

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

As Engrossed: H1/25/11
A Bill

HOUSE BILL 1091

5 By: Representative Lampkin
6

7 **For An Act To Be Entitled**

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

16 TO AMEND THE PROVISIONS REGARDING THE
17 ASSESSMENT AND COLLECTION OF FEES AND
18 SERVICE CHARGES BY COUNTY SOLID WASTE
19 MANAGEMENT SYSTEMS; TO MAKE TECHNICAL
20 CORRECTIONS; AND TO DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 8-6-212(b)(1)-(3), concerning the fees and
26 charges that a county solid waste management system may levy and collect, is
27 amended to read as follows:

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

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



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

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

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

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

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

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

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

1 ~~charges due are~~ fee or service charge due is also receipted.

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

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

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

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

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

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

35 (2) If the bill is neither approved nor vetoed by the Governor,
36 the expiration of the period of time during which the Governor may veto the

1 bill; or

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

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5 */s/Lampkin*

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