

Association of Arkansas Counties 2015 legislative package



AAC Board of Directors

1. Increase the state inmate reimbursement per day rate from \$28 to \$35 per day per inmate housed in county jails.
2. County General turn back adjustment via terminating counties' responsibilities for deputy prosecutor salaries. Estimated \$5 million per year.
3. Medical expenses for state inmates within first 30 days of detainment in county jails are currently the burden of the county. AAC will pursue eliminating the counties' responsibility for this expense.
4. Establishing a statute enabling newly elected county officials the opportunity to receive reimbursement for attending training between election date and date of taking office. ACA: 14-14-1208.
5. Enabling legislation for AAC Homestead Credit, fine collection, state income recovery program.

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/BAT
HOUSE BILL

4
5 By: Representative Baine
6

For An Act To Be Entitled

7
8 AN ACT CONCERNING THE AUTHORITY OF A COUNTY QUORUM
9 COURT TO REVISE, ADOPT, AND CODIFY ORDINANCES; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12
13 CONCERNING THE AUTHORITY OF A COUNTY
14 QUORUM COURT TO REVISE, ADOPT, AND CODIFY
15 ORDINANCES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-14-903(d), concerning the record of
22 proceedings of a county quorum court, is amended to read as follows:

23 (d) Codification of Ordinances. ~~No later than 1980 and at five-year~~
24 ~~intervals thereafter, all county~~ (1) County ordinances of a general and
25 permanent nature enacted in each of the several counties shall be compiled
26 into a uniform code and published.

27 (2)(A) A quorum court may codify county ordinances and revise
28 the codification of county ordinances at periodic times as it considers
29 necessary.

30 (B) The county ordinance adopting the codification or
31 revision:

32 (i) Shall be enacted and published in accordance
33 with the requirements for the passage of county ordinances under this
34 subchapter; and

35 (ii) May provide for the repeal of certain county
36 ordinances and parts of county ordinances by the deletion or omission of them

DRAFT

1 from the codification or revision.

2 (3) A quorum court shall file a code of county ordinances and
3 subsequent revisions to the code of county ordinances with the county clerk
4 under § 14-14-909(b).

5 (4) A code of county ordinances is prima facie evidence of the
6 law contained within it.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

DRAFT KLL/KLL
HOUSE BILL

5 By: Representative McElroy
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE LAW CONCERNING A COUNTY PROPERTY
9 EXCHANGE; AND FOR OTHER PURPOSES.

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11
12 **Subtitle**

13 TO AMEND THE LAW CONCERNING A COUNTY
14 PROPERTY EXCHANGE.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 14-16-116 is amended to read as follows:
20 14-16-116. Property exchange or transfer by counties.

21 (a) Counties are authorized to exchange or transfer properties, real
22 or personal, with other counties or with municipalities. ~~Provided, any such~~

23 (b) An exchange or transfer under this section shall be approved by
24 ordinances of the quorum court and ~~shall be~~ accomplished in accordance with
25 procedures prescribed or confirmed by the quorum court.

26 (c) An agreement for service, legal tender, or other consideration may
27 be accepted in exchange for real or personal property under this section.

28 (d) A transfer made under this section is exempt from §§ 14-16-105,
29 14-16-106, 14-22-101 et seq., and the Arkansas Procurement Law, § 19-11-201
30 et seq.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

DRAFT KLC/BAT
HOUSE BILL

5 By: Representative Hammer
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE COLLECTION OF
9 DUES FOR VOLUNTEER FIRE DEPARTMENTS; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW CONCERNING THE
14 COLLECTION OF DUES FOR VOLUNTEER FIRE
15 DEPARTMENTS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-20-108 is amended to read as follows:

22 (a)(1)(A) The quorum court of each county, upon request filed with the
23 quorum court by one (1) or more volunteer fire departments in the county, may
24 adopt an ordinance authorizing a designated county official to collect and
25 remit to the volunteer fire department the annual or quarterly dues charged
26 by the volunteer fire department in consideration of providing fire
27 protection to unincorporated areas in the county.

28 (B)(i)(a) When a quorum court receives a request for the
29 levy of volunteer fire department dues and the request has been signed by the
30 fire chief and the chair and secretary of the board of directors, if any, of
31 a volunteer fire department and filed with the county clerk, the quorum court
32 by ordinance shall call for an election on the issue of the levy of the
33 volunteer fire department dues on each residence and on each business having
34 an occupiable structure.

35 (b)(1) The issue may be placed on the ballot
36 at a special election by order of the quorum court in accordance with § 7-11-

1 201 et seq.

2 (2) The special election shall be held
3 by August 1.

4 (c) If an attested petition is filed with the
5 county clerk and signed by a majority of registered voters in the volunteer
6 fire department district voting in the immediately preceding general
7 election, then the quorum court by ordinance shall dispense with a special
8 election on the issue of the levy of volunteer fire department dues.

9 (e)(d)(1) If the levy of volunteer fire
10 department dues is approved by a majority of those voting on the issue or the
11 county clerk determines that the number of signatures of registered voters is
12 sufficient and the quorum court dispenses with a special election, the
13 volunteer fire department dues shall be listed annually on real property tax
14 statements and collected by the county collector at the same time and in the
15 same manner as real property taxes.

16 (2)(A) The county collector shall report
17 delinquencies to the volunteer fire department for collection.

18 (B) A volunteer fire department
19 may collect volunteer fire department dues that have become delinquent and
20 may enforce collection by proceedings in a court of proper jurisdiction.

21 (ii) The cost of the election shall be borne by the
22 volunteer fire department that requested the levy.

23 (2) The ordinance enacted by the quorum court shall set forth
24 the terms and conditions on which the volunteer fire department dues are to
25 be collected by the county and for the remission of the volunteer fire
26 department dues to the volunteer fire department.

27 (3) However, an active member of a volunteer fire department
28 whose annual or quarterly volunteer fire department dues are collected in
29 this manner may be exempt from the annual or quarterly ~~dues charged by the~~
30 volunteer fire department dues at the discretion of the volunteer fire
31 department in consideration of providing services to the volunteer fire
32 department.

33 (b)(1) The quorum court by majority vote may designate the
34 geographical area that a volunteer fire department serves.

35 (2) Upon request by a volunteer fire department, the quorum
36 court of each county involved may authorize a volunteer fire department to

1 ~~serve a geographical area to~~ extend its geographical service area across the
2 county boundary lines.

3 (c) The quorum court may establish its own countywide fire department,
4 either regular or voluntary.

5 (d) This section does not change the authority of intergovernmental
6 cooperation councils to enter into reciprocal agreements or to distribute
7 funds under § 14-284-401 et seq. and § 26-57-614.

8 (e)(1) If approved by ordinance by the governing body of an
9 incorporated town or a city of the second class on the signed request of ~~and~~
10 ~~signed by~~ the fire chief and the chair and secretary of the board of
11 directors, if any, of a volunteer fire department, an incorporated town or a
12 city of the second class located in the volunteer fire department district
13 that is not served by a fire department may be included in the fire
14 protection area with the volunteer fire department dues levied and collected
15 in the same manner as in the unincorporated areas served by the volunteer
16 fire department district.

17 (2)(A) The governing body of the incorporated town or city of
18 the second class by ordinance shall call for an election on the ordinance
19 under subdivision (e)(1) of this section.

20 (B) The issue may be placed on the ballot at a special
21 election by order of the governing body in accordance with § 7-11-201 et
22 seq., and the special election shall be held by August 1.

23 (C) If the issue is approved by a majority of those voting
24 on the issue, the incorporated town or city of the second class shall be
25 served by the volunteer fire department district with the volunteer fire
26 department dues levied and collected in the same manner as in the
27 unincorporated areas served by the volunteer fire department district.

28 (D) The cost of the election shall be borne by the
29 governing body of the incorporated town or city of the second class that
30 called for the election.

31 (f) At the discretion of a volunteer fire department, a church served
32 by a volunteer fire department may be exempt from volunteer fire department
33 dues if the church is exempt from real property taxes.

34 (g) This section applies to all volunteer fire departments, however
35 organized.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/BAT
SENATE BILL

4
5 By: Senator Files

For An Act To Be Entitled

8 AN ACT RELATING TO SURPLUS BRIDGE MATERIALS AND THEIR
9 USE IN THE CONSTRUCTION OR REPAIR OF PUBLIC BRIDGES;
10 AND FOR OTHER PURPOSES.

Subtitle

13 RELATING TO SURPLUS BRIDGE MATERIALS AND
14 THEIR USE IN THE CONSTRUCTION OR REPAIR
15 OF PUBLIC BRIDGES.

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 27, Chapter 86, is amended to add an
22 additional subchapter to read as follows:

23
24 Subchapter 4 – Surplus Bridge Materials

25
26 27-86-401. Definitions.

27 As used in this subchapter:

28 (1) “Salvaged” means materials removed by the Arkansas State
29 Highway and Transportation Department from an existing bridge structure; and

30 (2) “Surplus” means extra materials or supplies acquired by the
31 Arkansas State Highway and Transportation Department under a construction
32 project and not used on the project.

33
34 27-86-402. Surplus bridge materials – Cities and counties.

35 (a) If the Arkansas State Highway and Transportation Department
36 determines it has bridge surplus, the department shall make the bridge

1 surplus available to cities and counties.

2 (b) The department may be reimbursed by a city or county for costs
3 incurred in the recovery or storage of bridge surplus.

4 (c) The city or county requesting the bridge surplus shall retrieve
5 the bridge surplus from the department within one hundred eighty (180) days
6 from the completion of the project for which the bridge materials or supplies
7 are declared surplus.

8
9 27-86-403. Transfer of surplus and salvaged bridge beams – Cities and
10 counties.

11 (a)(1) Upon request of a city or county, the Arkansas State Highway
12 and Transportation Department may transfer surplus or salvaged bridge beams
13 to the city or county for use in the construction or repair of public
14 bridges.

15 (2) The city or county may not sell the surplus or salvaged
16 beams.

17 (b) Before the transfer under subsection (a) of this section, the city
18 or county shall cause the surplus or salvaged beams to be inspected by a
19 registered professional engineer.

20 (c) The city or county assumes full responsibility for the cost of
21 transporting the beams and for use of the beams, including without limitation
22 the proper removal and disposal of lead-based paint if necessary.

23 (d) The department shall retain the surplus or salvaged beams for the
24 requesting city or county for a period not exceeding one hundred eighty (180)
25 days, after which the department may otherwise dispose of the beams.

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Arkansas County Assessors' Association

A Bill:

For An Act to be titled: An act to amend practices concerning retention for Homestead credit letters.

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 13-4-303, concerning record retention practices for Homestead credit letters and tax and assessment records, are amended as follows:

13-4-303. Tax and Assessment records.

All counties of the State of Arkansas shall maintain county tax and assessment records as follows, if they are currently being maintained:

(1) For tax and assessment records:

(A) Permanently maintain:

- (i)** Real estate, personal, and mineral tax book;
- (ii)** Delinquent real estate;
- (iii)** Personal property list;
- (iv)** Lands forfeited to the state, and minerals;
- (v)** Land book of state and federally owned lands;
- (vi)** Clerk's deed of land sold for taxes;
- (vii)** Journal of proceedings of the county equalization board;
- (viii)** Final settlement of tax books; and
- (ix)** Original charge for all taxing units and certification;

(B) Maintain for seven (7) years:

- (i)** Real estate and personal assessment record;
- (ii)** Real estate and personal tax receipts recorded in tax books; and
- (iii)** Redemption certificate;

(C) Maintain for five (5) years after rollback is complete: Certification of tax adjustment for public utilities and regulated carriers (computation of utility tax);

(D) Maintain for three (3) years:

- (i)** Delinquent personal tax settlement;
- (ii)** Land redemption report;
- (iii)** State lands distribution; and
- (iv)** Monthly tax distribution;

(E) Maintain for one (1) year, after audit by the Division of Legislative Audit:

- (i)** Valuation of real and personal property of utilities; and
- (ii)** Real and personal property tax correction forms;

(2) (A) For county assessor's records, maintain for five (5) years:

- (i) Real estate appraisal card after reappraisal;
 - (ii) Lists of names of taxpayers furnished to assessor by school boards; and
 - (iii) The personal, commercial, and industrial assessment forms.
 - (iii) Inactive Homestead credit documents
- (B) Prior to destruction of these forms, they will be made available to the county collector;

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative Boyd
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE EXTENSION OF THE LOCAL PERSONAL
9 PROPERTY TAX ASSESSMENT PERIOD WHEN THE LAST DAY OF
10 ASSESSMENT FALLS ON A SATURDAY, SUNDAY, OR POSTAL
11 HOLIDAY; AND FOR OTHER PURPOSES.
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Subtitle

14
15 CONCERNING THE EXTENSION OF THE LOCAL
16 PERSONAL PROPERTY TAX ASSESSMENT PERIOD.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 26-26-1408(a)(3), concerning the time for
22 assessment and payment of local personal property taxes, is amended to read
23 as follows:

24 (3)(A) The ten percent (10%) penalty for delinquent assessment
25 shall not apply to tangible personal property becoming eligible for
26 assessment through May 31 if the tangible personal property is assessed on or
27 before May 31, except that the tangible personal property acquired during the
28 period of May 2 through May 31 shall be assessable without penalty within
29 thirty (30) days following the date of its acquisition.

30 (B) However, if May 31 of an assessment year falls on a
31 Saturday, Sunday, or postal holiday, then the last day to assess without
32 incurring a penalty shall be the following business day.
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Arkansas Association of County Clerks

Stricken language will be deleted and underlined language would be added to present law.

A Bill

By: Representative Nate Bell

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 21-6-412, concerning commissioners of sales, is amended 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 10,000to 20,000.....30.00
- On sales for 20,000to 35,000.....35.00
- On sales for 35,000 or more, one-tenth of one percent (0.1%).

(2) 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.

(b) In lieu of the fees provided for in this section, the court may set reasonable fees for commissioners based upon services rendered on sales under thirty-five thousand dollars (\$35,000).

(c) (1) If the circuit clerk's or county clerk's office is appointed as commissioner for a sale of real or personal property under judicial decree, the fee awarded to the circuit clerk's or county clerk's office under this section shall be:

(A) Collected by the circuit clerk and paid into the county treasury to the credit of a fund to be known as the "circuit clerk commissioner's fee fund"; or collected by the county clerk and paid into the treasury to the credit of a fund to be known as the "county clerk commissioner's fee fund;" and

(B) Used exclusively by the circuit clerk's office or the county clerk's office for the following purposes and in the following order:

(i) To offset administrative costs associated with the performance of the commissioner's duties; and

(ii) For general operational expenses of the office of circuit clerk or county clerk.

(2) Moneys deposited into the fund shall be appropriated and expended for the uses designated in this section by the quorum court at the direction of the circuit clerk or county clerk.

Arkansas Circuit Clerks Association

Description: An act to amend A.C.A. § 13-4-302 concerning retention of court records. This amendment adds “Served and quashed warrants” to the language requiring records retention of these documents for a period of 3 years after audit by Legislative Audit.

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 13-4-302 is amended to read as follows:

13-4-302. Court records.

All counties of the State of Arkansas shall maintain records for the county courts as follows, if they are currently being maintained:

(1) For circuit court, civil and criminal, domestic relations, juvenile, and probate records:

(A) Permanently maintain:

(i) Complete case files and written exhibits for all courts;

(ii) Case indices for all courts;

(iii) Case dockets for all courts;

(iv) Grand jury reports;

(v) Grand juror lists;

(vi) Petit jury lists in criminal cases;

(vii) Original records, documents, and transcripts relating to the summoning of jurors and jury selection for a petit jury in a criminal case; and

(viii) All probate records required to be maintained under § 28-1-108;

(B) Maintain for ten (10) years, after audit by the Division of Legislative Audit:

(i) Records and reports of costs; and

(ii) Fees assessed and collected; and

(C) Maintain for three (3) years, after audit by the Division of Legislative Audit:

(i) Cancelled checks;

(ii) Bank statements; ~~and~~

(iii) Petit jury lists in civil cases and original records, documents, and transcripts relating to the summoning of jurors and jury selection for a petit jury in a civil case; and

(iv) Served and quashed warrants.

Arkansas Circuit Clerks Association

Description: An act to amend A.C.A. § 14-15-402 regarding instruments to be recorded. Would add the requirement that to be accepted by the county recorder for recording all documents shall have original signatures in blue ink.

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-15-402 is amended to read as follows:

14-15-402. Instruments to be recorded.

(a) It shall be the duty of each recorder to record in the books provided for his or her office all deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, affidavits, powers of attorney, assignments, contracts, agreements, leases, or other instruments of writing of or writing concerning any lands and tenements or goods and chattels, which shall be proved or acknowledged according to law, that are authorized to be recorded in his or her office.

(b) (1) To be accepted by the county recorder for recording purposes, all documents shall:

(A) Be on eight and one-half by eleven inch (8 1/2"x11") paper;

(B) Have a two and one-half inch (2.5") margin at the right top of the first page, one-half inch (0.5") margin on the sides and bottoms of all pages, and a two and one-half inch (2.5") margin at the bottom of the last page;

(C) Have an area reserved on the top right of the first page for the file mark of the recorder;

(D) Contain the following information:

(i) The title of the document; and

(ii) The name of the grantor and grantee, when applicable;

(E) Be acknowledged or otherwise executed as permitted by § 16-47-107 or § 18-12-208; and

(F) Be legible; and

(G) Have original signatures in blue ink.

(2) (A) The county recorder shall have the discretion to waive the requirements of subdivision (b)(1) of this section for:

(i) Good cause; and

(ii) Any document that complies with the Uniform Real Property Electronic Recording Act, § 14-2-301 et seq.

(B) All documents and instruments executed before January 1, 2004, shall be exempt from the requirements of subdivision (b)(1) of this section.

(C) All surveys and plats shall be exempt from the requirements of subdivision (b)(1) of this section.

(3) A county recorder shall not refuse to record a document that has been executed in a manner permitted by § 16-47-107 or § 18-12-208.

Arkansas Circuit Clerks Association

Description: An act to amend A.C.A. § 16-20-301 to state that the impression of the seal of the circuit clerk by stamp shall be sufficient for sealing case files.

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-20-301 is amended to read as follows:

16-20-301. Preservation of seal and property of office.

(a) Each clerk shall preserve the seal and other property belonging to his or her office and shall provide suitable books, stationery, furniture, and other things necessary for his or her office.

(b) The seal shall be clear and legible and capable of photographic reproduction.

(c) The impression of the seal of the court by stamp shall be sufficient sealing in all cases in which sealing is required.

Arkansas Circuit Clerks Association

Description: An to amend **various code sections** affecting instruments to be recorded and mortgages to require that mortgage assignments and mortgage releases be recorded in the counties in which the lands lie.

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

"AN ACT TO REQUIRE THAT MORTGAGE ASSIGNMENTS AND MORTGAGE RELEASES BE RECORDED IN THE COUNTIES IN WHICH THE LANDS LIE; AND FOR OTHER PURPOSES."

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-15-402 is amended to read as follows:

14-15-402. Instruments to be recorded.

(a) It shall be the duty of each recorder to record in the books provided for his or her office all deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, affidavits, powers of attorney, assignments, releases, contracts, agreements, leases, or other instruments of writing of or writing concerning any lands and tenements or goods and chattels, which shall be proved or acknowledged according to law, that are authorized to be recorded in his or her office.

(b) (1) To be accepted by the county recorder for recording purposes, all documents shall:

(A) Be on eight and one-half by eleven inch (8 1/2"x11") paper;

(B) Have a two and one-half inch (2.5") margin at the right top of the first page, one-half inch (0.5") margin on the sides and bottoms of all pages, and a two and one-half inch (2.5") margin at the bottom of the last page;

(C) Have an area reserved on the top right of the first page for the file mark of the recorder;

(D) Contain the following information:

(i) The title of the document; and

(ii) The name of the grantor and grantee, when applicable;

(E) Be acknowledged or otherwise executed as permitted by § 16-47-107 or § 18-12-208; and

(F) Be legible.

(2) (A) The county recorder shall have the discretion to waive the requirements of subdivision (b)(1) of this section for:

(i) Good cause; and

(ii) Any document that complies with the Uniform Real Property Electronic

Recording Act, § 14-2-301 et seq.

(B) All documents and instruments executed before January 1, 2004, shall be exempt from the requirements of subdivision (b)(1) of this section.

(C) All surveys and plats shall be exempt from the requirements of subdivision (b)(1) of this section.

(3) A county recorder shall not refuse to record a document that has been executed in a manner permitted by § 16-47-107 or § 18-12-208.

SECTION 2. Arkansas Code § 18-40-101 is amended to read as follows:

18-40-101. Proof or acknowledgment -- Recording.

All mortgages, mortgage assignments, and mortgage releases of real estate shall be proven or acknowledged in the same manner that deeds for the conveyance of real estate are required by law to be proven or acknowledged. When so proven or acknowledged they shall be recorded in the counties in which the lands lie.

SECTION 3. Arkansas Code § 18-40-102 is amended to read as follows:

18-40-102. Lien attaches when recorded.

Every mortgage and mortgage assignment of real estate shall be a lien on the mortgaged property from the time it is filed in the recorder's office for record, and not before. The filing shall be notice to all persons of the existence of the mortgage.

SECTION 4. Arkansas Code Title 18, Chapter 40, Subchapter 1, is amended to add a new section to read as follows:

A.C.A. § 18-40-111. Duty to provide satisfaction of mortgage for recording.

(a) Any duty to provide a document for recording evidencing satisfaction of a mortgage shall rest on the party that is recorded as the mortgage holder.

(b) That duty may be satisfied by providing a recordable instrument:

- (1) Signed and acknowledged by the mortgage holder;**
- (2) Signed and acknowledged by a party recorded as the servicer of the mortgage; or**
- (3) Signed and acknowledged by an agent for the mortgage holder and a document establishing the agent's authority signed and acknowledged by the mortgage holder.**

SECTION 5. Arkansas Code § 21-6-306 is amended to read as follows:

21-6-306. Recordors.

(a) (1) The uniform fees to be charged by the recordors in the various counties in this state shall be as follows:

(A) For recording deeds, deeds of trust, mortgages, mortgage assignments, release deeds, powers of attorney, plats, survey plats, notary bonds, foreign judgments, materialman's liens, and other recordable instruments, except as otherwise prescribed in this section, fifteen dollars (\$15.00) for one (1) page, one

(1) side only, and five dollars (\$5.00) for each additional page;

(B) An additional fee of one hundred dollars (\$100.00) shall be charged for any mortgage assignment or mortgage release that is recorded ninety (90) days after execution;

~~(B)~~ **(C)** For recording mortgage assignments, mortgage releases, and other instruments when multiple instruments are listed in a single document, an additional fee of fifteen dollars (\$15.00) per instrument listed not to exceed three hundred dollars (\$300) shall be charged; and

~~(C)~~ **(D)** Eight dollars (\$8.00) for filing or recording a certificate of assessment or any other instrument not specified in this subsection.

(2) If the recorder waives the requirements of § 14-15-402(b)(1) for good cause, the instrument may be recorded for an additional fee of twenty-five dollars (\$25.00).

(b) (1) All fees collected under this section shall be paid into the county treasury to the credit of the fund to be known as the "county recorder's cost fund".

(2) Moneys deposited in this fund shall be appropriated and expended for the uses designated in this section by the quorum court at the direction of the recorder.

(3) Appropriated moneys shall be placed into line items within the recorder's budget as approved by the quorum court.

(c) (1) All moneys collected by the recorder as a fee as provided in this section shall be used by the recorder's office to offset administrative costs.

(2) (A) At least twenty-five percent (25%) of the moneys collected annually shall be used to purchase, maintain, and operate an automated records system. The acquisition and update of software for the automated records system shall be a permitted use of these funds.

(B) At the discretion of the recorder, any funds not needed by the recorder for any of the purposes under this subdivision (c)(2) may be transferred to the county general fund.

(C) Any funds in excess of one million dollars (\$1,000,000) held at any time in the county recorder's cost fund shall be transferred to the county general fund.

Arkansas Circuit Clerks Association

Description: An act to amend A.C.A. § 26-60-108 to repeal obsolete language regarding the circuit clerk's copy of the Real Property Transfer Tax Affidavit of Compliance.

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 26-60-108 is amended to read as follows:

26-60-108. Real Property Transfer Tax Affidavit of Compliance and Receipt -- Completion, storage, audit, etc.

(a) The Director of the Department of Finance and Administration or his or her agent before accepting payment of the real property transfer tax shall require that the affidavit portion of the Real Property Transfer Tax Affidavit of Compliance form and receipt be completed, including the statement of the full amount of the consideration for the transaction and the amount of tax to be reflected on the receipt portion thereof in evidence that such information was furnished by the person signing the affidavit before the director shall receive payment of the tax, and sign the receipt. The director shall attach the stamps to the face of the instrument.

(b) (1) The original copy of the affidavit and receipt shall be retained by the director or his or her agent and shall be treated as a confidential tax record in the same manner as required by law for confidentiality of state income tax returns.

(2) The information shall be released to duly elected county assessors and become a public document.

~~(c) (1) The clerk's copy of the affidavit and receipt shall be delivered to the person paying the tax and the receipt portion may be detached and retained by the taxpayer.~~

~~(2) The clerk's copy of the affidavit shall be presented to the county recorder of deeds, who shall review and determine that the same is in compliance with this chapter before the instrument of real property transfer may be accepted for recordation and record the receipt number evidencing payment of the tax on the real property transfer instrument.~~

~~(3) In the case of instruments exempt from the tax, the county recorder shall record a notation to this effect on the transfer instruments.~~

~~(4) The county recorder shall place on the face of the affidavit a file stamp and the book and page numbers or instrument number.~~

~~(d) (1)~~ The copies of the affidavit stamped as required above and as required in § 26-60-107(b)(3)(A) shall be placed by the county recorder in a box or file kept for such purpose.

~~(2)~~ At least weekly, the Revenue Division of the Department of Finance and Administration shall pick up the affidavits and shall attach those upon which tax is paid to the original copy thereof retained in the Revenue Division of the Department of Finance and Administration's files.

~~(e)~~ Copies of the affidavits shall be kept for audit for compliance with this chapter and for audit by the Division of Legislative Audit.

~~(f)~~ The triplicate copy shall be made available to the county assessor.

~~(g)~~ If authorized by the director, an electronic copy of an affidavit described in this section may be used and retained in the same manner as other electronic documents.

Arkansas County Treasurers' Association

Description: Proposed amendment to the three Arkansas codes to make clear that District Court Cost Fees are to be credited to the General Fund. An amendment to Arkansas code 16-17-115; 16-17-124; 16-17-126 to effectuate the deposit of district court cost fees to the general fund for use in the administration of the district court.

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-17-115; 16-17-124; 16-17-126 are amended to read as follows:

16-17-115. County's, town's, and city's portion of district court expenses -- Appropriation. [Effective January 1, 2012.]

(a) Except as authorized otherwise, the county wherein a district court is held shall pay one-half (1/2) of the salaries of the district judge and each chief court clerk of any district court organized in that county under the provisions of § 16-17-901 et seq., and the quorum court in a county subject to the provisions of § 16-17-901 et seq. shall, at its annual meeting, make an appropriation of a sum sufficient to pay the county's proportion of the expenses of any such district court. These payments shall be made out of the ~~district court cost fund~~ and general revenues of the county.

(b) (1) (A) Except as authorized otherwise, the town or city in which a district court is held shall pay:

(i) One-half (1/2) of the salaries of the district judge and the chief court clerk; and

(ii) The operational expenses of the district court organized in that town or city under the provisions of § 16-17-901 et seq. unless otherwise agreed to by the political subdivisions which contribute to the expenses of the district court.

(B) The governing body of the town or city in a town or city subject to the provisions of § 16-17-901 et seq. shall make at its annual meeting an appropriation of a sum sufficient to pay the town's or city's proportion of the salaries and operational expenses of the district court.

(2) These payments shall be made out of the district court cost fund and general revenues of the town or city.

(c) (1) Any town or city operating a city court on December 31, 2011, that

becomes a department of a district court shall continue to pay the amount paid as the base salary of the city judge to the district judge who has assumed the responsibility of attending the former city court.

(2) The base salary to be paid to the district judge under subdivision (c)(1) of this section in calendar year 2012 and subsequent years shall be the amount paid by the city or town to the city judge for the calendar year 2011 .

(3) The local salary supplement described in subdivision (c)(1) of this section shall not be used when calculating any retirement benefit in the Arkansas District Judge Retirement System, § 24-8-801 et seq. [Repealed].

(d) (1) A town or city operating a city court on December 31, 2011 , that becomes a department of district court shall continue to pay the salary of the court clerk and provide for the operational expenses of that department of district court unless otherwise agreed to by the political subdivisions which contribute to the expenses of the district court.

(2) Subdivision (d)(1) of this section shall not apply to any town or city which has abolished a department of district court pursuant to state law.

(e) A district court operated solely by the county shall have the salaries and operational expenses of that court paid solely by the county unless otherwise agreed to by the political subdivisions which contribute to the expenses of the district court.

SECTION 2. Arkansas Code § 16-17-124 is amended to read as follows:

16-17-124. Fee for appeal transcript -- Disposition.

(a) When required to make a certification of disposition of court proceedings, including certified copies of the docket, certified copies of civil or small claims judgments, and appeal transcripts, the district court shall collect a fee of not less than five dollars (\$5.00) per case for preparation of the original.

(b) All funds derived from the fee shall be paid into the general fund of the treasury of each political subdivision which contributes to the expenses of the district court based on the percentage of the expenses contributed by the political subdivision to be appropriated for any permissible use in the administration of the district court.

SECTION 3. Arkansas Code § 16-17-126 is amended to read as follows:

16-17-126. Fee for filing and issuing writs of garnishment and executions -- Disposition.

(a) The district court clerk shall collect a fee of ten dollars (\$10.00) for filing or issuing writs of garnishment and executions. This fee is in addition to those fees and costs established by law for specific purposes or where authorized by the county quorum court or municipality.

(b) All funds derived from the fee shall be paid into the general fund of the treasury of each political subdivision which contributes to the expenses of the district court based on the percentage of the expenses contributed by the political subdivision to be appropriated for any permissible use in the administration of the district court.

Arkansas County Treasurers' Association

Description: Proposed Amendment to Arkansas law to make clear who is responsible for reporting certain information as it pertains to Fish and Wildlife Conservation Education Grants. An amendment to Arkansas Code § 6-16-1101 and 15-41-209 to clarify reporting requirements as it pertains to Fish and Wildlife Conservation Education Grants.

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code §15-41-209 [Fines, fees, and costs.] is amended as follows:

15-41-209. Fines fees and costs.

(a) All fines assessed against and collected from persons convicted for infractions of any of the state laws protecting game, fish, fur-bearing animals, or fresh water mussels shall be paid to the county treasurer or the ~~municipal~~ district court clerk of the county wherein the fine is assessed and forwarded, as provided, to the Arkansas State Game and Fish Commission.

(b) (1) The county treasurer or ~~municipal~~ district court clerk shall give his or her receipt to any person paying the fine or to any officer of the court making settlement of fines collected.

(2) (A) At the end of each month ~~four (4) months, in April, August, and December,~~ county treasurers or ~~municipal~~ district court clerks shall file a report and forward all fines collected under the provisions of this chapter to the commission.

(B) The report, filed on forms provided by the commission, shall include:

- (i) The name of each defendant;
- (ii) The court case number;
- (iii) The name of the arresting officer; and
- (iv) The amount of the fine.

(c) The commission shall, upon receipt thereof, deposit the same with the Treasurer of State who shall deposit the moneys as special revenues in the Game Protection Fund.

(d) All or any portion of the fine moneys deposited as special revenues in the fund may be expended by the commission in the form of grants issued to the Department of Education for fish and wildlife conservation education and other purposes

consistent with Arkansas Constitution, Amendment 35.

(e) (1) The commission shall file a written report no later than October 1 of each even-numbered year with the Legislative Council and the Joint Budget Committee indicating the amount of fines deposited into the fund during the prior two (2) fiscal years and the amount of those funds transferred to the department under subsection (d) of this section.

(2) If all of the fine moneys were not transferred to the department, the commission shall include in its report an explanation as to why all funds were not transferred.

(3) Each county treasurer shall report to the commission, on a form provided by the commission, both the amount of grant funds awarded and the names and addresses of the schools and conservation districts that receive grant funds prescribed by ordinance of the county quorum court.

(4) Information for the annual report of expenditures of Arkansas Game and Fish Commission grant funds for conservation education shall be prepared and remitted by the school or conservation district receiving the grant on a report form provided by the commission.

SECTION 2. Arkansas Code §6-16-1101 is amended as follows:

6-16-1101. Fish and wildlife conservation education.

(a) The Department of Education, in consultation with the Arkansas State Game and Fish Commission, shall establish school education programs for fish and wildlife conservation and other purposes consistent with Arkansas Constitution, Amendment 35.

(b) The conservation education programs may include, but not be limited to, the study of general fish and wildlife conservation issues, hunter education training, fishing education training, boating education training, wildlife habitat development, Project WILD, and the Hooked on Fishing-Not on Drugs Program.

(c) (1) The department shall distribute ~~quarterly~~ annually all grant moneys provided by the commission under § 15-41-209(d) to the counties where the offenses occurred.

(2) The counties shall distribute ~~quarterly~~ annually in the manner prescribed by ordinance of the county quorum courts all of the funds provided by the commission under § 15-41-209(d) for fish and wildlife conservation education and other purposes consistent with Arkansas Constitution, Amendment 35, to the school districts or conservation districts, or both, for the sole purpose of approved conservation education programs within the counties.

(3) Any required reporting concerning these grant moneys shall be in compliance with § 15-41-209(e).

Arkansas County Treasurers' Association

Description: Proposed Amendment to A.C.A. 14-284-403 concerning the apportionment of Fire Protection Premium Tax Funds. An amendment to declare that these are State funds and are only pass-through funds for the counties of Arkansas and are not subject to appropriation or the claims process.

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-284-403 is amended to add two new subsections as follows:

14-284-403. Apportionment of funds.

(a) (1) These premium tax moneys are assessed for disbursement from the Fire Protection Premium Tax Fund, § 19-6-468, by the Department of Finance and Administration to the counties in the following percentages:

Arkansas County -- 0.78%, Ashley County -- 1.39%, Baxter County -- 1.78%, Benton County -- 3.86%, Boone County -- 1.46%, Bradley County -- 0.52%, Calhoun County -- 0.51%, Carroll County -- 0.97%, Chicot County -- 0.51%, Clark County -- 1.13%, Clay County -- 1.10%, Cleburne County -- 1.11%, Cleveland County -- 0.66%, Columbia County -- 1.24%, Conway County -- 1.04%, Craighead County -- 2.91%, Crawford County -- 1.98%, Crittenden County -- 1.32%, Cross County -- 0.84%, Dallas County -- 0.45%, Desha County -- 0.71%, Drew County -- 0.80%, Faulkner County -- 2.30%, Franklin County -- 0.97%, Fulton County -- 0.84%, Garland County -- 3.12%, Grant County -- 1.13%, Greene County -- 1.39%, Hempstead County -- 1.89%, Hot Spring County -- 1.46%, Howard County -- 0.75%, Independence County -- 1.90%, Izard County -- 0.91%, Jackson County -- 0.95%, Jefferson County -- 2.32%, Johnson County -- 1.05%, Lafayette County -- 0.71%, Lawrence County -- 0.96%, Lee County -- 0.73%, Lincoln County -- 1.12%, Little River County -- 0.77%, Logan County -- 1.06%, Lonoke County -- 1.70%, Madison County -- 0.95%, Marion County -- 1.00%, Miller County -- 1.44%, Mississippi County -- 1.77%, Monroe County -- 0.53%, Montgomery County -- 0.66%, Nevada County -- 0.58%, Newton County -- 0.67%, Ouachita County -- 1.37%, Perry County -- 0.62%, Phillips County -- 1.12%, Pike County -- 0.87%, Poinsett County -- 1.14%,

Polk County -- 1.01%, Pope County -- 1.73%, Prairie County -- 0.83%, Pulaski County -- 5.99%, Randolph County -- 0.96%, St. Francis County -- 1.45%, Saline County -- 3.00%, Scott County -- 0.59%, Searcy County -- 0.73%, Sebastian County -- 2.06%, Sevier County -- 0.82%, Sharp County -- 1.30%, Stone County -- 0.77%, Union County -- 2.01%, Van Buren County -- 1.18%, Washington County -- 3.46%, White County -- 2.71%, Woodruff County -- 0.47%, Yell County -- 1.11%.

(2) (A) The moneys shall be apportioned by each quorum court to the districts and municipalities within the county based upon population unless the county intergovernmental cooperation council notifies the quorum court of the fire protection needs of the districts and municipalities, in which case the moneys shall be apportioned by the quorum court based on those needs.

(B) The moneys shall be distributed to municipalities and those certified departments in districts that are in compliance with this subchapter, § 20-22-801 et seq., and § 6-21-106.

(C) Fire departments that are not certified by the Office of Fire Protection Services under § 20-22-801 et seq. shall also be eligible to receive moneys disbursed under this section so long as all moneys received are spent directly on equipment, training, capital improvements, insurance for buildings, utility costs, or other expenditures necessary for upgrading the service provided by the department.

(D) (i) An inactive fire department, as determined by the county judge, is not eligible to receive moneys disbursed under this section.

(ii) Any moneys allocated by the county intergovernmental cooperation council and any moneys that would have been apportioned to an inactive fire department based upon population shall be disbursed by the quorum court to the active departments based upon fire protection needs.

(iii) If a quorum court has passed a resolution that reallocates the moneys remaining after the disbursement of moneys under this section, then the moneys shall be reallocated based upon the quorum court resolution.

(b) Disbursements shall be made on forms prescribed by the Department of Finance and Administration.

(c) A county treasurer shall not collect the treasurer's commission provided in § 21-6-302 on any of the premium tax moneys disbursed from the Fire Protection Premium Tax Fund.

(d) These premium tax moneys are declared state monies and are only pass-through moneys for county government and are not subject to appropriation or the claims process at the county level.

(e) Premium tax monies received by the county treasurer shall be credited to the County Fire Protection Premium Tax Fund and disbursed by the county treasurer to the appropriate fire departments based on the required apportionment of the quorum court.

Arkansas Coroners' Association

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

DRAFT KLC/KLC
HOUSE BILL

4
5 By: Representative Love
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING DEATH BENEFITS FOR
9 CERTAIN PUBLIC EMPLOYEES; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING DEATH
13 BENEFITS FOR CERTAIN PUBLIC EMPLOYEES.

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11
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18
19 SECTION 1. Arkansas Code § 21-5-701 is amended to read as follows:
20 21-5-701. Definitions.

21 As used in this subchapter:

22 (1) "Child" or "children" means any natural child, adopted
23 child, or stepchild who is eligible under § 21-5-707;

24 (2) "Covered public employee" means a police officer,
25 firefighter, state highway employee, state correction employee, Department of
26 Community Correction employee, jailer, qualified emergency services worker,
27 wildlife enforcement officer, emergency medical technician, Arkansas Forestry
28 Commission employee, commissioned law enforcement personnel, or emergency
29 response personnel of the State Parks Division of the Department of Parks and
30 Tourism;

31 (3) "Death investigator" means an employee of the State Medical
32 Examiner's office, a coroner, or a deputy coroner who is engaged in official
33 duty at a crime scene or accident location;

34 ~~(3)(4)~~ "Department of Community Correction employee" means any
35 employee of the Department of Community Correction who ~~becomes~~ is subject to
36 injury through contact with parolees, probationers, or center residents;

1 ~~(4)~~(5) "Emergency medical technician" means emergency medical
2 ~~technicians services personnel~~ as defined in § 20-13-202;

3 ~~(5)~~(6) "Firefighter" means any member of a fire department or
4 fire fighting unit of any city of the first class or city of the second
5 class, or any town, or any unincorporated rural area of this state, who
6 actively engages in the fighting of fires on either a regular or voluntary
7 basis, or any instructor of the Arkansas Fire Training Academy, or any member
8 of the fire fighting organization of the ~~Camp Robinson Military Reservation~~
9 ~~or of Fort Chaffee~~ Arkansas National Guard Robinson Maneuver Training Center
10 or of the Arkansas National Guard Fort Chaffee Maneuver Training Center;

11 (7) "Jailer" means an employee of a city, town, or county who
12 while engaged in official duty, is subject to injury through contact with
13 inmates, detainees, parolees, or probationers;

14 ~~(6)~~(8) "Police officer" means:

15 (A) Any law enforcement officer engaged in official duty
16 who is a member of any regular or auxiliary police force on a full-time or
17 part-time basis, the Department of Arkansas State Police, or any member of
18 the law enforcement organization of ~~Camp Robinson or of Fort Chaffee~~ the
19 Arkansas National Guard Robinson Maneuver Training Center or of the Arkansas
20 National Guard Fort Chaffee Maneuver Training Center;

21 (B) A sheriff or deputy sheriff of any county who is
22 engaged in official duty; or

23 (C) Any constable or night marshal of any town of this
24 state engaged in official duty;

25 ~~(7)~~(9) "Qualified emergency services worker" means a state,
26 local, volunteer, and other emergency ~~services workers~~ responder as defined
27 in § 12-75-103;

28 ~~(8)~~(10) "State correction employee" means any employee of the
29 Department of Correction or the ~~Department of Correction School District~~
30 Corrections School System who ~~becomes~~ is subject to injury through contact
31 with inmates or parolees of the Department of Correction;

32 ~~(9)~~(11) "State highway employee" means an employee of the
33 Arkansas State Highway and Transportation Department who is physically
34 present on a roadway, bridge, or right-of-way of the state highway system or
35 other public transportation facility and who is:

36 (A) Actively engaged in highway maintenance, construction,

1 traffic operations, or the official duties of his or her employment; or

2 (B) Supervising, reviewing, evaluating, inspecting highway
3 maintenance, construction, or traffic operations; and

4 ~~(10)~~(12) "Wildlife enforcement officer" means any employee of
5 the Arkansas State Game and Fish Commission who actively engages, on a full-
6 time or part-time basis, in the enforcement of the boating safety laws and
7 regulations enacted for the protection of game, fish, furbearing animals, and
8 other wildlife of the State of Arkansas.

9

10 SECTION 2. Arkansas Code § 21-5-705(a)(1), concerning state payments
11 of claims to designated beneficiaries or survivors, is amended to read as
12 follows:

13 (1) Police officer, wildlife enforcement officer of the Arkansas
14 State Game and Fish Commission, commissioned law enforcement officer or
15 emergency response employee of the State Parks Division of the Department of
16 Parks and Tourism, Department of Community Correction employee, ~~or~~ employee
17 of the Department of Correction, jailer, or death investigator whose death
18 occurred:

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Quorum Courts Association

Stricken language will be deleted and underlined language would be added to present law.

A Bill

For An Act to be titled:

Subtitle:

BE IT ENACTED BY THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-14-1210 is amended to read as follows:

14-14-1210. Cost-of-living adjustment.

(a) Beginning January 1, 2011, and on each January 1 thereafter, three percent (3%) per annum shall be added to the minimum and maximum salaries and per diems of elected county officers and justices of the peace as a cost-of-living adjustment.

(b) Beginning September 1, 2010, and on each September 1 thereafter, the Association of Arkansas Counties shall provide each county and the Division of Legislative Audit with a schedule of the minimum and maximum salaries and per diems of elected county officers and justices of the peace...