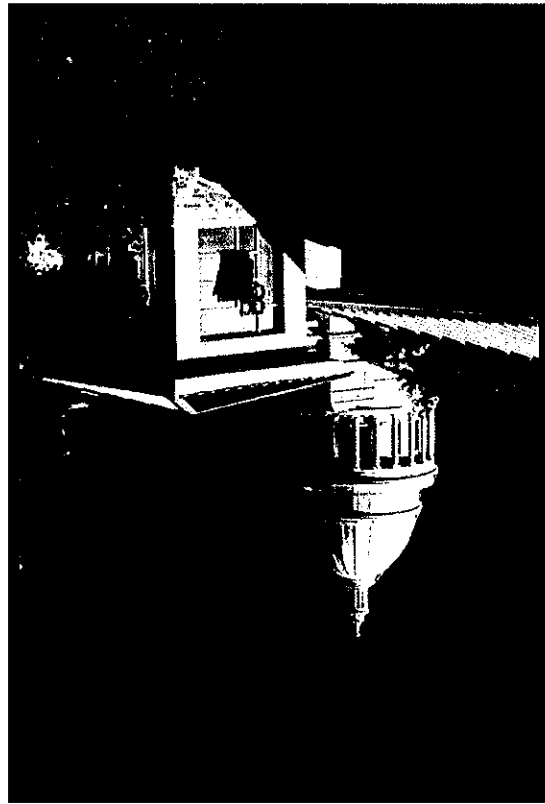


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ASSOCIATION OF ARKANSAS COUNTIES
LEGISLATIVE PACKAGE
89TH GENERAL ASSEMBLY

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DRAFT BILL
AAC

AN ACT TO AMEND 14-14-805 TO MAKE THE FINE AMOUNT CONSISTENT
WITH THE FINE AMOUNT IN 14-14-906 AND TO CHANGE THE
ORGANIZATIONAL MEETING DATE OF THE QUORUM COURT

Section 1. 14-14-805. Powers denied.

Each county quorum court in the State of Arkansas exercising local legislative authority is prohibited the exercise of the following:

(1) Any legislative act that applies to or affects any private or civil relationship, except as an incident to the exercise of local legislative authority;

(2) Any legislative act that applies to or affects the provision of collective bargaining, retirement, workers' compensation, or unemployment compensation. However, subject to the limitations imposed by the Arkansas Constitution and state law regarding these subject areas, a quorum court may exercise any legislative authority with regard to employee policy and practices of a general nature, including, but not limited to, establishment of general vacation and sick leave policies, general office hour policies, general policies with reference to nepotism, or general policies to be applicable in the hiring of county employees. Legislation promulgated by a quorum court dealing with matters of employee policy and practices shall be applicable only to employees of the county and shall not apply to the elected county officers of the county. Legislation applying to employee policies shall be only of a general nature and shall be uniform in application to all employees of the county. The day-to-day administrative responsibility of each county office shall continue to rest within the discretion of the elected county officials;

(3) Any legislative act that applies to or affects the public school system, except that a county government may impose an assessment, where established by the General Assembly, reasonably related to the cost of any service or specific benefit provided by county government and shall exercise any legislative authority which it is required by law to exercise regarding the public school system;

(4) Any legislative act which prohibits the grant or denial of a certificate of public convenience and necessity;

(5) Any legislative act that establishes a rate or price otherwise determined by a state agency;

(6) Any legislative act that defines as an offense conduct made criminal by state law, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of five hundred dollars (\$500) one thousand dollars (\$1,000) for any one (1) specified offense or violation, or double that sum for repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or

penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed two hundred fifty dollars (\$250) five hundred dollars (\$500) for each day that it may be unlawfully continued;

(7) Any legislative act that applies to or affects the standards of professional or occupational competence as prerequisites to the carrying on of a profession or occupation;

(8) Any legislative act of attainer, ex post facto law, or law impairing the obligations of contract shall not be enacted, and no conviction shall work corruption of blood or forfeiture of estate;

(9) Any legislative act which grants to any citizen or class of citizens privileges or immunities which upon the terms shall not equally belong to all citizens;

(10) Any legislative act which denies the individual right of property without just compensation;

(11) Any legislative act which lends the credit of the county for any purpose whatsoever or upon any interest-bearing evidence of indebtedness, except bonds as may be provided for by the Arkansas Constitution. This subdivision does not apply to revenue bonds which are deemed not to be a general obligation of the county;

(12) Any legislative act that conflicts with the exercise by municipalities of any expressed, implied, or essential powers of municipal government;

(13) Any legislative act contrary to the general laws of the state.

HISTORY: Acts 1977, No. 742, § 73; 1979, No. 413, § 15; A.S.A. 1947, § 17-3805.

SECTION 2. To Amend ACA 14-14-904. Procedures generally.

(a) **Time and Place of Quorum Court Assembly.** (1) (A) (i) The justices of the peace elected in each county shall assemble and organize as a county quorum court body on the first regular meeting date a date chosen by the county judge and held within five (5) days, excepting holidays, after the beginning of the justices' term in office.

(ii) If the first meeting is not held on the quorum court's established regular meeting day, the quorum court may declare the first meeting to be in lieu of the established January meetings.

(B) (i) Thereafter, the justices shall assemble each calendar month at a regular time and place as established by ordinance and in their respective counties to perform the duties of a quorum court, except that more frequent meetings may be required by ordinance.

(ii) (a) The time and place of the initial assembly of justices shall be designated by written notice of the county judge.

(2) By declaration of emergency or determination that an emergency exists and the safety of the general public is at risk, the county judge may change the date, place, or time of the regular meeting of the quorum court upon twenty-four-hour notice.

~~(b) Thereafter, the justices shall meet as a quorum court at a regular time and place established by ordinance.~~

DRAFT BILL
AAC

AN ACT TO AMEND TO 21-6-310 TO MAKE IT CONSISTENT WITH 26-39-201

Section 1. 21-6-310. Officers and employees generally -- Disposition of funds.

(a) All fees, fines, penalties, and other moneys collected by any county officer, deputy, or county employee shall be deposited with the county treasurer on the first day of each month or within ~~five (5)~~ ten (10) days thereafter, and, unless otherwise provided by law, shall be placed in the county general fund.

(b) The county treasurer shall keep a complete and accurate record of the receipt of such moneys and shall provide a written receipt to the person or office making such deposit.

HISTORY: Acts 1975, No. 127, § 2; A.S.A. 1947, § 12-1741.

DRAFT BILL
Arkansas Circuit Clerks Association
2013 Legislative Session

AN ACT TO AMEND ACA 21-6-412 TO PROHIBIT THE APPOINTMENT OF ELECTED OFFICIALS AS COMMISSIONER, AND FOR OTHER PURPOSES

SECTION 1. Arkansas Code § 21-6-412 is amended to read as follows: 21-6-412. Commissioners to sell property.

(a)(1) Commissioners appointed to make sales of real property under judicial decrees shall be allowed the following fees as compensation for such services:

On sales for \$1.00	to	\$ 500.....	\$10.00
On sales for 500	to	2,500	15.00
On sales for 2,500	to	5,000	20.00
On sales for 5,000	to	10,000	25.00
On sales for 10,000	to	20,000	30.00
On sales for 20,000	to	35,000	35.00
On sales for 35,000 or more, one-tenth of one percent (0.1%).			

(2)(A) Commissioners appointed to make sales of personal property under judicial decrees shall be allowed as compensation for such services the fee prescribed by the judge of the court that issued the decree; provided no elected official, their immediate family or their employees shall be eligible for appointment as commissioner.

DRAFT BILL
Arkansas Circuit Clerks Association

AN ACT TO AMEND 21-6-402 TO CLARIFY THE FEE FOR TRANSCRIPTS

21-6-402. Circuit court clerks -- Miscellaneous fees.

(a) (1) The fees to be charged by the clerks of the circuit courts for the following matters in the circuit courts in the state shall be as prescribed in this section.

(2) No portion of these fees shall be refunded.

(b) The fees shall be:

(1) For drawing and issuing, sealing any summons, subpoena\$2.50

(2) For writs or executions20.00

(3) For certificate and seal5.00

(4) For making and preparing any transcript:

(A) Two dollars and fifty cents (\$2.50) per page for the first one thousand (1,000) pages;

(B) Two dollars (\$2.00) per page for pages one thousand one (1,001) through two thousand (2,000);

(C) One dollar and fifty cents (\$1.50) per page for pages two thousand one (2,001) through three thousand (3,000);

(D) One dollar (\$1.00) per page for pages three thousand one (3,001) through four thousand (4,000); and

(E) Fifty cents (50¢) per page for any page over four thousand one (4,001);

DRAFT

A Bill

State of Arkansas
89th General Assembly

KLL/BAT

Regular Session, 2013
HOUSE BILL

By: Representative Mayberry

For An Act To Be Entitled

AN ACT TO ALLOW COUNTY SHERIFFS AND COLLECTORS TO
ESTABLISH A REGISTRY FOR SENDING PROPERTY TAX
STATEMENTS AND NOTICES ELECTRONICALLY USING
INFORMATION PROVIDED BY THE TAXPAYERS; TO PROVIDE
ENHANCED DELIVERY OF TAX STATEMENTS; TO REDUCE COSTS
IN SENDING TAX STATEMENTS AND NOTICES; AND FOR OTHER
PURPOSES.

Subtitle

TO ALLOW COUNTY OFFICIALS TO STREAMLINE

DELIVERY OF CERTAIN DOCUMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 26-35-705, concerning the mailing of tax statements,

is amended to add an additional subsection to read as follows:

26-35-705. Mailing tax statements.

(a)(1) No later than July 1 of each year, the county sheriff or county collector shall

be required to mail statements of taxes due by any taxpayer to the address provided by the

taxpayer

(2) In the event that the address of the taxpayer changes, the

taxpayer has the obligation to furnish the correct address; or

(b)(1) No later than July 1 of each year, the county sheriff or collector may in his

or her discretion establish an electronic registry allowing each taxpayer to voluntarily register

the taxpayer's personal information authorizing statements of taxes due by the taxpayer to be

sent electronically using the information provided by the taxpayer.

1 (2) The county sheriff or county collector in his or her
2 discretion may provide electronically to the taxpayer subsequent statements
3 or notices for property taxes due or delinquent by using the information
4 provided by the taxpayer.
5 (3) In the event the taxpayer's information changes and the
6 electronic attempt to notify is returned undelivered, it shall be the
7 taxpayer's obligation to furnish the correct information or the tax statements
8 will be sent to the mailing address of the taxpayer.
9
10 SECTION 2. Arkansas Code 26-35-706, concerning postage fees, is
11 amended to add an additional subsection to read as follows:
12 (e) Due to the substantial savings in postage, paper, handling, and
13 labor cost from delivery of statements and notices electronically using
14 information provided by the taxpayer, the county sheriff or county collector
15 sending the tax statement and notices may waive the costs for mail delivery
16 from taxpayer property tax statements or may charge the reduced costs of
17 electronic notification.
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Arkansas County Collectors Association
DRAFT BILL

Section 1. 26-36-207. Garnishment proceedings authorized.

(a)(1) If the property tax upon personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or mineral interests or otherwise of a person, association, or corporation remains unpaid after October 15 in any year and the county collector is unable to find or seize any personal property, or mineral interests of the person, association, or corporation on which to levy to make satisfy the taxes due delinquent, then the county collector shall following publication present the statement of account for taxes to any person who may be indebted to the person, association, or corporation, and demand the payment of the delinquent taxes with penalty and interest. For property taxes delinquent in excess of (1) one year an additional penalty of \$8.00 shall be assessed as the costs of issuance and delivery of the statement of account to the garnishee and collection and payment by garnishee to the collector. The notice of publication shall include a statement of the \$8.00 additional assessment and garnishment capacity under this section if unpaid in excess of (60) sixty days from the date of publication of notice of delinquency and following delivery of the statement of account for garnishment to the garnishee. (2) The person to whom or entity to which the statement of account for taxes is presented shall pay over to the county collector the amount of the taxes that the person owes up to the amount of the debt along with interest and penalties be provided a copy of take the county collector's receipt for the payment. The receipt shall be taken in all offices and courts of this state as payment on the taxpayer's indebtedness to of the full amount expressed on the county collector's receipt. A garnishee shall absolved of liability for compliance with the demand in the statement of account of the collector.

(b) If the person should fail or refuse, on demand, to pay over the amount of the tax that he owes to the county collector, the county collector shall file the statement of the amount account of the tax with the person so refusing, which shall operate as a garnishment upon the person so served. The county collector shall proceed to collect the taxes in the manner fixed by law in cases of garnishment as provided by ACA 26-36-212.

(c) No person shall be compelled to pay any debt before it may be due and delinquent nor a greater amount than he may be owing the person, entity, corporation, or association.

(d) (4) A garnishment shall be returnable within (60) sixty days from receipt by the garnishee and set forth the payment sum owed, garnished and forward for payment. (e) If the garnishment is refused by the garnishee after service of the statement of account by the collector and garnishment is subsequently granted by a court, the cost of the garnishment proceedings and a reasonable attorney's fee shall be awarded and paid by the party garnishee refusing to pay the taxes when so requested. The collector may commence a single cause of action against a single garnishee to pay over debts owed by the garnishee to multiple delinquent taxpayers. History. Acts 1883, No. 114, § 119, p. 199; 1887, No. 92, § 43, p. 143; C. & M. Dig., § 10069; Pope's Dig., § 13830; Acts 2011, No. 175.

To amend ACA 27-14-612(c) on multiyear personal-use vehicle registration to require proof of assessment of the subject vehicle. {Act 904 of 2011 was Collector legislation and needs to include this requirement.

Section 1. 27-14-612. Multiyear personal-use vehicle registration.

(a) As used in this section, "personal-use vehicle" means a pleasure vehicle registered under § 27-14-601(a)(1) or a Class One truck or van under § 27-14-601(a)(3)(A).
(b) The Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration shall offer a multiyear personal-use vehicle registration as provided under this section.

(c)(1) The owner of a personal-use vehicle may submit a multiyear personal-use vehicle registration for a period of two (2) years by providing the following information to the office with the application:

(A) All information necessary for the registration and licensing of the vehicle under law to include:

(i) Proof that property taxes have been timely paid for the preceding two (2) years;

(iii) proof that the subject vehicle has been assessed;

(iii) Proof that the motor vehicle has been insured as required under §27-22-104 and the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., for the preceding two (2) years; and

(B) Payment of the fees for registration and licensing for two (2) years.

(2) The owner of a personal-use vehicle may submit a multiyear personal-use vehicle registration for a period of three (3) years by providing the following information to the office with the application:

(A) All information necessary for the registration and licensing of the vehicle under law to include:

(i) Proof that property taxes have been timely paid for the preceding three (3) years;

(iii) proof that the subject vehicle has been assessed and

(iii) Proof that the motor vehicle has been insured as required under §27-22-104 and the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., for the preceding three (3) years; and

(B) Payment of the fees for registration and licensing for three (3) years.

(d) A personal-use vehicle is not eligible for registration under this section if it has not been licensed and registered for the period that the owner seeks to register the vehicle for multiple years prior to the owner's seeking to register the vehicle for multiple years.

(e) The Office of Motor Vehicle may promulgate rules for the administration of this section. **History.** Acts 2011, No. 904, § 2.

AN ACT TO ALLOW ARKANSAS MARRIAGE LICENSE TO BE USED IN OTHER JURISDICTIONS

DRAFT BILL
Arkansas County Clerks Association

Section 1. Authority to utilize marriage license in other jurisdictions.

Parties to a contract of marriage may utilize an Arkansas marriage license in other jurisdictions outside the State of Arkansas if:

- (a) the person performing the marriage is legally authorized in that jurisdiction to solemnize marriages and, if outside the state of Arkansas, attaches proof of such authorization
- and,
- (b) the marriage license is, subsequently, filed with the issuing county in Arkansas.

Section 2. Certificate of Solemnization.

"State of Arkansas _____

County of _____ ss

I, A. B., do hereby certify that on the _____ day of _____, 20____, I did duly, and according to law as commanded in the foregoing license, solemnize the rites and publish the bans of matrimony between the parties herein named.

Witness my hand this _____ day of _____, 20____,

A. B., Justice of the Peace"

(Or insert whatever title the party has, as minister, etc.)

DRAFT BILL

County Judges Association of Arkansas

Section 1. 22-9-202. Construction of this section and §§ 22-9-203 and 22-9-204. Nothing in this section and §§ 22-9-203 and 22-9-204 shall be construed to prevent any taxing unit from:

- (i) performing any of the work for or making any of the improvements referred to in this section and §§ 22-9-203 and 22-9-204 by the use of its own employees, by separately procuring labor in accordance with ACA 14-14-1102 or to require that, as a condition precedent to the right to use its own employees, bids must be received from contractors;
- (ii) separately procuring commodities in accordance with ACA 14-22-101 et seq;
- (iii) separately procuring professional services in accordance ACA 19-11-801, et seq;
- (iv) separately procuring construction management professional services in accordance ACA 19-11-801, et seq, not to perform the actual construction work, but to perform design review, scheduling, cost control, value engineering, constructability evaluation, preparation and coordination of bid packages, inspection, quality control, and construction administration on behalf of the owner; and
- (v) separately procuring construction work from one or more separate contractors under separate contract or invoice, so that the work is not included in calculating the \$20,000 bid requirement threshold;

nor shall this section and §§ 22-9-203 and 22-9-204 be construed to amend or repeal any law which requires the publication of notice in those instances where the estimated amount of the cost of the proposed improvements within the contract scope of work shall be less than twenty thousand dollars (\$20,000) ~~ten thousand dollars (\$10,000)~~, since it is the intention of this section and §§ 22-9-203 and 22-9-204 to provide a uniform procedure to be followed by all taxing units whenever work is to be done under formal contract.

Section 2. 22-9-209. Renovation of historic sites — Advertising of contracts. (a) No contract for the altering, repairing, or renovation of a recognized historic site or structure owned by the State of Arkansas or with title vested in the name of a state agency or of another taxing authority, where the estimated cost of the work equals or exceeds the sum of ten thousand dollars ~~(\$10,000)~~ (\$20,000), shall be entered into between the agency or taxing unit and any contractor unless the agency or taxing unit shall have first published notice of intention to receive bids for improvements one (1) time each week for not less than two (2) consecutive weeks in a newspaper of general circulation published in the county in which the proposed improvements are to be made or in a trade journal reaching the construction industry.

DRAFT BILL
Arkansas County Treasurers Association

Section 1. 7-5-317. Processing and delivery of election materials.

(a) After the polls close, all of the election materials shall be processed and delivered in the following manner:

(1) The poll workers shall total the number of voters on the list-of-voters form and certify and attest the form;

(2) The list-of-voters form, precinct voter registration list, voter registration application forms, and other recordkeeping supplies shall be delivered to the county clerk;

(3) Certificates of election results and tally sheets:

(A) One (1) copy of the certificate of election results with one (1) copy of the tally sheets, if any, shall be delivered to the county clerk; and

(B) One (1) copy of the certificate of election results shall be returned with one (1) copy of the tally sheets, if any, and reports of challenges of voters, if any, to the county board of election commissioners;

(4) Ballots:

(A) The poll workers shall securely envelope any voted ballots separately from any unused ballots and place the ballots in a container with a numbered seal and then deliver the ballots with the tally sheets, if any, and other election materials to the county board of election commissioners; and

(B) All cancelled ballots shall be preserved separately from the other ballots and returned to the county board of election commissioners; and

(5) Sealed stub boxes shall be delivered to the county treasurer for storage.

(b) All of the election materials and returns shall be delivered to the county board of election commissioners or, in the case of the stub boxes, the county treasurer by the poll workers immediately after the polls close.

Section 2. 7-5-702. Preservation of ballots, stubs, certificates, and other election materials.

(a) After the election has been finally certified by the county board of election commissioners, the county board of election commissioners shall retain the custody of and safely keep in a sealed container appropriately marked in a secure location in the county courthouse or other county storage facility all ballots and certificates returned to it from the several precincts for a period of twenty (20) days, after which time the ballots and certificates shall be stored in a secure location in the county courthouse or other county storage facility for a period of two (2) years from the date of the election, unless the county board of election commissioners shall be

sooner notified in writing that:

(1) The election of some person voted for at the election and declared to have been elected has been contested; or

(2) Criminal prosecution has begun before a tribunal of competent jurisdiction against any officer of election or person voting thereat for any fraud in the election.

(b) If the county board of election commissioners is notified as provided in subsection (a) of this section, then so many of the ballots and certificates as may relate to matters involved in the contest or any prosecution shall be preserved for use as evidence in the contest or prosecution.

(c) During the time the ballots may be retained or stored, the package containing them shall not be opened by anyone unless directed to do so by some competent tribunal before which an election contest or prosecution is pending in which the ballots are to be used as evidence.

(d) For a period of twenty (20) days, the county treasurer shall retain the custody of and safely keep all ballot stubs in a sealed container appropriately marked which are delivered to him or her from the several precincts, after which time they shall be stored in a secure location in the county courthouse or other county storage facility unless an election contest has been filed or a criminal prosecution has been initiated in connection with the election.

(e) After a period of two (2) years, all marked ballots may be destroyed in the following manner:

(1) The county board of election commissioners shall enter an order directing the destruction of marked ballots and ballot stubs;

(2) The county board of election commissioners shall make and retain a record of marked ballots and ballot stubs destroyed; and

(3) The county board shall file the order and record pertaining to marked ballots and ballot stubs destroyed with the county clerk.