

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 436 OF 1997
SENATE BILL 421

4
5 By: Senators Harriman, Wilson, Scott, and Russ
6 By: Representatives Purdom, Courtway, Miller, George, Joe Hudson, Laverty, and Stalnaker

For An Act To Be Entitled

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10 "AN ACT TO CREATE THE ASSESSMENT COORDINATION DEPARTMENT
11 AND TRANSFER THE ASSESSMENT COORDINATION DIVISION OF THE
12 PUBLIC SERVICE COMMISSION TO THE ASSESSMENT COORDINATION
13 DEPARTMENT; AND FOR OTHER PURPOSES."

Subtitle

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16 "TO CREATE THE ASSESSMENT COORDINATION
17 DEPARTMENT AND TRANSFER THE ASSESSMENT
18 COORDINATION DIVISION OF THE PUBLIC
19 SERVICE COMMISSION TO THE ASSESSMENT
20 COORDINATION DEPARTMENT."

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

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24 SECTION 1. Creation - Director - Organization - Personnel.

25 (a) There is created an Assessment Coordination Department.

26 (b) The executive head of the Department shall be the Director of the
27 Assessment Coordination Department. The Director shall be appointed by the
28 Governor, subject to confirmation by the Senate, and shall serve at the
29 pleasure of the Governor.

30 (c) The Assessment Coordination Department shall consist of the
31 divisions which may be necessary to fulfill its purposes and which may be
32 created by law and placed under the Assessment Coordination Department.

33 (d) The Director of the Assessment Coordination Department shall
34 appoint the heads of the respective divisions. All personnel of the
35 Assessment Coordination Department shall be employed by and shall serve at the
36 pleasure of the Director of the Assessment Coordination Department. However,

1 nothing in this section shall be so construed as to reduce any right which an
2 employee of the Assessment Coordination Department shall have under any civil
3 service or merit system.

4 (e) Each division of the Assessment Coordination Department shall be
5 under the direction, control and supervision of the Director of the
6 Department. The Director may delegate his functions, powers and duties to the
7 various divisions of the Assessment Coordination Department as he shall deem
8 desirable and necessary for the effective and efficient operation of the
9 Department.

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11 SECTION 2. Transfer.

12 (a) The Assessment Coordination Division of the Public Service
13 Commission is transferred by a Type 2 transfer as provided in Ark. Code Ann.
14 § 25-2-105 to the Assessment Coordination Department.

15 (b) For purposes of this Act, the Assessment Coordination Department
16 shall be considered a principal department established by Act 38 of 1971.

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18 SECTION 3. Other Authority.

19 (a) The Arkansas Public Service Commission shall retain all of its
20 statutory authority, powers, duties, and functions regarding assessment and
21 equalization of properties of public utilities and public carriers.

22 (b) The Tax Division of the Arkansas Public Service Commission shall
23 retain all of the statutory authority, powers, duties and functions conferred
24 on such division by law or assigned to such division by the Arkansas Public
25 Service Commission.

26 (c) Any and all other statutory authority, powers, duties, functions,
27 records, property and funds administered or provided by other support
28 divisions within the Public Service Commission or by the Public Service
29 Commission for the Assessment Coordination Division shall be transferred by a
30 Type 2 transfer as provided in Ark. Code Ann. § 25-2-105 to the Assessment
31 Coordination Department.

32 (d) Any and all other statutory authority, powers, duties and functions
33 of the Arkansas Public Service Commission regarding assessment and
34 equalization of properties and the administration of the tax laws of this
35 State not specifically retained by the Arkansas Public Service Commission or
36 the Tax Division of the Arkansas Public Service Commission in this Act shall

1 be transferred by a Type 2 transfer as provided in Ark. Code Ann. § 25-2-105
 2 to the Assessment Coordination Department.

3 (e) Any and all other prescribed powers, duties, and functions of the
 4 Arkansas Public Service Commission regarding assessment and equalization of
 5 properties and the administration of the tax laws of this state not
 6 specifically retained by the Arkansas Public Service Commission or the Tax
 7 Division of the Arkansas Public Service Commission in this Act including
 8 rulemaking and regulation; promulgation of rules, rates, regulation and
 9 standards; and the rendering of findings, orders, and adjudications are
 10 transferred by a Type 2 transfer as provided in Ark. Code Ann. § 25-2-105 to
 11 the Director of the Assessment Coordination Department.

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 13 SECTION 4. Administrative Procedure Act. The Assessment Coordination
 14 Department shall be subject to the Administrative Procedure Act.

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 16 SECTION 5. Compliance With Other Laws. Disbursement of funds
 17 authorized by this Act shall be limited to the appropriation for the agency
 18 being transferred and funds made available by law for the support of such
 19 appropriations; and the restrictions of the State Purchasing Law, the General
 20 Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the
 21 Regular Salary Procedures and Restrictions Act, or their successors, and other
 22 fiscal control laws of this State, where applicable, and regulations
 23 promulgated by the Department of Finance and Administration, as authorized by
 24 law, shall be strictly complied with in disbursement of said funds.

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 26 SECTION 6. Legislative Intent. It is the intent of the General
 27 Assembly that any funds disbursed under the authority of the appropriations
 28 transferred or referred to in this Act shall be in compliance with the stated
 29 reasons for which this Act was adopted, as evidenced by the Agency Requests,
 30 Executive Recommendations and Legislative Recommendations contained in the
 31 budget manuals prepared by the Department of Finance and Administration,
 32 letters, or summarized oral testimony in the official minutes of the Arkansas
 33 Legislative Council or Joint Budget Committee which relate to its passage and
 34 adoption.

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 36 SECTION 7. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 8. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 9. All laws and parts of laws in conflict with this act are
11 hereby repealed.

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13 SECTION 10. EMERGENCY. It is found and determined by the General
14 Assembly of the State of Arkansas that the duties of the Assessment
15 Coordination Division are of critical importance to the administration of the
16 Arkansas ad valorem tax system, that these duties may be performed more
17 efficiently within a separate Department which is responsible only for the
18 administration of ad valorem taxes and that the provisions of this Act are of
19 critical importance to preserve and improve the efficient administration of
20 the tax laws of the State of Arkansas. Therefore, an emergency is declared to
21 exist and this act being necessary for the preservation of the public peace,
22 health, and safety, shall be in full force and effect from and after July 1,
23 1997.

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APPROVED:3-11-97

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