven (7)~~ at least
16 three (3) years, after which they may be disposed of by the order of the
17 county judge upon recommendation of the county sheriff.

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COUNTY JUDGES

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

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative McElroy
6

For An Act To Be Entitled

7
8 AN ACT TO AMEND THE LAW CONCERNING PURCHASES BY A
9 COUNTY FROM COUNTY GOVERNMENT OFFICERS AND EMPLOYEES;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW CONCERNING PURCHASES BY
14 A COUNTY FROM COUNTY GOVERNMENT OFFICERS
15 AND EMPLOYEES.
16
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-14-1202(c)(2), concerning rules of
22 conduct of county government officers and employees, is amended to read as
23 follows:

24 (2)(A)(i) If the quorum court determines ~~that~~ it is in the best
25 interest of the county, the quorum court may by ordinance may permit the
26 county to purchase goods ~~or~~, services, commodities, or real property directly,
27 or indirectly from ~~quorum court members, county officers, or county employees~~
28 a quorum court member, a county officer, or a county employee due to unusual
29 circumstances.

30 (ii) The ordinance permitting the ~~purchases must~~
31 purchase shall define specifically ~~define~~ the unusual circumstances under
32 which the ~~purchases are allowed~~ purchase is permitted and the limitations of
33 the authority.

34 (B) ~~Any~~ A quorum court member having ~~any~~ an interest in
35 the goods ~~or~~, services, commodities, or real property being considered under
36 ~~these~~ the ~~procedures in this subdivision (c)(2)~~ shall not ~~be entitled to~~ vote

DRAFT

1 upon the approval of the ordinance permitting the purchase of the goods or,
2 services, commodities, or real property.

3 (C) If goods or, services, commodities, or real property
4 are purchased under ~~these~~ the procedures in this subdivision (c)(2), the
5 county judge ~~must~~ shall file an affidavit, together with a copy of the
6 voucher and other documents supporting the disbursement, with the county
7 clerk certifying that each disbursement has been made in accordance with ~~the~~
8 ~~provisions of~~ the ordinance.

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

A Bill

DRAFT KLC/KLC
HOUSE BILL

4
5 By: Representative L. Fite

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING PROCEDURES FOR
9 ACCESS TO CERTAIN REAL PROPERTY; AND FOR OTHER
10 PURPOSES.

Subtitle

13 TO AMEND THE LAW CONCERNING PROCEDURES
14 FOR ACCESS TO CERTAIN REAL PROPERTY.

15
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17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code § 14-15-702 is amended to read as follows:
21 14-15-702. Duties generally.

22 ~~It shall be the duty of the~~ The county surveyor ~~to execute all~~ shall:

23 (1) Execute orders directed to him or her by any a court of
24 record for surveying or resurveying any a tract of land, the title of which
25 is in dispute or in litigation before the court, ~~and to obey all;~~

26 (2) Obey orders of survey for the partition of real estate, ~~and~~
27 ~~also to accompany;~~

28 (3) Perform duties as directed by the court under §§ 27-66-401 -
29 27-66-404; and

30 (4) Accompany viewers and reviewers of roads for the purpose of
31 running and measuring any proposed road, whenever required by the viewers or
32 reviewers.

33
34 SECTION 2. Arkansas Code § 14-15-703 is amended to read as follows:
35 14-15-703. ~~Chainmen~~ Chain carriers.

36 The necessary ~~chainmen~~ chain carriers shall be employed by the person

1 wanting surveying done, but they shall be good and disinterested persons, to
 2 be approved by the surveyor, and shall be sworn by the surveyor to measure
 3 justly and exactly, according to the best of their abilities.

4
 5 SECTION 3. Arkansas Code § 14-15-704 is amended to read as follows:
 6 14-15-704. Appointment of another surveyor.

7 (a)(1) In all cases where in which the county surveyor may be is
 8 interested in any a survey which is required to be made by any a court, the
 9 court shall direct the survey to be made by some appoint a competent person
 10 replacement surveyor.

11 (2) The person so appointed shall have power to administer
 12 replacement surveyor shall:

13 (A) Administer the necessary oaths to the chainmen, and
 14 shall return chain carriers;

15 (B) Return the survey under oath, and shall be entitled
 16 to; and

17 (C) Collect the same fees for his or her services as the
 18 county surveyor would be entitled to receive for similar services.

19 (b)(1) In landlocked cases, the court may appoint a competent
 20 replacement surveyor for the county surveyor for any reason and upon proper
 21 motion to perform the duties and receive compensation under §§ 27-66-401 -
 22 27-66-404.

23 (2) The replacement surveyor appointed under subdivision (b)(1)
 24 of this section is not required to be a resident of the county.

25
 26 SECTION 4. Arkansas Code § 27-66-401 is amended to read as follows:
 27 27-66-401. Establishment.

28 (a)(1) When the lands, dwelling house, or plantation of any If the
 29 real property or home of an owner of real property is so situated as to
 30 render it necessary to have a road from such lands, dwelling house, or
 31 plantation to any the real property or home to a public road or navigable
 32 watercourse waterway over the lands real property of any other person another
 33 person and the other person refuses to allow that owner access to the public
 34 road or navigable waterway, the owner of real property may petition the
 35 county court to appoint viewers a surveyor to lay off the road, provided the
 36 owner of real property gives written notice to the person twenty (20) days

1 before application to the court and attaches the written notice to the
2 petition.

3 (2) The written notice shall include the amount of payment the
4 owner of real property offers for the road.

5 (b) The petition for an easement for ingress and egress to and from
6 the petitioner's ~~lands~~ real property over, through, and across the
7 respondent's ~~lands~~ real property to any a public road or navigable
8 ~~waterecourse~~ waterway shall be filed with the clerk of the county court and
9 shall allege with particularity facts demonstrating that:

10 (1) The written notice was provided by the petitioner to the
11 respondent twenty (20) days before application to the court;

12 (2) The respondent refused to convey to the petitioner the
13 requested access easement; and

14 (3) The petitioner lacked the legal right of ingress and egress
15 to and from his or her ~~lands~~ real property across the respondent's ~~lands~~ real
16 property or otherwise to a public road.

17 (c) Copies of abstracts, deeds, or plats referenced in the petition
18 shall be attached to the petition to affirmatively assert and demonstrate
19 with particularity the requisite lack of legal ingress and egress to the
20 court.

21 (d) After the petition is filed, the county court shall issue a notice
22 setting the time, date, and location of a ~~preliminary~~ hearing, and the
23 hearing shall not be any earlier than sixty (60) days from the date of the
24 petition's filing.

25 (e)(1) In accordance with the Arkansas Rules of Civil Procedure, the
26 petitioner shall serve the resident or nonresident respondent with a:

27 (A) Summons;

28 (B) Copy of the petition and any exhibits; and

29 (C) Copy of the court notice of the ~~preliminary~~ hearing.

30 (2)(A) If service is not obtained, the notice shall be published
31 one (1) time per week for two (2) consecutive weeks in a newspaper of general
32 circulation in the county at the petitioner's expense.

33 (B) If there is no newspaper of general circulation in the
34 county, the notice shall be posted at the county courthouse.

35 (f)(1) The court may dismiss the case without prejudice and allow the
36 petition to be refiled within one (1) year from dismissal if the court

1 determines ~~at the preliminary hearing~~ that:

2 (A) Required notices and service have not been provided to
3 the respondent; or

4 (B) The petition fails to sufficiently demonstrate the
5 requirements of ~~subsection~~ subsections (b) and (c) of this section.

6 (2)(A)~~(i)~~ If the court determines ~~at the preliminary hearing~~
7 that required notices and service have been provided to the adjoining owner
8 who has refused the landlocked petitioner an access easement or to any other
9 adjoining owner that has been included in the petition and the petition
10 sufficiently demonstrates the requirements of ~~subsection~~ subsections (b) and
11 (c) of this section, the court shall ~~appoint viewers as provided:~~

12 (i) Appoint a surveyor under this section; and

13 ~~(ii) The court shall give each party at least ten~~
14 ~~(10) business days to submit up to three (3) potential viewers.~~

15 ~~(iii) The court shall give due consideration to all~~
16 ~~potential viewers that were submitted by the parties and shall select one (1)~~
17 ~~of the potential viewers submitted from each party and one (1) or more~~
18 ~~viewers selected by the court for a total of three (3) viewers.~~

19 ~~(B) If viewers are appointed by the court, the court~~
20 ~~shall:~~

21 ~~(i)(ii)~~ Issue a preliminary order directing the
22 landlocked petitioner to deposit into the registry of the court an estimated
23 sum sufficient for payment of:

24 (a) Viewers' The surveyor's anticipated fees
25 and expenses, unless the court directs the county surveyor to serve on the
26 case;

27 (b) The anticipated survey cost, unless the
28 court directs the county surveyor to serve on the case;

29 (c) The court-appointed viewer's anticipated
30 fees and expenses, if a court-appointed viewer is appointed by the court
31 under subdivision (f)(2)(B) of this section;

32 ~~(e)(d)~~ Damages related to the adjoining
33 owner's property, including without limitation an estimate of:

34 (1) The loss of property value for the
35 area of acquisition;

36 (2) The loss of exclusive use the

1 adjoining owner will realize; and

2 (3) Damages to the owner's remaining
3 property; and

4 ~~(d)~~(e) Notice and publication costs, if any;
5 ~~(ii)~~(iii) Set the time, date, and location of the
6 evidentiary hearing; and

7 ~~(iii)~~(iv) Require the funds deposited to be used
8 exclusively for the purposes stated under this subsection.

9 (B)(i) In addition, the court may direct the county
10 assessor to provide copies of the real property assessments of the subject
11 real properties and surrounding area and appoint a court-appointed viewer to
12 assist the court in the calculation of damages, the valuation of the subject
13 real properties, and the sum of just compensation.

14 (ii) The court-appointed viewer shall be a resident
15 of the county and will be given preference by the court if he or she is a
16 real estate appraiser, a real estate agent, or a real estate broker licensed
17 in the state.

18
19 SECTION 5. Arkansas Code § 27-66-402 is amended to read as follows:
20 27-66-402. Duty of ~~viewers~~ surveyor and court-appointed viewer.

21 (a) ~~Viewers~~ The surveyor and court-appointed viewer shall take the
22 same oath and shall be governed in all respects as viewers appointed to
23 public roads are governed ~~under this act.~~

24 (b) ~~They~~ The surveyor shall examine the route proposed for the road
25 and any other route ~~which they may deem~~ deemed proper.

26 (c) ~~If a majority of the viewers state~~ the surveyor determines and
27 states under oath that an access easement is necessary and proper as prayed
28 in the petition, the ~~viewers~~ surveyor shall lay out and describe the access
29 easement in a manner that produces the least inconvenience, damage, and
30 devaluation of the property to the adjoining owners.

31 (d)(1)(A)(i) ~~The viewers~~ surveyor shall make a written report under
32 oath to the county court, describing the route of the road and the land
33 through which it shall pass to allow location and identification of the
34 access easement by land records, naming the owner, if known, ~~and by decision~~
35 ~~of a majority of the viewers.~~

36 (ii)(a) The surveyor and court-appointed viewer

1 shall each make a written report of the damages sustained by each owner of
2 lands through which the road passes.

3 (b) The damages shall include the value of
4 each owner's land sought to be appropriated.

5 (B)(i) The parties shall stipulate to or dispute the
6 ~~report of the viewers~~ reports.

7 (ii) Each party shall be given at least ten (10)
8 business days to respond in writing to ~~the viewers'~~ each report.

9 (2) The measure of damages shall be the difference in the fair
10 market value of the lands immediately before the access easement is ordered
11 and the fair market value of the lands after the access easement is ordered.

12 (e) The Each report shall be filed with the county clerk for the
13 records of the county court.

14 (f)(1) A person who renders services under this subchapter as a court-
15 appointed viewer or reviewer, chain carrier, or marker, ~~or surveyor~~ shall be
16 paid is entitled to reasonable costs and expenses from the petitioner based
17 upon the current market rate for each day necessarily employed.

18 (2) Payments are to be charged as costs and expenses against the
19 funds deposited by the petitioner.

20 (3) The amount due each person and the number of days employed
21 shall be certified under oath ~~by the viewers~~.

22 (4) The court by order may direct the county clerk to ~~receive~~
23 receive payment by the petitioner of the directed sum into the registry of
24 the court and to issue payment.

25

26 SECTION 6. Arkansas Code § 27-66-403 is amended to read as follows:

27 27-66-403. Court order.

28 (a)(1) If the petitioner has not complied with the court's order under
29 § 27-66-401 and paid into the registry of the county court the estimated sum,
30 the court may dismiss the case without prejudice and provide that the matter
31 may be refiled within one (1) year from dismissal ~~in accordance with~~ under
32 the Arkansas Rules of Civil Procedure.

33 (2) If during the pendency of the proceedings the county court
34 determines that the circuit court has jurisdiction over the matter, the
35 county court may stay the proceedings or dismiss the case without prejudice
36 and provide that the matter may be refiled within one (1) year from dismissal

1 ~~in accordance with~~ under the Arkansas Rules of Civil Procedure.

2 (3)(A)(i) The evidentiary hearing may be held if:

3 (a) At least sixty (60) days have passed since
4 the initial petition was filed;

5 (b) The landlocked petitioner has complied
6 with the court's order under § 27-66-401; and

7 (c) The landlocked petitioner has deposited
8 the estimated sum under § 27-66-401.

9 (ii) At the evidentiary hearing, all parties shall
10 have the opportunity to present evidence and cross-examine witnesses.

11 (B)(i) If after considering the ~~report~~ reports of the
12 ~~viewers~~ surveyor and the court-appointed viewer, the evidence, the law, and
13 all other proper and sufficient matters the court is of the opinion that it
14 is necessary for the petitioner to have the road from his or her ~~lands,~~
15 ~~dwelling house, or plantation~~ real property or home to the public road or
16 navigable ~~waterecourse~~ waterway, an order is to be made establishing the road
17 not to exceed fifty feet (50') in width and determining the damages the court
18 finds have been sustained by each owner of ~~lands~~ real property through which
19 the access easement passes.

20 (ii)(a) The access easement of ingress and egress to
21 and from the petitioner's ~~lands~~ real property to, through, over, and across
22 the respondent's ~~lands~~ real property shall be described in the final order or
23 judgment of the court and ~~shall be~~ are appurtenant to the petitioner's ~~lands~~
24 real property.

25 (b)(1) The order shall direct return of any
26 ~~excess funds, if any,~~ to the petitioner and any further deposits necessary to
27 be made by the petitioners for the payment of all costs and expenses,
28 including reasonable attorney's fees and costs, accruing and remaining unpaid
29 on account of the petition for the road, ~~and all things relating thereto and~~
30 ~~following therefrom,~~ including without limitation the view and survey of the
31 road and damages sustained by each owner of the ~~lands~~ real property over
32 which the road passes.

33 (2)(A) If the respondent substantially
34 prevails on the disputed issues in the case, the court shall award reasonable
35 attorney's fees and costs to the respondent.

36 (B) In determining whether the

1 respondent substantially prevails on the disputed issues, the court shall
 2 consider the respondent's success on the merits regarding the:

- 3 (i) Necessity of the road;
- 4 (ii) Route of the road;
- 5 (iii) Width of the road; and
- 6 (iv) Damages to the lands

7 over which the road passes.

8 (c) The order shall state that:

9 (1) The respondent retains title to the
 10 ~~lands~~ real property over which the road passes; and

11 (2) The road is for an access easement
 12 only and is not an easement for any other purpose, including a public
 13 utility.

14 (iii) The petitioner shall be solely responsible for
 15 the maintenance of the road established under this subchapter.

16 (iv) The respondent shall have no responsibility for
 17 the maintenance of the road established under this subchapter.

18 (v) A user of the road does so at his or her own
 19 risk and peril and does not have the right to file a cause of action against
 20 the petitioner or respondent for any injury to the user or the user's
 21 property.

22 (b)(1) Either party may appeal to the circuit court from the final
 23 order or judgment of the county court within thirty (30) days from the entry
 24 of the order and not thereafter.

25 (2) The review by the circuit court shall be de novo and for
 26 strict compliance with this subchapter and any additional violations of the
 27 due process rights of the parties.

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COUNTY CLERKS

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas As Engrossed: _____

91st General Assembly A Bill

Regular Session, 2017

HOUSE/SENATE BILL _____

By: Representative Wardlaw

By: Senator Sample

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE LIMITATION ON CANDIDACY FOR MORE THAN ONE ELECTED OFFICE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CANDIDACY FOR MORE THAN ONE ELECTED OFFICE.

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

SECTION 1. Arkansas Code § 7-5-111 concerning candidacy for more than one elected office is amended to read as follows:

7-5-111. Candidacy for more than one elected office --- Limitations.

A person shall not run for election for more than one (1) state, county, municipal, district, or municipal township office if the elections are to be held on the same date.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT SRC/BAT
HOUSE BILL

5 By: Representative M. Gray
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY PROPER PROCEDURES FOR VOTING
9 PRECINCTS IN COUNTIES THAT HAVE ESTABLISHED VOTE
10 CENTERS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO CLARIFY PROPER PROCEDURES FOR VOTING
14 PRECINCTS IN COUNTIES THAT HAVE
15 ESTABLISHED VOTE CENTERS.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-44-103(b)(1)(C), concerning election of
22 aldermen in cities of the second class, is amended to read as follows:

23 ~~(C)(1) provision shall be made by~~ Except as provided in
24 subdivision (b)(1)(C)(ii) of this section, the election commissioners in
25 ~~these cities so the city shall ensure~~ that the qualified electors of each
26 ward ~~shall~~ have at least one (1) voting precinct in each ward where the
27 resident electors ~~thereof~~ of the ward may cast their ballots.

28 (ii) subdivision (b)(1)(C)(i) of this section does not apply if
29 the county board of election commissions of the county in which the city is
30 situated has established vote centers under § 7-5-101.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

DRAFT SRC/SRC
SENATE BILL

4
5 By: Senator Bledsoe

For An Act To Be Entitled

6
7
8 AN ACT TO AMEND THE DEADLINE FOR CONDUCTING LOGIC AND
9 ACCURACY TESTING FOR RUNOFF ELECTIONS; AND FOR OTHER
10 PURPOSES.

Subtitle

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13 TO AMEND THE DEADLINE FOR CONDUCTING
14 LOGIC AND ACCURACY TESTING FOR RUNOFF
15 ELECTIONS.
16

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

20
21 SECTION 1. Arkansas Code § 7-5-515(c)(1), concerning preparation of
22 machines for election, logic and accuracy testing, and public testing, is
23 amended to read as follows:

24 (c)(1)(A) As soon as the election media is prepared, but no later than
25 seven (7) days ~~prior to~~ before the beginning of voting, the county board,
26 with respect to all elections except a runoff election under subdivision
27 (c)(1)(B) of this section, shall conduct logic and accuracy testing by having
28 all election media tested to ascertain that the voting system has been
29 correctly configured and will correctly tabulate the votes cast for all
30 offices and on all measures.

31 (B) As soon as the election media is prepared, but no
32 later than five (5) days before the beginning of voting, the county board,
33 with respect to a runoff election, shall conduct logic and accuracy testing
34 by having all runoff election media tested to ascertain that the voting
35 system has been correctly configured and will correctly tabulate the votes
36 cast for all offices and on all measures.

1
2 SECTION 2. Arkansas Code § 7-5-611(a), concerning preparation of
3 electronic devices, is amended to read as follows:

4 (a)(1) The county board of election commissioners, with respect to all
5 elections, shall cause the electronic vote tabulating devices used for voting
6 to be properly programmed and tested before delivery to the election
7 precincts.

8 (2) As soon as the election media are prepared, but no later
9 than seven (7) days ~~prior to~~ before the beginning of voting, the county
10 board, with respect to all elections except a runoff election as described in
11 subdivision (a)(3) of this section, shall conduct logic and accuracy testing
12 by having all election media from each electronic vote tabulating device
13 tested to ascertain that the devices will correctly tabulate the votes cast
14 for all offices and on all measures.

15 (3) In a runoff election, as soon as the election media are
16 prepared, but no later than five (5) days before the beginning of voting, the
17 county board shall conduct logic and accuracy testing by having all runoff
18 election media from each electronic vote tabulating device tested to
19 ascertain that the devices will correctly tabulate the votes cast for all
20 offices and on all measures.

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COUNTY CIRCUIT CLERKS

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

7
8 AN ACT TO AMEND THE LAW CONCERNING COPYING OF PUBLIC
9 RECORDS; AND FOR OTHER PURPOSES.
10

Subtitle

11
12 CONCERNING COPYING OF PUBLIC RECORDS.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
17

18 SECTION 1. Arkansas Code § 14-14-112 is amended to read as follows:
19 14-14-112. Bulk copying of public records.

20 (a) In the absence of an existing agreement or county ordinance, a
21 county official may negotiate with a commercial, nonpress entity regarding a
22 reasonable fee for mass duplication, copying, or bulk electronic access of
23 public records.

24 ~~(b) A negotiated agreement authorized by this section is not to the~~
25 ~~exclusion of any right to a public record a person has under this subchapter~~
26 ~~or § 25-19-109.~~

27 ~~(c)(b)~~ As used in this section, "existing agreement" means a contract,
28 custom, practice, or dealings that were in use as of January 1, 2011.
29

30 SECTION 2. Arkansas Code § 25-19-105(b), concerning exemptions to the
31 examination and copying of public records, is amended to add an additional
32 subdivision to read as follows:

33 (24) Records that can be acquired by a commercial, nonpress
34 entity under § 14-14-112.
35
36

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING REIMBURSEMENT FOR
9 JUROR ORIENTATION COSTS; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE LAW CONCERNING REIMBURSEMENT
12 FOR JUROR ORIENTATION COSTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 16-34-106(b)(1)-(3), concerning the
20 reimbursement to counties for juror costs, is amended to read as follows:

21 (b)(1)(A) The state shall reimburse a county for a portion of the
22 costs incurred for a payment under § 16-34-103(b)(1) if the county makes a
23 request under subdivision (b)(3) of this section.

24 (B)(i) If funds are available, the state shall reimburse a
25 county for the cost of a prospective juror orientation for a juror eligible
26 for payment under § 16-34-103(b)(2) if the county makes a request under
27 subdivision (b)(3) of this section.

28 (ii) The reimbursement under this subdivision
29 (b)(1)(B) shall not exceed the minimum per diem compensation under § 16-34-
30 103(b)(2).

31 (2) The Administrative Office of the Courts shall administer the
32 state reimbursement to a county under subdivision (b)(1) of this section.

33 (3) A county may request reimbursement for costs incurred for a
34 payment under § 16-34-103(b)(1) or § 16-34-103(b)(2) on a quarterly basis as
35 follows:

36 (A) On or before May 1 of each year for costs incurred

1 between January 1 and March 31 of that year;

2 (B) On or before August 1 of each year for costs incurred
3 between April 1 and June 30 of that year;

4 (C) On or before December 1 of each year for costs
5 incurred between July 1 and September 30 of that year; and

6 (D) On or before February 1 of each year for costs
7 incurred between October 1 and December 31 of the prior year.

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COUNTY SHERIFFS

Stricken language would be deleted from and underlined language would be added to present law.

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

A Bill

DRAFT BPG/BPG
SENATE BILL

4
5 By: Senator Caldwell

For An Act To Be Entitled

8 AN ACT CONCERNING THE HOUSING AND TRANSPORTATION OF
9 STATE INMATES HOUSED IN A COUNTY JAIL; AND FOR OTHER
10 PURPOSES.

Subtitle

14 CONCERNING THE HOUSING AND TRANSPORTATION
15 OF STATE INMATES HOUSED IN A COUNTY JAIL.

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

20 SECTION 1. Arkansas Code § 12-27-113(d), concerning the transportation
21 of inmates of the Department of Correction or the Department of Community
22 Correction, is amended to read as follows:

23 (d)(1) A county sheriff, a deputy county sheriff, or a trained
24 security contractor shall transport all inmates committed to the Department
25 of Correction or the Department of Community Correction as described in this
26 subsection, and the county sheriff is entitled to the fees provided by law.

27 ~~(2)(A)(i) A county sheriff shall notify the director of the~~
28 ~~number of inmates in his or her charge who are under commitment to the~~
29 ~~Department of Correction, and upon request to the county sheriff by the~~
30 ~~director, the county sheriff, the deputy county sheriff, or the trained~~
31 ~~security contractor shall send for, take charge of, and safely transport the~~
32 ~~inmates to the nearest appropriate facility as determined by the Department~~
33 ~~of Correction or the Department of Community Correction~~ A county sheriff
34 shall notify the Director of the Department of Correction of the number of
35 inmates in his or her charge who are under commitment to the Department of
36 Correction, and upon request to the county sheriff by the Director of the

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1 Department of Correction, the county sheriff, the deputy county sheriff, or
2 the trained security contractor shall send for, take charge of, and safely
3 transport the inmates to the nearest appropriate facility of the Department
4 of Correction.

5 (ii) A county sheriff shall notify the Director of
6 the Department of Community Correction of the number of inmates in his or her
7 charge who are being supervised by or have been committed to the Department
8 of Community Correction, and upon request to the county sheriff by the
9 Director of the Department of Community Correction, the county sheriff, the
10 deputy county sheriff, or the trained security contractor shall send for,
11 take charge of, and safely transport the inmates to the nearest appropriate
12 facility of the Department of Community Correction.

13 (B) As used in this subdivision (d)(2), "nearest
14 appropriate facility" means the nearest facility as measured by mileage.

15 (3) However, if the county sheriff determines that it would be
16 in the best interest of an inmate and the public to immediately transport the
17 inmate to the Department of Correction or the Department of Community
18 Correction because of overcrowding or another issue, the county sheriff may
19 notify the Department of Correction or the Department of Community Correction
20 of the need for immediate transport and the Department of Correction or the
21 Department of Community Correction shall consider the request in scheduling
22 inmates for intake.

23
24 SECTION 2. Arkansas Code § 16-93-705(g), concerning the housing by the
25 county sheriff of a parolee who is subject to a parole revocation hearing, is
26 amended to read as follows:

27 (g)(1) The county sheriff or keeper of the county jail may permit the
28 parolee to be held in the county jail while awaiting the parole revocation
29 hearing under this section and ruling of the board or its designee.

30 (2)(A) However, if the parolee has been held in the county jail
31 for more than thirty (30) days pending a parole revocation hearing, the
32 county sheriff may transport the parolee to the nearest appropriate facility
33 for housing, regardless of the status of the parolee's parole revocation
34 hearing.

35 (B) As used in this subdivision (g)(2), "nearest
36 appropriate facility" means the nearest facility as measured by mileage that

1 is designed to house an inmate committed to the Department of Correction and
2 that is operated by the Department of Correction or the Department of
3 Community Correction.

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COUNTY COLLECTORS

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE DATES FOR
9 PAYMENT OF DELINQUENT PROPERTY TAXES AND RELATED
10 PENALTIES; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO AMEND THE LAW CONCERNING THE DATES FOR
13 PAYMENT OF DELINQUENT PROPERTY TAXES AND
14 RELATED PENALTIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 26-26-1118(b)(3), concerning the limitation
22 on the increase of the assessed value of property, is amended to read as
23 follows:

24 (3)(A) The homestead property tax credit authorized by
25 subdivision (a)(1) of this section ~~shall~~is not be allowed after October 15
26 of the year after the assessment.

27 (B) If October 15 falls on a Saturday, Sunday, or holiday
28 observed by the United States Postal Service, the homestead property tax
29 credit is allowed on, but no later than, the following business day that is
30 not a holiday observed by the United States Postal Service.
31

32 SECTION 2. Arkansas Code § 26-37-302(b), concerning the beginning date
33 for payment of delinquent property taxes, is amended to read as follows:

34 (b) The penalties and interest shall accrue beginning on October ~~11-16~~
35 in the year of delinquency.
36

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION OF
9 PERSONAL PROPERTY TAXES; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE LAW CONCERNING THE
12 COLLECTION OF PERSONAL PROPERTY TAXES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 26-35-601(c)(3), concerning personal
20 property taxes to be collected with real estate taxes, is amended to read as
21 follows:

22 (3) Notwithstanding the other provisions of this section, a
23 county collector shall accept payment of general real estate taxes on a
24 parcel of property at the time the ownership of the property is being
25 transferred if the taxpayer transferring title to the property has paid all
26 delinquent personal property taxes and any personal property taxes shown to
27 be due.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE PROCEDURES FOR OBTAINING TITLE
9 TO A MOBILE HOME OR A MANUFACTURED HOME; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12 CONCERNING THE PROCEDURES FOR OBTAINING
13 TITLE TO A MOBILE HOME OR A MANUFACTURED
14 HOME.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 27-14-1602(a), concerning the registration
22 of a manufactured home or mobile home, is amended to read as follows:

23 (a) An owner of a manufactured home or a mobile home shall be
24 ~~permitted to register~~ the manufactured home or mobile home with the office of
25 Motor Vehicle for the purpose of receiving a certificate of title to the
26 manufactured home or the mobile home or for any other purpose.
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1 State of Arkansas
2 90th General Assembly
3 Fourth Extraordinary Session, 2016
4

A Bill

DRAFT JLL/JLL
SENATE BILL

5 By: Senator Hester
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE REQUIREMENTS FOR PUBLISHING
9 NOTICE OF DELINQUENT TAXES ON MINERAL INTERESTS; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12 TO AMEND THE REQUIREMENTS FOR PUBLISHING
13 NOTICE OF DELINQUENT TAXES ON MINERAL
14 INTERESTS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 26-36-213(a)(1)(C), concerning delinquent
22 taxes on mineral interests, is amended to read as follows:

23 (C) Before a county collector may initiate collection
24 proceedings under this section, ~~the:~~

25 (i) The county collector shall provide the notice of
26 publication required under § 26-37-107, which shall also include the
27 following information:

28 (a) Prepare a list of the delinquent taxes on
29 mineral interests in his or her county; and

30 (b) Provide the list, including without
31 limitation the following information, to the Association of Arkansas Counties
32 by December 1 of each year:

33 (1) The name and last known address of
34 the owner of the mineral interests;

35 (2) The applicable well name,
36 uncontrolled lease name, or unitized area name as recognized by the oil and

1 Gas Commission:

2 (3) The county, section, township, and
3 range of the property containing the mineral interests;

4 ~~(i)-(4)~~ Notice of the penalty provided
5 under subdivision (a)(1)(B)(i) of this section; and

6 ~~(ii)-(5)~~ Notice that the county
7 collector may seek collection under this section if the property taxes,
8 penalties, and interest remain unpaid after December 1;

9 (ii) The association shall:

10 (a) Create a website that is accessible by the
11 public and is dedicated to publishing notice of delinquent taxes on mineral
12 interests; and

13 (b)(1) within seven (7) days of receiving a
14 list under subdivision (a)(1)(C)(i)(b) of this section, publish the list to
15 the website created under subdivision (a)(1)(C)(ii)(a) of this section.

16 (2) The publication required under this
17 subdivision (a)(1)(C) shall be in substantially the following form:

18 "DELINQUENT MINERAL INTEREST TAX LIST

19 The Real Estate Tax Books of County reflect the
20 following list of mineral interests to be delinquent for nonpayment of taxes
21 for the year (The amount included in the "BASE DELINQUENCY" column
22 may not include all penalties and costs and will not include interest and
23 special improvement assessments that may be due at the time of payment.)

<u>NAME OF OWNER</u>	<u>LEGAL DESCRIPTION</u>	<u>BASE DELINQUENCY</u>
Brown, Bill	pt. W ½ NE SW Sect 6 Twp 17 Rn 5 5 Acs	\$44.25
Doe, John	Lot 3 Blk 5 Plainview Add.	\$31.25
Jones, John	W ½ Lot 8 Blk 54 Meriweather Trust	\$42.24
Roe, Richard	SW ¼ SE ¼ Sec 12 Twp 18E Rn 6E 40 Acs	\$37.25

31 NOTICE IS HEREBY GIVEN THAT said several tracts, lots, or parts of lots
32 will be held as delinquent for a one-year period from this date and then
33 certified to the State of Arkansas, Commissioner of State Lands, for
34 collection or to be sold, unless the delinquent taxes, penalties, and costs
35 are paid before the end of the one-year period.

1 (Date of Notice) Collector County.";
2 and

3 (iii) The county collector shall publish notice:

4 (a)(1) In a newspaper that has general
5 circulation in the county or district for which the list is being published.

6 (2) If there is no newspaper in the
7 county or district, the publication of notice shall be in the nearest
8 newspaper having a general circulation in the county or district for which
9 the list is being published.

10 (3) The notice required under
11 subdivision (a)(1)(C)(iii)(a)(1) of this section shall provide the website at
12 which the delinquent mineral interest tax list may be found; and

13 (b) At the county courthouse.

14
15 SECTION 2. Arkansas Code § 26-36-213(b)(2)(B)(ii), concerning
16 certified statements or account of delinquent taxes on mineral interests, is
17 amended to read as follows:

18 (ii) The county collector shall include in the
19 certified statement or account the identification information provided in the
20 notice of publication made under ~~§ 26-37-107~~ subdivision (a)(1)(C) of this
21 section and a copy of the tax statements containing the delinquent taxpayer's
22 last known address;

23
24 SECTION 3. Arkansas Code § 26-37-107, concerning the publication of
25 the delinquent taxes list, is amended to add an additional subsection to read
26 as follows:

27 (d) The requirements of this section do not apply to delinquent taxes
28 on mineral interests, which shall comply with the requirements stated in §
29 26-36-213.

30
31 SECTION 4. EFFECTIVE DATE. This act is effective for tax years
32 beginning on or after January 1, 2017.

COUNTY TREASURERS

A Bill

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION AND DISTRIBUTION OF DELINQUENT PERSONAL TAXES TO CONFORM TO PREVIOUS CHANGES IN LAW; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE COLLECTION AND DISTRIBUTION OF DELINQUENT PERSONAL TAXES.

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

SECTION 1. Arkansas Code § 26-36-209 is amended to read as follows:

26-36-209. Time and manner -- Returns.

(a) The county collector may collect, at any time, all delinquent personal property tax in his or her county, or any that may be sent from another county, by the sale of property or otherwise, and the county collector shall make returns of the amount so collected to the proper counties and officers.

(b) (1) The county collector shall pay over to the county treasurer on the first day of each month or within ~~five (5)~~ ten (10) working days after the first day of each month all amounts collected for his or her county under this section.

(2) However, upon a certificate of distribution of the amounts collected under this section being prepared by the county clerk, county collector, or other county officer designated pursuant to § 26-28-102(a), which certificate shall be issued on or before the thirtieth day of each month, the county treasurer shall transfer to the various funds the amount due each fund.

(c) (1) All costs associated with such delinquent personal property taxes shall be prorated to the original taxing entities.

(2) All penalties shall be deposited as county revenues in the county general fund ~~unless a county has a functioning executive council and full-time school district coordinator established under § 6-12-315, in which case the penalties shall be divided fifty percent (50%) to the county general fund and fifty percent (50%) to the county common school fund.~~

(d) For purposes of this section, the costs and penalties associated with delinquent personal property taxes shall not be considered a portion of the county collector's revenue in calculating excess commissions.

SECTION 2. Arkansas Code § 6-12-315 allowing the establishment of an executive council and school district coordinator under certain circumstances was repealed by Act 1276 of 2015, therefore Arkansas Code § 6-12-316 establishing perimeters for the salary and operation of the office of school district coordinator is hereby repealed.

~~6-12-316. Salary.~~

~~(a) (1) Each executive council may determine the salary of the school district coordinator and the allowances for travel, clerical support, office, and other expenses.~~

~~(2) The county shall provide office space and other appropriate facilities to the school district coordinator and his or her staff at the county seat free of charge as was previously provided to the county school supervisor and county board of education.~~

~~(b) The chair of the executive council may call a meeting in June each year for the consideration of these matters.~~

~~(c) All allowances for office expense, travel, and clerical support shall be based upon detailed budgets submitted by the school district coordinator and approved by the executive council.~~

~~(d) With the approval of the executive council, the school district coordinator is authorized to hire necessary clerical and other assistants.~~

~~(e) The allowances to the school district coordinator and members of the executive council for travel expense, meals, and hotels shall not be in excess of the allowance for state employees.~~

~~(f) (1) The expense allowed under this section may be paid from the unapportioned county general school fund to a special fund by the county treasurer or the common fund of the county or any other source.~~

~~(2) Payments allowed under this section shall be made only after presentation of invoices, statements, itemized expense accounts, or payroll vouchers signed by the school district coordinator and the chair of the executive council.~~

~~(g) If the person employed as the school district coordinator was previously employed in a position that was eligible to participate in the Arkansas Teacher Retirement System, the school district coordinator shall be eligible to continue to participate in the system.~~

A Bill

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING FACSIMILE SIGNATURES FOR AUTHORIZED OFFICERS; TO PROVIDE FOR AUTHORIZATION OF THE USE OF A COMPUTER-PRODUCED DIGITIZED SIGNATURE OF A COUNTY TREASURER; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING FACSIMILE SIGNATURES AND TO AUTHORIZE A COMPUTER-PRODUCED DIGITIZED SIGNATURE OF A COUNTY TREASURER UNDER CERTAIN CONDITIONS.

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

SECTION 1. Arkansas Code § 21-10-101 is amended to read as follows:

21-10-101. Definitions.

As used in this chapter:

(a) "Public security" means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by this state or by any of its departments, agencies, or other instrumentalities, or by any of its political subdivisions;

(b) "Instrument of payment" means a check, draft, warrant, or order for the payment, delivery, or transfer of funds;

(c) "Authorized officer" means any official of this state or any of its departments, agencies, or other instrumentalities, or any of its political subdivisions whose signature to a public security or instrument of payment is required or permitted;

(d) "Facsimile signature" means the reproduction of the manual signature of an authorized officer by saving electronically or by engraving, imprinting, stamping, or other means ~~of the manual signature of an authorized officer.~~

SECTION 2. Arkansas Code § 21-10-102 is amended to read as follows:

21-10-102. Use of facsimile signature authorized -- Filing required.

Any authorized officer may, after filing with the Secretary of State his or her

manual signature certified by him or her under oath, execute or cause to be executed with a facsimile signature in lieu of his or her manual signature:

- (a) Any public security; and
- (b) Any instrument of payment.

Upon compliance with this chapter by the authorized officer, his or her facsimile signature has the same legal effect as his or her manual signature and shall be deemed to comply with any statute requiring a manual signature.

SECTION 3. Arkansas Code § 14-24-204(b) is amended to read as follows:

14-24-204. Payment generally.

(b) In lieu of the provisions of this section pertaining to the issuance of a check in duplicate form, if a county so chooses, the following provisions may apply:

(1) Once the aforementioned claim procedures have been completed, the treasurer may cause a check to be prepared in payment of claims filed with the county court;

(2) Each claim properly recorded and approved for payment by the county court shall be proper certification from the clerk to the treasurer that a valid claim exists; and

(3) (A) The checks shall be prenumbered and so designed that the particular fund affected out of which the check is to be paid shall be noted thereon.

(B) A county may use computer equipment for check preparation if the use of an automated software program that accomplishes the same purpose as prenumbered checks and other required denotations is in compliance with the Information Systems Best Practices Checklist provided by the Legislative Joint Auditing Committee.

(4) The check drawn in connection with the disbursement of county funds for which the county treasurer is responsible shall bear the manual signature of the treasurer or his or her authorized deputy, or may contain or bear a mechanically produced facsimile signature of the county treasurer in accordance with § 21-10-101 et seq. The county treasurer may also be allowed to use his or her computer-produced digitized signature when the treasurer has established adequate internal administrative procedures and controls approved by Arkansas Legislative Audit Committee.

A Bill

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE COUNTY FISCAL YEAR; TO DEFINE THE MODIFIED ACCRUAL ACCOUNTING BASIS FOR COUNTIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE COUNTY FISCAL YEAR AND TO CODIFY THE OPERATIONAL ACCOUNTING BASIS FOR COUNTIES.

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

SECTION 1. Arkansas Code § 14-71-101 is amended to read as follows:

14-71-101. ~~Counties.~~ County fiscal year and accounting method for county budget and treasury audit purposes.

(a) The fiscal year of the affairs of the counties of the State of Arkansas, covering each period of twelve (12) months, shall begin on January 1 of each year and shall end at the close of business on December 31 of the same year.

(b) Counties of the State of Arkansas shall use a modified accrual basis of accounting for audit purposes. Modified accrual accounting is defined, for the purpose of Arkansas county government and the state's regulatory basis of accounting as described in Arkansas Code Annotated § 10-4-412(b)(2), as an accounting system that recognizes revenues when they become available and measureable and recognizes expenditures when liabilities are incurred. Both revenues and expenditures will be accruable to the county fiscal year within the standards established in subsection (c).

(c) Obligations incurred by a county on or before year-end that are not issued an accounts payable claim until the next year shall be posted to the prior-year appropriations journal when paid within the first two months of the new fiscal year. Revenues that are collected by another county officer or other agency before year-end but are not remitted to the county treasury until the next year are accruable to the previous fiscal year when receipted by the county treasurer within the first two months of the new fiscal year.

(d) The finance officers of the county are required to keep and maintain records as required by Arkansas law to account for any accruable receivables or payables for audit purposes.

A Bill

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING COUNTY TREASURER COMMISSION;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING COUNTY TREASURER COMMISSION.

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

SECTION 1. Arkansas Code § 21-6-302 is amended to read as follows:

21-6-302. County treasurers - Commission - Definition.

(a) Unless otherwise provided in subsections (e)(1) and (f) or by §§ 6-13-701, 6-17-908, 6-20-221, 14-90-913, 14-174-109, 14-284-403, and 19-5-1096 and ~~21-6-104~~, the county treasurers shall be required to collect, as a treasurer's commission, two percent (2%) on all funds coming into their hands as treasurers and to be paid out of the respective funds.

(1) The required commissioning of all funds coming into the hands of a treasurer, notwithstanding the exceptions, provides for fair and equitable treatment of the various entities on the books of the county.

(2) All exceptions to the county treasurer commission rule shall be set forth in this statute to be valid exceptions.

(b) All commissions collected under this section shall be paid into the county treasury to the credit of the county treasurer's commission fund.

(c) All moneys collected by the treasurer as commissions shall be used by the treasurer to offset administrative costs.

(d) (1) The treasurer may set aside up to ten percent (10%) of the gross commissions collected annually to be credited to the county treasurer's automation fund to be used:

(A) To operate the office of the county treasurer;

(B) For administrative costs; and

(C) To purchase, maintain, and operate an automated accounting and record-keeping system.

(2) The acquisition and update of software for the automated accounting and record-keeping system shall be permitted uses of these funds.

(3) Moneys deposited in this fund may accumulate and are not subject to the distribution of excess commission. ~~and~~ The moneys shall be appropriated and expended for the uses designated in this section by the quorum court at the direction of the treasurer.

(e) (1) The treasurer shall receive no commission for the handling of revolving loan, equalizing, and vocational education funds, proceeds of school bond sales, money collected from insurance or risk management funds on losses, federal or state grants, any funds the county treasurer is not statutorily or by ordinance authorized to "handle", and all nonrevenue receipts.

(2) As used in this subsection, "nonrevenue receipts" means reimbursement of all or a part of a payment made by the county.

(f) In the case of funds of a school district composed of area in two (2) or more counties, only the county treasurer of the county in which the district is administered shall be allowed a commission on such funds: unless the school district has a district treasurer, in which case the county treasurer collecting the school district funds and remitting them to the district treasurer shall be allowed a commission on the funds of that school district in accordance with §§ 6-13-701 and 6-20-221.

(g) All annual commissions not used for the operation of the county treasurer's office, except those commissions set aside in the county treasurer's automation fund, shall be prorated to the appropriate entities as excess commission.

COUNTY ASSESSORS

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO ENSURE THE PROPER COLLECTION AND
9 DISBURSEMENT OF LATE ASSESSMENT FEES; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 TO ENSURE THE PROPER COLLECTION AND
13 DISBURSEMENT OF LATE ASSESSMENT FEES.
14

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

20 SECTION 1. Arkansas Code § 26-26-201(d), concerning delinquent
21 property assessments, is amended to read as follows:

22 (d)(1) In addition to the penalties for not assessing, delinquent
23 persons shall be required to pay an additional fifty cents (50¢) for each
24 list, which shall ~~go to be utilized by the county assessor to help pay for~~
25 the expense of assessing property, subject to appropriation by the quorum
26 court.

27 (2) This additional sum shall be collected by the county
28 collector in the usual manner and paid into the assessor's late assessment
29 fee fund established on the books of the county treasurer.

30 (3) Moneys in the assessor's late assessment fee fund shall be
31 allowed to accumulate and the fees collected shall not be used in the final
32 tax settlement proration for the costs of operating the assessor's office.
33
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36

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

A Bill

DRAFT BPG/BPG
HOUSE BILL

5 By: Representative Boyd
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THE MEANING OF "ACTUAL AND OBVIOUS
9 ERRORS" ON THE PART OF A COUNTY ASSESSOR IN THE
10 ASSESSMENT OF REAL AND PERSONAL PROPERTY; TO DECLARE
11 AN EMERGENCY; AND FOR OTHER PURPOSES.
12

Subtitle

13 TO CLARIFY THE MEANING OF "ACTUAL AND
14 OBVIOUS ERRORS" ON THE PART OF A COUNTY
15 ASSESSOR IN THE ASSESSMENT OF REAL AND
16 PERSONAL PROPERTY; AND TO DECLARE AN
17 EMERGENCY.
18
19
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 26-28-111(c), concerning the correction of
25 errors on the tax books by a county assessor, is amended to read as follows:

26 ~~(c)(1)(A) The provisions of this~~ This section shall be applicable only
27 to the correction of actual and obvious errors on the tax books and related
28 records, with such errors being restricted to extension errors, erroneous
29 property descriptions, classifications, or listings, and shall not be
30 utilized to make any change in the valuation of any real or personal property
31 as shown on the tax books and related records other than a change in
32 valuation necessitated by the correction of actual and obvious errors as
33 provided in this section.

34 ~~(B) In no case shall any~~ A reduction in the valuation of
35 any real or personal property ~~shall not~~ be made, except such as shall have
36 been ordered by the county equalization board, the county court, the circuit

1 court, or the supreme Court, or be caused by the correction of actual and
2 obvious errors as provided in this section.

3 (2) A county assessor who did not exempt real or personal
4 property during a particular assessment year that is later found to be
5 properly exempt under Arkansas Constitution, Article 16, § 5(b), has not made
6 an actual and obvious error correctable under this section if the property
7 owner failed to apply for an exemption through the county assessor's office
8 for that assessment year.

9
10 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly of the State of Arkansas that it is unreasonable for a
12 county assessor to seek out and determine the exempt status of property
13 owners who do not willfully provide the county assessor's office with an
14 application and the proper information to do so; and that school districts
15 should not have to suffer the undue burden of providing a refund to a
16 taxpayer who voluntarily paid property taxes, not under protest, and who
17 never claimed that the property upon which taxes were paid was exempt from
18 taxation. Therefore, an emergency is declared to exist, and this act being
19 immediately necessary for the preservation of the public peace, health, and
20 safety shall become effective on:

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

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

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

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THE QUALIFICATIONS AND DUTIES OF
9 COUNTY EQUALIZATION BOARDS; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO CLARIFY THE QUALIFICATIONS AND DUTIES
12 OF COUNTY EQUALIZATION BOARDS.
13

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 26-27-302 is amended to read as follows:
20 26-37-302. Qualifications.

21 The county equalization board of each county shall be composed of
22 qualified electors of the county who have ~~been-owned~~ real property owners-in
23 the county for at least one (1) year.
24

25 SECTION 2. Arkansas Code § 26-27-317(a), concerning applications for
26 adjustment, is amended to read as follows:

27 (a)(1) ~~Any-A~~ property owner or an agent of a property owner may apply
28 in person, by petition, or by letter to the secretary of the county
29 equalization board on or before the third Monday in August of ~~every~~ each year
30 for the adjustment of the county assessor's assessment on the property
31 owner's property or the property of another person.

32 (2) The county equalization board may not adjust any assessment
33 other than the assessment made during the year it meets to consider an
34 application made under subdivision (a)(1) of this section.

35 (3) The county equalization board does not have jurisdiction
36 over and may not accept or consider a petition or letter under subdivision

1 (a)(1) of this section for the adjustment of the:

2 (A) County assessor's determination of a property's tax
3 exempt status under Arkansas Constitution, Article 16, § 5(b); or

4 (B) Valuation of agricultural land, pasture land, or
5 timberland derived by the guidelines and methods set forth by the Assessment
6 Coordination Department under § 26-26-407.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

DRAFT KLC/KLC
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT CONCERNING HOMESTEAD PROPERTY TAX CREDIT
9 ELIGIBILITY; TO DECLARE AN EMERGENCY; AND FOR OTHER
10 PURPOSES.

Subtitle

11
12
13 CONCERNING HOMESTEAD PROPERTY TAX CREDIT
14 ELIGIBILITY; AND TO DECLARE AN EMERGENCY.

15
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17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code § 26-26-1118(b)(4), concerning the time at
21 which a property is eligible for a homestead credit, is amended to add an
22 additional subdivision to read as follows:

23 (C) Under no circumstance may a property owner claim more
24 than one (1) homestead property tax credit per calendar year.

25
26 SECTION 2. Arkansas Code § 26-26-1122(a), concerning the definitions
27 used in this subchapter and in Arkansas Constitution, Amendment 79, is
28 amended to read as follows:

29 (a) As used in this subchapter and in the Arkansas Constitution,
30 Amendment 79:

31 (1) "Assessed value" means twenty percent (20%) of the appraised
32 value of the real property;

33 ~~(1)(2)~~(A) "Homestead" means the dwelling of a person that is
34 used as his or her principal place of residence with the contiguous land,
35 excluding all land valued as agricultural land, pasture land, or timber land.

36 (B) "Homestead" ~~shall also include~~ includes a dwelling

1 owned by a revocable or irrevocable trust and used as the principal place of
 2 residence of a ~~the~~ person who formed the trust;

3 ~~(2)~~(3) "New construction" means changes to real property that
 4 have occurred to real property already on the assessment roll;

5 ~~(3)~~(4) "Newly discovered real property" means real property that
 6 has never been on the assessment roll or that has changed use; and

7 ~~(4)~~(5)(A) "Property owner" means a person who is:

8 (i) The owner of record of real property or the
 9 mortgagee of the real property;

10 (ii) A buyer under a recorded contract to purchase
 11 real property; or

12 (iii) A person holding a recorded life estate in
 13 real property.

14 (B) "Property owner" ~~shall include~~ includes the previous
 15 record owner of tax-delinquent real property that has vested in the State of
 16 Arkansas in care of the Commissioner of State Lands under § 26-37-101(c) if
 17 the previous record owner continues to occupy the residence subject to his or
 18 her right of redemption.

19
 20 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 21 General Assembly of the State of Arkansas that the statewide equal and
 22 uniform application of the homestead property tax credit is required by the
 23 Arkansas Constitution; that current law does not create a system that is
 24 equal and uniform; and that this act corrects the current law to ensure a
 25 statewide equal and uniform application of the homestead property tax credit.
 26 Therefore, an emergency is declared to exist, and this act being immediately
 27 necessary for the preservation of the public peace, health, and safety shall
 28 become effective on:

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

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

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

35
 36

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY PERSONAL PROPERTY ASSESSMENT
9 PROCEDURES FOR MERCHANTS.
10

Subtitle

11 TO CLARIFY PERSONAL PROPERTY ASSESSMENT
12 PROCEDURES FOR MERCHANTS.
13

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15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 26-26-1203(a), concerning merchants, is
20 amended to read as follows:

21 (a) ~~Any~~ A person owning or having in his or her possession or under
22 his or her control, within this state, with the authority to sell it, any
23 personal property purchased with a view to its being sold at a profit, or
24 which has been consigned to him or her ~~from any place out of this state, to~~
25 be sold within this state, shall be held to be a merchant for the purpose of
26 this valuation.
27

COUNTY CORONERS

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative Love
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE COMPENSATION
9 OF A COUNTY CORONER; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE LAW CONCERNING THE
12 COMPENSATION OF A COUNTY CORONER.
13
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16

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

19 SECTION 1. Arkansas Code Title 14, Chapter 14, Subchapter 12, is
20 amended to add an additional section to read as follows:

21 14-14-1212. Coroner medicolegal death investigation training -
22 Authorization for salary adjustment for certified county coroner -
23 Definition.

24 (a) As used in this section, "certified county coroner" means a county
25 coroner who has obtained a certificate of satisfactory participation and
26 completion of medicolegal death investigation training from the Arkansas
27 Commission on Law Enforcement Standards and Training under § 14-15-308 or the
28 American Board of Medicolegal Death Investigators.

29 (b) The quorum court of each county that has a certified county
30 coroner is authorized to fix by ordinance the annual salary of a certified
31 county coroner within the schedule of maximum salaries under § 14-14-1204.

32 (c) Beginning September 1, 2017, and on each September 1 thereafter,
33 the compensation schedule prepared under § 14-14-1210(c) shall reflect a
34 separate maximum annual salary for a certified county coroner with a salary
35 adjustment made under subsection (b) of this section.
36

DRAFT

JUSTICE OF THE PEACE

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative Lemons
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THE DUTIES OF A JUSTICE OF THE
9 PEACE; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO CLARIFY THE DUTIES OF A JUSTICE OF THE
12 PEACE.
13

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 14-16-117 is amended to read as follows:
20 14-16-117. Controlled burns.

21 A property owner in an unincorporated area of a county may conduct a
22 controlled burn of a residence or structure on the property owner's property
23 in the county if:

24 (1) The property owner applies to the ~~quorum court~~ county judge
25 of that county and the fire department that is responsible for providing fire
26 protection services for the property for approval to conduct the controlled
27 burn;

28 (2) The application under subdivision (1) of this section is
29 approved by the ~~quorum court~~ county judge and the fire department; and

30 (3) Before the approval under subdivision (2) of this section,
31 the property owner demonstrates to the ~~quorum court~~ county judge and the fire
32 department that:

33 (A) The property owner has complied with applicable state
34 and federal environmental laws and regulations regarding asbestos abatement;

35 (B) The property owner ensures that the residence or
36 structure is free of asbestos-containing materials, is free of contents, and

1 otherwise demonstrates compliance with applicable state and federal
 2 environmental laws and regulations regarding hazardous wastes; and

3 (C) Provisions are made for the proper disposal of any
 4 remaining debris.

5
 6 SECTION 2. Arkansas Code § 18-45-101(b), concerning liens, is amended
 7 to read as follows:

8 (b) Lienholders shall give a bond in the sum to be fixed by a
 9 ~~justice of the peace or circuit judge court with proper jurisdiction~~ before
 10 they shall proceed to sell, by proceeding in accordance with the requirements
 11 of this section.

12
 13 SECTION 3. Arkansas Code § 18-45-205 is amended to read as follows:
 14 18-45-205. Filing of notice and bond required.

15 (a)(1) The lienholder shall file with ~~one (1) of the justices of the~~
 16 ~~peace in the township the circuit court having jurisdiction~~ where his or her
 17 place of business is located a notice similar to the ones required in § 18-
 18 45-204 to be posted.

19 (2) The ~~justice circuit court~~ shall note upon the notice the
 20 amount of a bond for the protection of the debtor or property owner in the
 21 event the lienholder is not entitled to the lien and for the payment of any
 22 damages if the sale is wrongfully made.

23 (b) The lienholder shall file a bond so conditioned and in such sum
 24 with the ~~justice of the peace circuit court~~, and the surety thereon shall be
 25 approved by the ~~justice of the peace circuit court~~ before making the sale
 26 provided for in this subchapter.

27
 28 SECTION 4. Arkansas Code § 20-19-102 is amended to read as follows:
 29 20-19-102. Injuries to domesticated animals by dogs -- Definition.

30 (a)(1) ~~Domesticated~~ As used in this section, "domesticated animals"
 31 includes, but is not limited to, sheep, goats, cattle, swine, and poultry.

32 (2) ~~Any A person~~ Any A person owning or having in possession or under control
 33 ~~any a dog shall be is liable in for~~ any a dog shall be is liable in for damages to the owner or owners of ~~any a~~
 34 ~~domesticated animals animal~~ domesticated animals animal killed or injured by the dog ~~in for~~ in for the full
 35 value of the domesticated animal killed or injured.

36 (b)(1) ~~Any A person~~ Any A person engaged in raising domesticated animals or owning

1 any domesticated animals who shall ~~sustain any~~ sustains a loss or damages
2 damage to any of his or her or ~~their~~ domesticated animals by any a dog shall
3 have ~~has~~ a right of action against the owner, ~~person~~ possessor, or controller
4 of the dog.

5 (2) Any ~~A~~ person knowing that any a dog has killed or is about
6 to catch, injure, or kill any a domesticated animal shall ~~have~~ has the right
7 to kill the dog, without ~~in any way being liable~~ liability to the owner of
8 the dog ~~in any courts of this state~~.

9 (c) The person sustaining loss or damage ~~as mentioned in~~ under
10 subsection (b) of this section and desiring remuneration ~~therefor~~ may go
11 before ~~some justice of the peace of the county wherein~~ the circuit court or
12 district court having jurisdiction where the loss or damage occurred and make
13 ~~oath of the character of~~ allege the loss or damage sustained, the value of
14 the loss or damage, ~~the dog or dogs,~~ and the owner, possessor, or controller
15 of the dog and ~~file the same and the identity of the dog and the dog's owner,~~
16 possessor, or controller by filing a complaint with the justice of the peace,
17 who shall issue circuit court or district court having jurisdiction as
18 permitted by the Arkansas Rules of Civil Procedure, which under the rules may
19 issue a summons stating the nature of the plaintiff's claim, the amount
20 claimed, and the cost accrued, which shall be served and returned as in
21 ordinary actions to the defendant to appear in the circuit court or district
22 court having jurisdiction and answer the allegations.

23 (d)(1) ~~If the defendant shall pay to the officer serving the summons~~
24 ~~the amount of damages claimed, the costs endorsed, and a further fee to the~~
25 ~~officer of twenty-five cents (25¢) for making the return, the summons shall~~
26 ~~be returned satisfied, and no further proceedings had.~~

27 (2) ~~If the defendant fails, neglects, or refuses to pay that~~
28 ~~amount, the justice of the peace shall try the cause as in other ordinary~~
29 ~~actions and give judgment in favor of the plaintiff for the amount proved in~~
30 ~~the cause, for which the defendant may be liable under this section.~~

31 (e) ~~In a second suit and recovery by any plaintiff against the same~~
32 ~~defendant on account of killing or injury done by the same dog, the justice~~
33 ~~of the peace shall render judgment for double the amount of damages proven.~~

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