State of Arkansas

92nd General Assembly

Regular Session, 2019

A Bill

HOUSE BILL 1768

By: Representative Payton

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO REVISE THE PROCEDURE OF THE COMMISSIONER OF STATE LANDS FOR THE REDEMPTION OF LAND CERTIFIED TO THE STATE; AND FOR OTHER PURPOSES.

Subtitle

TO REVISE THE PROCEDURE OF THE COMMISSIONER OF STATE LANDS FOR THE REDEMPTION OF LAND CERTIFIED TO THE STATE.

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

SECTION 1. Arkansas Code § 26-37-310 is amended to read as follows:

26-37-310. Procedure for redeeming land certified to state.

(a) All lands or town and city lots sold to the state under any decree or other proceedings had under the provisions of an act entitled "An act to enforce the payment of overdue taxes," Acts 1881, No. 39, approved March 12, 1881 [repealed], and now owned by the state and all lands or town and city lots forfeited and sold to the state for nonpayment of taxes and certified to the Commissioner of State Lands which have not been sold or otherwise disposed of by the state, or which may hereafter be sold and forfeited to the state, and certified as aforesaid, may, until disposed of by the state, be redeemed by the person owning the land or lot at the time of forfeiture, or by his or her heirs or assigns, in the manner provided by subsections (b), (c), and (d) of this section.

(b) Any person, or his or her agent or attorney, desiring to redeem
any land or town or city lots under the provisions of this section shall
first pay to the Treasurer of State an amount or sum of money equal to the
taxes for which the land or town or city lots desired to be redeemed were
sold, together with penalties and costs and all expenses paid by the state in
acquiring title to the land or town or city lots under such forfeiture for
taxes and all state and county taxes that would have subsequently accrued
thereon had they remained on the tax books subject to taxation.

(c) The Commissioner of State Lands, upon application by any person
desiring to redeem any lands or town or city lots under this section, shall
furnish the person a statement, showing the amount of money that will be
required to be paid to the Treasurer of State under subsection (b) of this
section for the redemption of the lands or town or city lots sought to be
redeemed.

(d) Before any person shall be permitted to redeem any lands or town
or city lots mentioned in subsection (a) of this section, the person, or his
or her agent or attorney, shall present and file with the Commissioner of
State Lands a verified petition stating that they, or the parties under whom
they hold, owned the lands or town or city lots desired to be redeemed at the
time they were forfeited for taxes. They shall also file with the petition a
receipt, in duplicate, from the Treasurer of State showing the payment of the
amount of money necessary to redeem the lands or town or city lots sought to
be redeemed as required by subsection (b) of this section.

(e) The Commissioner of State Lands may require other evidence than
the petition to establish the facts therein set forth, and the petitioner may
take proof by affidavit or otherwise as the Commissioner of State Lands may
direct.

(f) If the Commissioner of State Lands finds the facts set forth in
the petition to be true and that the amount of money necessary to redeem the
lands sought to be redeemed has been paid to the Treasurer of State as
required by subsection (b) of this section, he or she shall, by deed of
release and quitclaim under his or her hand and official seal, convey to the
person redeeming the lands or town or city lots all of the right, title, and
interest of the state in and to the lands or town or city lots acquired under
any forfeiture, sale, or condemnation for taxes. For this deed, the
Commissioner of State Lands shall receive one dollar ($1.00), to be paid by
the party applying to redeem the lands or lots.
(g) The Commissioner of State Lands shall file with the Auditor of
State one (1) of the receipts executed by the Treasurer of State and
presented with the petition required by subsection (d) of this section and
shall keep the other receipt on file in his or her office. The Commissioner
of State Lands shall forward a copy of the deed executed by him or her under
subsection (f) of this section to the county clerk of the county in which the
land or lot conveyed by the deed is situated.

(h) After the reception of the deed of the Commissioner of State
Lands, the county clerk shall extend on the tax book against the land or lot
the taxes other than state and county for the years that the taxes have not
been paid since the sale of the land or lot to the state, and these taxes
shall be charged and collected as other taxes.

(i) The proceeds of all redemptions of forfeited lands which may
hereafter be made under subsections (a)–(e) of this section shall be divided
equally between the county where the lands are situated and the state, and
paid over in the manner as required and provided in this section.

(a) All lands forfeited to the state for nonpayment of taxes may,
until disposed of by the state, be redeemed under this section.

(b) To request redemption under subsection (a) of this section, a
person shall submit the following to the Commissioner of State Lands:

(1)(A) An executed petition with a verified signature to redeem
the property in a form prescribed by the Commissioner of State Lands.

(B) The Commissioner of State Lands shall make the
petition form available upon request;

(2) Payment in an amount equal to the total of outstanding
taxes, penalties, interest, fees, and costs owed at the time the petition is
received by the Commissioner of State Lands; and

(3) Any additional documentation requested by the Commissioner
of State Lands.

(c) The total amount due under subdivision (b)(2) of this section
shall not be raised or lowered for thirty (30) days after the date the
redemption under subsection (a) of this section is requested, unless:

(1) The property has been sold;

(2) The records have been amended by a county; or

(3) The actual costs, fees, and taxes are added to the total
amount due.
(d) An updated petition to redeem shall be provided to the Commissioner of State Lands, if the date of the submission of the petition to redeem has expired or additional costs, fees, and taxes have accrued.

(e) Petitions and payment in full received by the Commissioner of State Lands at least thirty (30) days before and no later than ten (10) days following the sale date shall be made in cash, certified funds, or as provided in §26-37-302.

(f)(1) Upon redemption, a redemption deed will be issued by the Commissioner of State Lands.

(2) The deed shall be forwarded to the circuit clerk of the county in which the land or lot conveyed by the deed is situated, to be filed of record.

(3)(A) The Commissioner of State Lands may establish by rule a fee for producing a redemption deed.

(B)(i) A fee under this subsection shall not be established in an amount that exceeds the costs expended by the Commissioner of State Lands in producing or filing the redemption deed or performing the services required to carry out the established duties of the office of the Commissioner of State Lands.

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

(g) The redemption deed shall serve as proof that payment has been received by the Commissioner of State Lands, in accordance to the provisions of § 26-37-302, and does not convey or change the legal ownership to the property redeemed.

(h) Upon receipt of the redemption deed, the county collector shall extend on the tax book against the land or lot the taxes other than state and county for the years that the taxes have not been paid since the sale of the land or lot to the state, and these taxes shall be charged and collected as other taxes.

(i) The proceeds of all redemptions of forfeited lands shall be divided between the county where the lands are situated and the state, as set forth in § 26-37-205, and paid over in the manner as required and provided in this section.
/s/Payton

APPROVED: 4/11/19