

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/9/11 S3/17/11

A Bill

SENATE BILL 849

5 By: Senator Teague
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE ASSESSMENT OF MINERAL
9 INTERESTS; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT CONCERNING THE ASSESSMENT OF
12 MINERAL INTERESTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 *SECTION 1. Arkansas Code § 26-26-1110(a), concerning mineral rights,*
20 *is amended to read as follows:*

21 *(a)(1) ~~When the mineral rights in any land shall, by conveyance or~~*
22 *~~otherwise, be held by one (1) or more persons, and the fee simple in the land~~*
23 *~~by one (1) or more other persons, it shall be the duty of the county assessor~~*
24 *~~when advised of the fact, either by personal notice or by recording of the~~*
25 *~~deeds in the office of the county recorder, to assess the mineral rights in~~*
26 *~~the lands separate from the general property therein. The county assessor~~*
27 *shall assess all producing mineral interests in the county.*

28 *(2)(A) The county assessor shall assess the mineral interests in*
29 *the land separate from the fee simple interest in the land when the:*

30 *(i) Mineral interests in the land are held by one*
31 *(1) or more persons that are different from the person or persons holding the*
32 *fee simple interest; and*

33 *(ii) County assessor is advised of the separate*
34 *holdings by the recording of a deed in the county recorder's office.*

35 *~~(2)(B) In such case~~ When subdivision (a)(2) of this*
36 *section applies, a sale of the mineral ~~rights~~ interests for nonpayment of*



1 taxes shall not affect the title to the land itself, nor shall a sale of the
2 land for nonpayment of taxes affect the title to the mineral ~~rights~~
3 interests.

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5 SECTION 2. Arkansas Code § 26-26-1110, concerning mineral rights, is
6 amended to add an additional subsection to read as follows:

7 (d)(1)(A) If the Assessment Coordination Department determines that a
8 county assessor has failed to assess mineral interests as required under this
9 section, the department shall notify the county assessor by certified mail
10 with copies to the:

11 (i) County equalization board;

12 (ii) County judge;

13 (iii) County quorum court; and

14 (iv) Reappraisal contractor, if applicable.

15 (B) In addition, the notice may provide that state
16 reappraisal reimbursement funds to the county may be withheld pending the
17 outcome of a hearing if a hearing is requested by the county assessor within
18 thirty (30) days from the date of the notice.

19 (2)(A) The county assessor may waive the right to a hearing and
20 within thirty (30) days from the date of the notice agree to complete
21 corrective action as required by the department and return a signed and dated
22 compliance verification form to the department.

23 (B) Upon receipt of the signed and dated compliance
24 verification form, the department shall release any withheld state
25 reappraisal reimbursement funds and resume regular payments.

26 (3) Termination of state reappraisal reimbursement funds may
27 occur if the county assessor fails to:

28 (A) Either request a hearing or return the signed and
29 dated compliance verification form within thirty (30) days from the date of
30 the notice; or

31 (B) Complete the corrective action within the time
32 provided in the compliance verification form.

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34 /s/Teague

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36 APPROVED: 03/31/2011