

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/7/13
A Bill

HOUSE BILL 1025

5 By: Representative McElroy
6

7 **For An Act To Be Entitled**

8 AN ACT CONCERNING AN ALTERNATIVE SYSTEM OF
9 ASSESSMENTS BY A LEVEE DISTRICT INCLUDING MORE THAN
10 TWO (2) COUNTIES; AND FOR OTHER PURPOSES.
11

12
13 **Subtitle**

14 CONCERNING AN ALTERNATIVE SYSTEM OF
15 ASSESSMENTS BY A LEVEE DISTRICT INCLUDING
16 MORE THAN TWO (2) COUNTIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Title 14 of the Arkansas Code is amended to add an
22 additional chapter to read as follows:
23

24 Chapter 126. Alternative Method of Assessment of Taxes in Levee
25 Improvement Districts of More Than Two Counties
26

27 14-126-101. Resolution required.

28 (a) This chapter shall not be in force as to any levee district until:

29 (1) A proper resolution to that effect is adopted by the board
30 of directors of the levee district; and

31 (2) A copy of the resolution is published in a newspaper in each
32 county that in whole or in part is embraced in the levee district.

33 (b) If the board of directors of a levee district chooses to adopt
34 this chapter by resolution, its provisions shall be supplemental to other
35 laws under which the levee district is established and operates.

36 (c)(1) The board of directors of a levee district may rescind a



1 resolution adopted under this chapter.

2 (2) If a resolution is rescinded, a notice to that effect shall
3 be published in a newspaper in each county that in whole or in part is
4 embraced in the levee district.

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6 14-126-102. Alternative method of assessments.

7 (a) The board of directors of a levee district that includes more than
8 two (2) counties may, at a regular meeting or at a special meeting called for
9 the purpose, adopt a resolution providing for assessments as provided in this
10 section.

11 (b)(1) The board of directors of a levee district that includes more
12 than two (2) counties may provide by resolution for an annual assessment
13 under this section upon:

14 (A) All real estate subject to overflow in the district;

15 (B) All improvements on real estate subject to overflow in
16 the district; and

17 (C) Telephone, electrical light and power lines, and
18 pipelines subject to overflow within the district.

19 (2)(A) The board of directors of a levee district may assess a
20 tax on the real estate subject to overflow in the district in the amount of
21 thirty cents (30¢) per acre or city lot.

22 (B) The board of directors of a levee district may assess
23 a millage upon all improvements to real estate subject to overflow in the
24 district in an amount not to exceed twenty (20) mills on the dollar of the
25 assessed value as the property is assessed for state and county tax purposes.

26 (3) The millage assessed upon telephone, electrical light and
27 power lines, and pipelines subject to overflow within the district shall not
28 exceed twenty (20) mills on the dollar of twenty percent (20%) of the
29 assessed valuation of the utility company based on calculations by the
30 Arkansas Public Service Commission that are provided to the tax assessor in
31 each county within the levee district.

32 (c) The board of directors of a levee district may assess a tax on a
33 railroad, its right-of-way, and roadbed subject to overflow within the
34 district in an amount not to exceed two hundred fifty dollars (\$250) per mile
35 within the district.

36 (d) The alternative assessments under this section shall be in lieu of

1 assessments required by other laws under which the levee district is
2 established and operates.

3
4 14-126-103. Review of alternative assessment.

5 (a)(1) A person aggrieved by an alternative assessment under this
6 chapter may petition to have the assessment reviewed by the board of
7 directors.

8 (2) A petition for review shall be filed within thirty (30) days
9 from the date when the assessment becomes effective.

10 (3) The board of directors may lower, raise, equalize, or
11 determine the proper amount of benefit assessable against the property
12 described in the petition.

13 (4) The amount and legality of an assessment made by a district,
14 in the absence of a petition for a review, is conclusive.

15 (b)(1)(A) Within thirty (30) days of the conclusion of a review by the
16 board of directors, an appeal may be filed with the county equalization board
17 of the county in which the:

18 (i) Property is situated; or

19 (ii) District has its domicile if the property
20 involved is in more than one (1) county.

21 (B) A copy of the appeal shall be delivered to the:

22 (i) President of the levee district; or

23 (ii) Chair of the board of directors of the levee
24 district.

25 (2)(A) An appeal before the county equalization board shall be
26 heard on the evidence introduced before the board of directors.

27 (B) Additional or different evidence shall not be
28 admissible except on an issue of corrupt purpose or fraudulent action on the
29 part of the board of directors resulting in a wrongful and discriminatory
30 assessment.

31 (3) The right of review is part of the administrative remedy for
32 relief from wrongful or erroneous assessments.

33 (4)(A) The county equalization board shall hear the petition as
34 expeditiously as possible.

35 (B) The county equalization board may lower, raise,
36 equalize, or determine the proper amount of benefit assessable against the

1 property described in the appeal.

2 (C) As soon as the county equalization board determines
3 the proper assessment under a petition pending before it, the county
4 equalization board shall promptly certify the assessment to the district, and
5 the district shall modify the assessment as necessary.

6 (c)(1)(A) Within thirty (30) days of the conclusion of an appeal to
7 the county equalization board, an appeal may be filed with the circuit court
8 of the county in which the:

9 (i) Property is situated; or

10 (ii) District has its domicile if the property
11 involved is in more than one (1) county.

12 (B) A copy of the appeal to the circuit court shall be
13 delivered to the:

14 (i) President of the levee district; or

15 (ii) Chair of the board of directors of the levee
16 district.

17 (2)(A) Review shall be heard on the evidence introduced before
18 the board of directors.

19 (B) Additional or different evidence shall not be
20 admissible except on an issue of corrupt purpose or fraudulent action on the
21 part of the board of directors resulting in a wrongful and discriminatory
22 assessment.

23 (3) The right of review is part of the administrative remedy for
24 relief from wrongful or erroneous assessments.

25 (4)(A) The circuit court shall hear the petition as
26 expeditiously as possible.

27 (B) The circuit court may lower, raise, equalize, or
28 determine the proper amount of benefit assessable against the property
29 described in the appeal.

30 (5) As soon as the circuit court determines the proper
31 assessment under a petition pending before it, the clerk of the circuit court
32 shall promptly certify the assessment to the district, and the district shall
33 modify the assessment as necessary.

34 (d)(1)(A) An appeal may be filed from the assessment fixed by the
35 circuit court with the Supreme Court.

36 (B) The transcript shall be filed with the Clerk of the

1 Supreme Court within sixty (60) days from the issuance of the decree of the
2 circuit court.

3 (2) The Supreme Court shall advance the appeal on its docket as
4 involving a matter of public interest.

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6 SECTION 2. Arkansas Code Title 26, Chapter 27, Subchapter 3, is
7 amended to add an additional section to read as follows:

8 26-27-323. Authority to hear certain appeals.

9 (a) In addition to its other duties, a county equalization board shall
10 hear appeals under § 14-126-103.

11 (b) The board shall meet as necessary to hear appeals under § 14-126-
12 103.

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/s/McElroy

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APPROVED: 04/02/2013

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