

1 State of Arkansas *As Engrossed: H1/25/11 H1/27/11 S2/9/11*

2 88th General Assembly

A Bill

3 Regular Session, 2011

HOUSE BILL 1091

4

5 By: Representative Lampkin

6 By: Senator J. Jeffress

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For An Act To Be Entitled

9 AN ACT TO AMEND THE PROVISIONS REGARDING THE
10 ASSESSMENT AND COLLECTION OF FEES AND SERVICE CHARGES
11 BY COUNTY SOLID WASTE MANAGEMENT SYSTEMS; TO MAKE
12 TECHNICAL CORRECTIONS; TO DECLARE AN EMERGENCY; AND
13 FOR OTHER PURPOSES.

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Subtitle

17 TO AMEND THE PROVISIONS REGARDING THE
18 ASSESSMENT AND COLLECTION OF FEES AND
19 SERVICE CHARGES BY COUNTY SOLID WASTE
20 MANAGEMENT SYSTEMS; TO MAKE TECHNICAL
21 CORRECTIONS; AND TO DECLARE AN EMERGENCY.

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

25

26 SECTION 1. Arkansas Code § 8-6-212(b)(1)-(3), concerning the fees and
27 charges that a county solid waste management system may levy and collect, is
28 amended to read as follows:

29 (b)(1)(A) A county government ~~shall have the authority to~~ may levy and
30 collect ~~such the~~ the fees and charges and require ~~such the~~ the licenses ~~as may be~~
31 that are appropriate to discharge the county's responsibility for a solid
32 waste management system or any portion thereof. ~~The fees, charges, and~~
33 ~~licenses~~ Each fee, charge, and license shall be based on a fee schedule
34 contained in a ~~duly adopted~~ an ordinance.

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36 (B)(i) A county may provide by ordinance that responsibility for payment of the fees and charges rests on the occupant of



1 the property.

2 (ii) The ordinance shall provide that the owner of
3 the property is ~~considered~~ the occupant unless, ~~prior to~~ before the ~~first~~
4 fifth day of the month of service, the owner registers with the county the
5 name and *address of the tenant occupying the property and either the date*
6 that the lease is to expire or that the lease is month to month.

7 (2)(A)(i) A county government may collect its fees and service
8 charges ~~through either~~ by using its own system of periodic billing or by
9 entering the fees and service charges on the county tax records ~~of the county~~
10 and then collecting the fees and service charges annually with the personal
11 property taxes ~~on an annual basis.~~

12 (ii)(a) If a tenant has been registered as an
13 occupant ~~pursuant to~~ under subdivision (b)(1)(B)(ii) of this section, then
14 the tenant is responsible for ~~the payment of~~ paying the fees and charges, and
15 the county may collect ~~on an annual basis~~ the fees and charges annually from
16 the tenant's personal property taxes.

17 (b) The county may also assess an additional
18 annual fee of ten percent (10%) for invoicing and collecting the delinquent
19 fees and charges from the tenant rather than the owner.

20 (iii) If a tenant has not been registered as an
21 occupant ~~pursuant to~~ under subdivision (b)(1)(B)(ii) of this section, then
22 the owner is responsible for ~~the payment of~~ paying the fees and charges, and
23 the county may collect ~~on an annual basis~~ the fees and charges annually from
24 the owner's personal property taxes or real property taxes.

25 (B) Further, ~~any fees and service charges~~ a fee or
26 service charge billed periodically by the county ~~which are~~ that is more than
27 ninety (90) days delinquent ~~on November 1 of each year or is delinquent as of~~
28 the date set by the quorum court by ordinance may be entered on the tax
29 records of the county as a delinquent periodic fee or service charge and may
30 be collected by the county with personal property taxes or with real property
31 taxes from the owner of the property in accordance with a county ordinance,
32 except as provided in subdivision (b)(1)(B)(ii) of this section.

33 (C)(i) ~~No county collector of taxes shall~~ A county
34 collector shall not accept payment of ~~any property taxes when annual fees and~~
35 ~~service charges or delinquent periodic fees and service charges appear~~ if an
36 annual fee or service charge or a delinquent periodic fee or service charge

1 appears on the county tax records of a taxpayer unless the ~~fees and service~~
2 ~~charges due are~~ fee or service charge due is also receipted.

3 (ii) These funds shall be receipted and deposited
4 into an official account of the county collector, who shall settle the
5 account at least quarterly.

6 (iii) The amount of ~~any~~ the fees and service charges
7 collected shall ~~then~~ be paid to the county treasurer by the county collector,
8 less four percent (4%) to be retained by the county collector. In addition,
9 when the county collector maintains a separate tax book for ~~those~~ the fees
10 and charges, the county collector may charge an additional two dollars and
11 fifty cents (\$2.50) for collection.

12 (3)(A) In counties ~~where~~ in which the fees are entered on the
13 tax records for yearly collection or if the periodic fees and service charges
14 are more than ninety (90) days delinquent ~~as of November 1~~ or are delinquent
15 as of the date set by the quorum court by ordinance, the fees and service
16 charges shall be entered on the tax records of the county by the county clerk
17 and shall be collected by the county collector with the personal property
18 taxes or with real property taxes from the owner of the property in
19 accordance with a county ordinance, except as provided in subdivision
20 (b)(1)(B)(ii) of this section.

21 (B) The fees and service charges to be collected shall be
22 certified to the county clerk by December 1 each year by an appropriate
23 municipal official or the mayor.

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25 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that counties face a significant
27 risk of nonpayment when a tenant is registered as an occupant for purposes of
28 payment of solid waste management fees and charges; that an increasing number
29 of tenants are not paying county solid waste management fees and charges; and
30 that this act is necessary because counties are losing an increasing amount
31 of revenue as the result of nonpayment of fees and charges by transient
32 tenants. Therefore, an emergency is declared to exist and this act being
33 immediately necessary for the preservation of the public peace, health, and
34 safety shall become effective on:

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

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the
2 bill; or

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

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/s/Lampkin

APPROVED: 03/04/2011