

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1354

By: Representative McCuiston, Stockley,
and McGinnis et al

"AN ACT TO AMEND SECTIONS 1, 2, 3, 4, 5, 7, AND 9 OF ACT 63 OF 1973, AS AMENDED [ARK. STATS. 84-2021.4, 84-2021.5, 84-2021.6, 84-2021.7, 84-2021.8, 84-2021.10, AND 84-2021.12], TO CHANGE THE DUE DATE OF HOMESTEAD PROPERTY TAX RELIEF CLAIMS AND PROVIDE THAT THE HOMESTEAD PROPERTY TAX RELIEF ACT SHALL BE BY CASH REBATE ONLY; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 63 of 1973, as amended, the same being Arkansas Statute 84-2021.4, is hereby amended to read as follows:

"Section 1. It is the purpose and the intent of this Act to prescribe a procedure whereby residents of this State, sixty-five (65) years of age or older, or widows who are residents of this State who are sixty-two (62) years of age or older, who own and pay ad valorem property taxes on their homes, may claim a rebate from the State for a portion of the property taxes paid on their homes, to lessen the burden placed upon such taxpayers by the ad valorem property taxes levied upon their homes."

SECTION 2. Subsection (d) of Section 2 of Act 63 of 1973, as amended, the same being Arkansas Statute 84-2021.5(d), is hereby amended to read as follows:

"(d) 'Claimant' means a person who has filed a claim for rebate under the provisions of this Act."

SECTION 3. Section 3 of Act 63 of 1973, as amended, the same being Arkansas Statute 84-2021.6, is hereby amended to read as follows:

"Section 3. Any person sixty-five (65) years of age or older, or any unmarried female person sixty-two (62) years of age or older, who has been a

resident of this State for two (2) years or more, who owns and has resided in a homestead in this State for a period of one (1) year or more, may, subject to the limitations and requirements prescribed herein, file a claim in the manner herein provided for a cash rebate for ad valorem property taxes paid upon the homestead of the claimant in the preceding calendar year, up to the limits hereinafter prescribed. Such rebate shall be paid to the claimant as a cash rebate, provided, no interest shall be allowed on any payment made to a claimant under the provisions of this Act."

SECTION 4. Section 4 of Act 63 of 1973, the same being Arkansas Statute 84-2021.7, is hereby amended to read as follows:

"Section 4. Any person desiring to file a claim for a cash rebate under the provisions of this Act shall file the claim with the Department of Finance and Administration on forms prescribed by that Department and shall furnish such information to substantiate the claim as is hereinafter provided, or as may be prescribed by regulation of the Department of Finance and Administration. Claims under this Act shall be filed on or before August 15 of the year next following the year in which the homestead ad valorem property taxes used as a basis for the claim were paid. Provided, if failure of the claimant to file the claim within the time prescribed herein is due to serious illness of the claimant, or to some other matter beyond the control of the claimant, the Director of the Department of Finance and Administration may permit the filing of such claim at any time within four (4) months after the deadline prescribed herein for filing the claim."

SECTION 5. Section 5 of Act 63 of 1973, the same being Arkansas Statute 84-2021.8, is hereby amended to read as follows:

"Section 5. The right to file a claim under the provisions of this Act shall be personal to the claimant or another member of the household and shall not survive the death of the members of the household. If a claimant dies after having filed a timely claim, the amount thereof may be disbursed only to another member of the household as defined herein."

SECTION 6. Section 7 of Act 63 of 1973, as amended, the same being Arkansas Statute 84-2021.10, is hereby amended to read as follows:

"Section 7. The amount of any cash rebate allowed or made pursuant to

the provisions of this Act shall be determined as follows:

(a) If the household income of the claimant's household was seven thousand dollars (\$7,000) or less during the income year, the claimant shall be entitled to file a claim for an amount equal to the ad valorem taxes paid on the claimant's homestead, provided the maximum rebate any claimant may receive under this Subsection shall be two hundred fifty dollars (\$250).

(b) If the household income of the claimant's household is more than seven thousand dollars (\$7,000) but not more than eight thousand dollars (\$8,000) for the income year, the claimant shall be entitled to file a claim for an amount equal to the ad valorem taxes paid on the claimant's homestead, provided the maximum rebate any claimant may receive under this Subsection shall be two hundred dollars (\$200).

(c) If the household income of the claimant's household is more than eight thousand dollars (\$8,000) but not more than nine thousand dollars (\$9,000) for the income year, the claimant shall be entitled to file a claim for an amount equal to the ad valorem taxes paid on the claimant's homestead, provided the maximum rebate any claimant may receive under this Subsection shall be one hundred fifty dollars (\$150).

(d) If the household income of the claimant's household is more than nine thousand dollars (\$9,000) but not more than ten thousand dollars (\$10,000) for the income year, the claimant shall be entitled to file a claim for an amount equal to the ad valorem taxes paid on the claimant's homestead, provided the maximum rebate any claimant may receive under this Subsection shall be one hundred dollars (\$100).

(e) If the household income of the claimant's household is more than ten thousand dollars (\$10,000) but not more than eleven thousand dollars (\$11,000) for the income year, the claimant shall be entitled to file a claim for an amount equal to the ad valorem taxes paid on the claimant's homestead, provided the maximum rebate any claimant may receive under this Subsection shall be seventy five dollars (\$75).

(f) If the household income of the claimant's household is more than eleven thousand dollars (\$11,000) but not more than twelve thousand dollars (\$12,000) for the income year, the claimant shall be entitled to file a claim for an amount equal to the ad valorem taxes paid on the claimant's homestead, provided the maximum rebate any claimant may receive under this Subsection shall be fifty dollars (\$50).

(g) Under no circumstances shall a claimant be entitled to receive a cash rebate in excess of five hundred dollars (\$500) in any one (1) year under the provisions of this Act."

SECTION 7. Section 9 of Act 63 of 1973, the same being Arkansas Statute 84-2021.12, is hereby amended to read as follows:

"Section 9. All claims filed under the provisions of this Act shall be made upon forms prescribed and furnished by the Department of Finance and Administration, and all such forms shall include appropriate instructions to claimants for filing a claim hereunder."

SECTION 8. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 9. This Act shall be in full force and effect for income years beginning from and after January 1, 1987, thereby being applicable to claims for ad valorem property tax rebates filed from and after January 1, 1988.

