

"AN ACT TO AMEND SECTION 1(d) OF ACT 991 OF 1981, AS AMENDED, [ARK.STAT.ANN.17-2019(d) TO REQUIRE THE STATE TREASURER TO USE THE LAST OFFICIAL FEDERAL DECENNIAL CENSUS, OR COUNTY-WIDE SPECIAL CENSUS, IN COMPUTING THE PER CAPITA SHARE THAT EACH CITY AND COUNTY SHALL RECEIVE FROM THE PROCEEDS OF THE ONE PERCENT COUNTY-WIDE SALES TAX; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (d) of Section 1 of Act 991 of 1981, as amended, the same being Arkansas Statute Annotated 17-2019 (d) is hereby amended to read as follows:

"(d) The State Treasurer shall transmit to the treasurer or financial officer of each city and county their per capita share, after deducting the amount required for claims, overpayments and bad checks, as certified by the Commissioner of Revenues. The last official federal decennial census or last special census which included the county as a whole shall be used in computing the per capita share that each city and county shall receive from the proceeds of said tax. Every county which is petitioned by any city or town located in that county for a countywide special census to be conducted shall request a countywide special census on the condition that the city or town requesting the census post adequate bond with the county clerk to cover the cost of the census, and provided further, that the cost of conducting the census shall be borne by the several taxing units within the county in the same proportion that they will receive an increase in the distribution of a countywide sales tax as a result of the special census. Transmittals shall be made at least quarterly in each fiscal year. Funds so transmitted may be used by the cities and counties for any purpose for which the city's general funds or county's general funds may be used. Before transmitting such funds, the State Treasurer shall deduct three percent (3%) of the sum collected as a charge by the State for its services specified in this Act, and the amount so deducted shall be deposited by the State Treasurer to the credit of the Constitutional and Fiscal Agencies Fund. The Commissioner is authorized to retain in the suspense account a balance not to exceed five percent (5%) of the amount remitted to the local governments. The Commissioner is authorized to make refunds from the suspense account of any overpayments made and to redeem dishonored checks and drafts deposited to the credit of the suspense account. When any tax adopted pursuant to this Act is thereafter abolished, the Commissioner shall retain in the suspense account for a period of one (1) year five percent (5%) of the final remittance to the local governments at the time of termination of collection of such tax to cover such possible refunds for overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of the suspense account. After one (1) year has elapsed after the effective date of the abolishment of the tax, the Commissioner shall remit the balance of such account to the governing bodies of the cities and counties and close the account. The restriction of the use of the last federal decennial census referred to in this paragraph shall not apply in the case of annexation, nor shall it affect the taking of a special census for any purpose other than the distribution of a one percent (1%) county-wide sales tax."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. It is hereby found and determined by the General Assembly that currently, in computing the per capita share that each city and county shall receive, that the latest census is used. It is further found and determined that this is creating confusion and unnecessary burden and expense on counties and other municipalities as they are being required to have new censuses conducted; that there is need for more stability in computing the sums due. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: April 7, 1987

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