

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/20/19

A Bill

SENATE BILL 530

5 By: Senator L. Eads
6 By: Representative D. Douglas
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW TO CREATE TRANSPARENCY ON
10 CERTAIN PROPERTY TAX APPEALS; TO AMEND THE LAW
11 CONCERNING APPEALS OF THE ASSESSMENT OF CERTAIN
12 PROPERTY; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES.
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Subtitle

16 TO AMEND THE LAW TO CREATE TRANSPARENCY
17 ON CERTAIN PROPERTY TAX APPEALS; TO AMEND
18 THE LAW CONCERNING APPEALS OF THE
19 ASSESSMENT OF CERTAIN PROPERTY; AND TO
20 DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 26-27-317(d)(1)(D) and (E), concerning
27 applications for the adjustment of an assessment to a county equalization
28 board, are amended to read as follows:

29 (D)(i) For protests and appeals of commercial and
30 industrial property, operating as such at the time of assessment, any party
31 that intends to offer into evidence a sale or lease transaction as evidence
32 of the value of the property that is the subject of the protest or appeal
33 before the county equalization board shall have an affirmative duty to
34 disclose both of the following at least five (5) days prior to the hearing:

35 (a) Whether the proposed comparable property
36 was occupied or unoccupied at the time of the transaction; and



1 (b) Whether the proposed comparable property
2 was subject to any use, deed, or lease restriction at the time of the
3 transaction that prohibits the property on which a building or structure sits
4 from being used for the purpose for which the building or structure was
5 designed, constructed, altered, renovated, or modified.

6 (ii)(a) The purpose of the disclosure is so that the
7 county equalization board can determine whether the proposed comparable
8 property is similarly situated to the subject property on appeal.

9 (b) If the information required under this
10 section is not disclosed as required under this section, the county assessor
11 shall advise the county equalization board that the failure to disclose the
12 information should be considered a material omission affecting the weight of
13 the evidence.

14 (E) After the evidence has been presented by both parties
15 under this subsection, the county equalization board shall consider all
16 evidence presented at the hearing and make a determination based on evidence
17 presented by the parties to either accept the valuation of the subject
18 property set by the county assessor or raise or lower the valuation of the
19 subject property.

20 ~~(E)(i)~~ (F)(i) Except as necessary during other hearings of
21 the county equalization board for the purpose of comparison or equalization,
22 or both, ex parte communications between members of the county equalization
23 board or between a member of the county equalization board and other persons
24 concerning property on appeal before the county equalization board are
25 prohibited.

26 (ii) However, members of the county equalization
27 board may communicate with the attorneys for the county equalization board
28 and with the secretary for the county equalization board for purposes of
29 scheduling.

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31 SECTION 2. Arkansas Code § 26-27-318(d), concerning appeals of county
32 equalization board decisions to county courts, is amended to add an
33 additional subdivision to read as follows:

34 (3)(A) For protests and appeals of commercial and industrial
35 property, operating as such at the time of assessment, any party that intends
36 to offer into evidence a sale or lease transaction as evidence of the value

1 of the property that is the subject of the protest or appeal before the court
2 shall have an affirmative duty to disclose both of the following at least
3 five (5) days prior to the hearing:

4 (i) Whether the proposed comparable property was
5 occupied or unoccupied at the time of the transaction; and

6 (ii) Whether the proposed comparable property was
7 subject to any use, deed, or lease restriction at the time of the transaction
8 that prohibits the property, on which a building or structure sits from being
9 used for the purpose for which the building or structure was designed
10 constructed, altered, renovated, or modified.

11 (B) The purpose of the disclosure is so that the court can
12 determine whether the proposed comparable property is similarly situated to
13 the subject property on appeal.

14 (C)(i) The court shall consider all evidence when
15 determining whether comparable properties are similarly situated to the
16 subject property.

17 (ii) Nothing in this section is meant to restrict a
18 court's consideration of whether a proposed comparable property is similarly
19 situated to the subject property.

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21 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
22 General Assembly of the State of Arkansas that county equalization board
23 meetings begin August 1 of each year; that interested parties will need
24 adequate time to prepare to comply with this act before the first meetings of
25 the county equalization boards; and that this act is necessary to give
26 interested parties adequate notice and time to prepare to present evidence
27 when the county equalization boards meet. Therefore, an emergency is
28 declared to exist, and this act being necessary for the preservation of the
29 public peace, health, and safety shall become effective on July 1, 2019.

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31 */s/L. Eads*
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