

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

A Bill

HOUSE BILL 2102

4 By: Representative Lea

5
6 Filed with: Interim House Committee on State Agencies and Governmental Affairs
7 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

8 AN ACT TO CLARIFY COUNTY POPULATION FOR APPORTIONMENT
9 PURPOSES; TO REQUIRE THE DEPARTMENT OF CORRECTION TO
10 COLLECT AND MAINTAIN RESIDENTIAL ADDRESS INFORMATION
11 FOR INCARCERATED PERSONS; TO CLARIFY THE DISTRIBUTION
12 OF FUNDS TO COUNTIES; AND FOR OTHER PURPOSES.
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Subtitle

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17 TO CLARIFY COUNTY POPULATION FOR
18 APPORTIONMENT PURPOSES; TO REQUIRE THE
19 DEPARTMENT OF CORRECTION TO COLLECT AND
20 MAINTAIN RESIDENTIAL ADDRESS INFORMATION
21 FOR INCARCERATED PERSONS; TO CLARIFY THE
22 DISTRIBUTION OF FUNDS TO COUNTIES.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 14-14-403(b), concerning apportionment of
29 districts, is amended to read as follows:

30 (b)(1) All apportionments shall be based on the population of the
31 county as of the last federal decennial census as adjusted under § 14-14-
32 404., ~~and the~~

33 (2) The number of districts apportioned shall be equal to the
34 number to which the county is entitled by law.
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36 SECTION 2. Arkansas Code § 14-14-404 is amended to read as follows:

1 14-14-404. Federal decennial census data.

2 (a)(1) The State Board of Apportionment shall provide each of the
3 respective county boards of election commissioners with the appropriate and
4 necessary federal decennial census information, not less than ninety (90)
5 days ~~prior to~~ before the date established for apportionment of county quorum
6 court districts.

7 (2)(A) The board shall adjust the population for each county
8 based on the residential address of each incarcerated person before
9 sentencing provided under subsection (b) of this section and use the adjusted
10 information for all apportionment purposes.

11 (B) An incarcerated person who was not a resident of the
12 state before sentencing or has an unknown residential address before
13 sentencing shall not be counted for apportionment purposes.

14 (b)(1) Each year when the federal decennial census is taken and the
15 United States Census Bureau counts incarcerated persons as residents of the
16 county where the correctional facility is located, the Department of
17 Correction shall collect an maintain a record of:

18 (A) The residential address that each incarcerated person
19 had before his or her sentencing; and

20 (B) Each incarcerated person who was not a resident of the
21 state before sentencing or has an unknown residential address before
22 sentencing; and

23 (2)(A) The department shall submit to the Secretary of State, on
24 or before July 1, the records collected and maintained under subdivision
25 (b)(1) of this section.

26 (B) The department shall not include the name of any
27 incarcerated person with the information submitted to the Secretary of State
28 under this section.

29 (c) The Secretary of State shall provide the board with the number of
30 incarcerated persons that shall:

31 (1) Be included as residents for each county and county census
32 block, based on the information received from the department; and

33 (2) Not be included as residents for apportionment purposes
34 because the incarcerated person was not a resident of the state before
35 sentencing or has an unknown residential address before sentencing.

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1 SECTION 3. Arkansas Code § 27-70-207(a)(3)(C) and (D), concerning
2 highway revenue distribution to counties, is amended to read as follows:

3 (C) Seventeen and one-half percent (17.5%) of the amount
4 according to population based upon the most recent federal decennial census
5 as adjusted under § 14-14-404, with each county to receive the proportion
6 that its population bears to the population of the state;

7 (D) Thirteen and one-half percent (13.5%) of the amount
8 according to rural population based upon the most recent federal decennial
9 census as adjusted under § 14-14-404, with each county to receive the
10 proportion that its rural population bears to the rural population of the
11 state; and

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13 Referred by the Arkansas House of Representatives

14 Prepared by: SAG/VJF
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