

1 State of Arkansas *As Engrossed: H3/15/17 H3/22/17 S3/29/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 2127

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5 By: Representative Collins

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For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE TAXATION OF STATE-OWNED
9 PROPERTY THAT IS HELD UNDER A LEASE; TO ALLOW THE
10 ASSESSMENT AND COLLECTION OF PROPERTY TAX FROM THE
11 LESSEE OF CERTAIN STATE-OWNED PROPERTY; AND FOR OTHER
12 PURPOSES.

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Subtitle

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

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25 *SECTION 1. Arkansas Code § 26-26-905 is amended to read as follows:*

26 *26-26-905. Persons holding property.*

27 *(a) Property held under a lease for a term exceeding ten (10) years*
28 *belonging to ~~the state or to any~~ a religious, scientific, or benevolent*
29 *society or institution, whether incorporated or unincorporated, and school,*
30 *seminary, saline, or other lands shall be considered, for all purposes of*
31 *taxation, as the ~~personal~~ property of the person holding them and shall be*
32 *listed as such by the person or his or her agent, as in other cases.*

33 *(b)(1) For purposes of assessing and collecting ad valorem tax,*
34 *property owned by the state shall be considered the property of the lessee if*
35 *the property is held under a lease for:*

36 *(A) An ongoing commercial or residential purpose; and*



1 (B) A term of actual use or occupation that exceeds ninety
2 (90) days.

3 (2) Except as provided in this subsection, a lessee of property
4 owned by the state as described under subdivision (b)(1) of this section
5 shall pay ad valorem tax on the property held under the lease for any tax
6 year during which the lease for the property is in effect as of January 1 of
7 that tax year.

8 (3)(A) Within thirty (30) days of executing a
9 lease described in subdivision (b)(1) of this section, the state shall
10 provide written notification of the lease to the county assessor for the
11 county in which the lease property is located.

12 (B) The written notification required under subdivision
13 (b)(3)(A) of this section shall state the:

14 (i) Name and address of the lessee;

15 (ii) Term of the lease; and

16 (iii) Description of the leased property.

17 (4) This subsection does not apply to property owned and leased
18 by the state and used:

19 (A) For the purpose of housing any one (1) or more of the
20 following:

21 (i) Students or faculty, or both, of a state
22 institution of higher education;

23 (ii) Officials or employees, or both, of a state
24 entity; or

25 (iii) Official guests of a state entity;

26 (B) By a private person or entity for the purpose of
27 providing a service to or on behalf of a state entity;

28 (C) For academic, research, or athletic facilities or
29 purposes;

30 (D) For business and technology incubators or similar
31 facilities;

32 (E) For manufacturing or industrial facilities or
33 purposes, including without limitation industrial facilities as described in
34 § 14-164-701; or

35 (F) By a state entity or nonprofit entity, including
36 without limitation an organization that is otherwise exempt from taxation.

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SECTION 2. DO NOT CODIFY. Transition.

A state entity that has an existing lease that meets the description in § 26-26-905(b)(1) shall provide the notification described under § 26-26-905(b)(3) within ninety (90) days of the effective date of this act.

SECTION 3. EFFECTIVE DATE. This act is effective for assessment years beginning on or after January 1, 2017.

/s/Collins

APPROVED: 04/07/2017