

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas As Engrossed: H2/2/99 H2/11/99 H2/17/99 S3/31/99 S4/5/99

2 82nd General Assembly

# A Bill

3 Regular Session, 1999

HOUSE BILL 1083

4

5 By: Representative Milum

6 By: Senators Hunter, *Scott, Webb, Mahony*

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## For An Act To Be Entitled

10 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE  
11 TITLE 26, CHAPTER 27, SUBCHAPTER 3, CONCERNING COUNTY  
12 EQUALIZATION BOARDS, TO REQUIRE MEMBERS TO BE *ONE*-YEAR  
13 RESIDENTS OF THE COUNTY, TO INCREASE THE SIZE OF THE  
14 BOARDS, TO PROVIDE COUNTY QUORUM COURTS WITH THE  
15 AUTHORITY TO APPOINT ITS OWN MEMBERS TO THE BOARDS,  
16 AND TO REQUIRE MONTHLY MEETINGS AND LONGER PERIODS TO  
17 APPEAL ADJUSTMENT OF INCREASED ASSESSMENTS; TO DECLARE  
18 AN EMERGENCY; AND FOR OTHER PURPOSES. "

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## Subtitle

21 "TO REQUIRE COUNTY EQUALIZATION BOARD  
22 MEMBERS TO BE *1*-YEAR RESIDENTS, TO  
23 INCREASE THE SIZE OF THE BOARDS, AND LET  
24 QUORUM COURTS APPOINT BOARD MEMBERS. "

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26

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

28

29 SECTION 1. Arkansas Code § 26-27-302 is amended to read as follows:

30 "~~26-27-302. Qualifications.~~

31 The county equalization board of each county shall be composed of  
32 *qualified electors of the county who are real estate owners and are familiar*  
33 *with property values in the county* have been real property owners for at least  
34 one (1) year."

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36 SECTION 2. Arkansas Code § 26-27-303 is amended to read as follows:

1 "26-27-303. Composition.

2 The county equalization board of each county shall consist of ~~three (3)~~  
3 five (5) members. However, ~~in counties having two (2) judicial districts, the~~  
4 ~~board shall consist of five (5) members, and,~~ in counties having a population  
5 in excess of seventy-nine thousand (79,000), according to the most recent  
6 federal decennial census, the board may consist of nine (9) members. "

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8 SECTION 3. Arkansas Code § 26-27-304 is amended to read as follows:

9 "26-27-304. Selection of members.

10 (a)(1) Where the county equalization board consists of ~~three (3)~~ five  
11 (5) members:

12 (A) One (1) member shall be selected by the representatives  
13 of the several school districts of the county;

14 (B) One (1) member shall be selected by the members of the  
15 city and town councils of all cities and incorporated towns in the county; ~~and~~

16 (C) One (1) member shall be appointed by the county judge;  
17 and

18 (D) Two (2) members shall be appointed by a majority vote  
19 of the county quorum court. The quorum court shall appoint a licensed real  
20 estate appraiser to at least one of these two positions, but if a licensed  
21 real estate appraiser is not available or willing to serve, the quorum court  
22 may appoint a licensed real estate broker and if a licensed real estate broker  
23 is not available or willing to serve the quorum court may appoint a licensed  
24 real estate salesperson and if a licensed real estate salesperson is not  
25 available or willing to serve the quorum court may appoint any qualified  
26 elector of the county. ~~The three (3)~~ five (5) members shall be selected from  
27 different sections of the county.

28 ~~(2) Where the board consists of five (5) members:~~

29 ~~(A) Two (2) members, one (1) from each judicial district,~~  
30 ~~shall be selected by the representatives of the several school districts of~~  
31 ~~the county;~~

32 ~~(B) Two (2) members, one (1) in each judicial district,~~  
33 ~~shall be selected by the members of the city and town councils of all cities~~  
34 ~~and incorporated towns in the county; and~~

35 ~~(C) One (1) member shall be appointed by the county judge.~~

36 ~~(3)(2)~~ Where the board consists of nine (9) members:

1 (A) ~~Three (3)~~ Two (2) members shall be selected by the  
2 representatives of the several school districts of the county;

3 (B) ~~Three (3)~~ Two (2) members shall be selected by the  
4 members of the city and town councils of all cities and incorporated towns in  
5 the county; ~~and~~

6 (C) ~~Three (3)~~ Two (2) members shall be appointed by the  
7 county judge; and

8 (D) Three (3) members shall be appointed by a majority vote  
9 of the county quorum court. The quorum court shall appoint a licensed real  
10 estate appraiser to at least one of these three positions, but if a licensed  
11 real estate appraiser is not available or willing to serve, the quorum court  
12 may appoint a licensed real estate broker and if a licensed real estate broker  
13 is not available or willing to serve the quorum court may appoint a licensed  
14 real estate salesperson and if a licensed real estate salesperson is not  
15 available or willing to serve the quorum court may appoint any qualified  
16 elector of the county. The selecting or appointing agency in each instance  
17 shall select or appoint the ~~three (3)~~ members from ~~three (3)~~ different  
18 sections of the county.

19 (b)(1)(A)(i) For the purpose of making the selection of their members  
20 of the county equalization board as provided in this section, the school board  
21 members of each school district in each county shall select one (1)  
22 representative and one (1) alternate representative for each school district.

23 (ii) The representatives of the several school  
24 districts of each county shall hold a meeting during the month of May of each  
25 year in which the term of any of their members of the board shall expire.

26 (B) The county judge shall serve as chairman of the meeting  
27 and shall issue the call therefor which shall specify the time, date, and  
28 place of the meeting.

29 (C)(i) The selection of members of the board shall be by  
30 majority vote of the school board representatives present and no action shall  
31 be taken unless there is a quorum present.

32 (ii) A majority of all of the school board  
33 representatives in the county shall constitute a quorum.

34 (2)(A) For the purpose of making the selection of their members  
35 of the board, the representatives of the city and town councils of the cities  
36 and incorporated towns in the county shall hold a meeting during the month of

1 May of each year in which the term of any of their members of the board shall  
2 expire.

3 (B) The mayor of the county seat city or town or, if there  
4 are two (2) county seats, the mayor of the larger county seat city or town  
5 shall serve as chairman of the meeting and shall issue the call which shall  
6 specify the time, date, and place of the meeting.

7 (C)(i) The selection of members of the board shall be by  
8 majority vote of the representatives of the city and town councils present,  
9 and no action can be taken unless there is a quorum present.

10 (ii) A majority of all of the representatives of the  
11 city and town councils of all cities and incorporated towns in the county  
12 shall constitute a quorum.

13 (iii) Each of the cities and incorporated towns  
14 within the county shall be entitled to one (1) vote.

15 (iv)(a) The representative of each city or town shall  
16 be designated by resolution of the governing body of the city or town.

17 (b) Each city or incorporated town shall select  
18 one (1) representative and may designate alternate representatives, as may be  
19 required.

20 (3) The county judge and the quorum court of each county shall  
21 make ~~his~~ the appointment of their members of the board during the month of May  
22 of each year in which the term of any of ~~his~~ their members of the board shall  
23 expire."

24  
25 SECTION 4. Arkansas Code § 26-27-305 is amended to read as follows:  
26 "26-27-305. Terms of office - Vacancies.

27 (a) The terms of office of the members of the county equalization  
28 boards shall be staggered as follows:

29 ~~(1) In those counties having a board composed of three (3)~~  
30 ~~members, the members shall serve three-year staggered terms of office, with~~  
31 ~~the term of one (1) member expiring on the first Monday in June of each year,~~  
32 ~~or until his successor is selected or appointed and qualified;~~

33 ~~(2)~~(1) In those counties having an equalization board composed of  
34 five (5) members, the members shall serve three-year staggered terms of  
35 office, with each expiring term to expire on the first Monday of June of each  
36 year, or until his successor is selected or appointed and qualified, provided

1 however, that, on the first Monday in July, 1999, the terms of the present  
 2 members of each county equalization board with three (3) or five (5) members  
 3 shall expire and new members shall be appointed as is provided by law, and  
 4 within thirty (30) days thereafter, the five (5) new members should meet and  
 5 determine by lot their respective staggered terms in such a manner that one  
 6 (1) member's term should expire one (1) year thereafter, two (2) members'  
 7 terms should expire two (2) years thereafter, and two (2) members' terms  
 8 should expire three (3) years thereafter;

9 ~~(3)~~(2) In those counties having a board composed of nine (9)  
 10 members, the members shall serve three-year staggered terms of office, with  
 11 each expiring term to expire on the first Monday of June of each year, or  
 12 until his successor is selected or appointed and qualified, provided however,  
 13 that, on the first Monday in July, 1999, the terms of the present members of  
 14 each county equalization board with nine (9) members shall expire and new  
 15 members shall be appointed as is provided by law, and within thirty (30) days  
 16 thereafter, the new members should meet and determine by lot their respective  
 17 staggered terms in such a manner that the terms of three (3) members each  
 18 should expire one (1), two (2), and three (3) years, respectively, thereafter.

19 (b)(1) Upon the expiration of a member's term under the provisions of  
 20 this section, the successor member shall be appointed or selected for a three-  
 21 year term, or until his successor is selected or appointed and qualified.

22 (2) Upon the expiration of the term of any member of any county  
 23 equalization board or upon the vacancy of a membership of any board, the  
 24 member to fill the vacancy shall be selected by the same group, either the  
 25 directors of the several districts of the county, the members of the city and  
 26 town councils of cities and incorporated towns in the county, ~~or~~ the county  
 27 judge, or the county quorum court that made the selection of the member whose  
 28 term has expired or has been vacated."

29  
 30 SECTION 5. Arkansas Code § 26-27-309 is amended to read as follows:

31 "~~26-27-309. Annual meeting~~ Meetings.

32 (a) ~~The county equalization board shall meet annually on August 1, of~~  
 33 each year at the office of either the clerk of the county court or that of the  
 34 county assessor. However, if August 1 falls on Saturday, Sunday, or a legal  
 35 holiday, the meeting shall be held on the next business day which is not a  
 36 Saturday, Sunday, or legal holiday.

1 (b) At the first meeting of the board, it shall organize by electing  
2 one (1) of its members chairman who, in addition to all other powers and  
3 duties conferred in this subchapter, shall have the power to administer oaths  
4 to witnesses appearing before the board.

5 (c) ~~The~~ In addition, the board shall exercise its functions as a board  
6 of equalization to equalize the assessed value of all acreage lands, city and  
7 town lots, other real property, and personal property subject to local  
8 assessment, regardless of the year in which the property was last assessed by  
9 the local assessor, beginning *August 1* of each year and, ~~if deemed necessary~~  
10 ~~by the board, through September 1 but not thereafter unless convened in~~  
11 ~~special session which shall not extend beyond~~ meeting as often as is necessary  
12 to consider the equalization of all property assessments and all requests for  
13 adjustments of assessments by taxpayers, through October 1. However, in those  
14 counties where the assessed value of real and personal property has been found  
15 by the ~~Assessment Coordination Division of the Arkansas Public Service~~  
16 ~~Commission~~ Assessment Coordination Department to be below the percentage of  
17 true or fair market value as required by law, ~~such special session may~~  
18 meetings of the board shall continue until all property assessments are  
19 equalized and all request for adjustments of assessments by taxpayers are  
20 considered, but not later than, the third Monday in November of each year.

21 (d) A majority of the members of the board shall constitute a quorum  
22 for the transaction of business."  
23

24 SECTION 6. Arkansas Code § 26-27-311(a)(1)(A) is amended to read as  
25 follows:

26 "(a)(1)(A) The equalization board of any county, on petition of the  
27 county judge or the county quorum court, or on its own motion, shall, at any  
28 time after adjournment of its regular monthly meeting or after its  
29 equalization meetings from August 1 each year through October 1, and before  
30 ~~the first Monday in October next following the adjournment~~ third Monday in  
31 November of each year, convene in special session for the purposes of:

32 (i) Completing its work of equalization of property  
33 assessments; or

34 (ii) Reviewing or extending its work of equalization  
35 of property assessments."  
36

1 SECTION 7. Arkansas Code § 26-27-315 is amended to read as follows:

2 "26-27-315. Equalization of assessments.

3 Immediately after the assessor files his report of the assessment of  
4 real and personal property in the office of the clerk of the county court as  
5 required by law, the clerk shall lay the report of the assessment before the  
6 county equalization board, and the board shall proceed to equalize the  
7 assessed valuation thereof. For this purpose, the board shall observe the  
8 following rules:

9 (1) It shall raise or lower the valuation of any property to such  
10 figure as in the opinion of the board will bring about a complete  
11 equalization;

12 (2) In each instance where the board shall raise the valuation of any  
13 property, it shall immediately notify the owner or his agent, by first-class  
14 mail of the increase. However, all persons present before the board, in person  
15 or by agent, at the time the increase is ordered and are there so notified  
16 shall not be entitled to further notice;

17 (3) The notice shall state the valuation returned by the assessor and  
18 that fixed by the board and shall advise the owner or his agent that he may,  
19 in person, by agent, petition, or letter, apply for and receive consideration  
20 or hearing by or before the board if the application shall be made on or  
21 before the first Saturday next preceding the third Monday in September if in  
22 regular session for equalization or before the first Saturday next preceding  
23 the third Monday of November if meeting in special sessions-;

24 (4) In each instance where an assessment is raised and the owner or  
25 his agent has applied for consideration or hearing for an adjustment of his  
26 assessments, if the board has failed to take action on his application before  
27 adjourning its regular session or if it fails to convene in special session to  
28 consider such applications, then the board shall reduce all such increases to  
29 the assessed levels of the previous year."

30  
31 SECTION 8. Arkansas Code § 26-27-317 is amended to read as follows:

32 "26-27-317. Applications for adjustment.

33 (a) Any property owner, by petition or letter, may apply to the county  
34 equalization board for the adjustment of the assessment of his own property or  
35 that of another person as assessed by the county assessor. All applications  
36 shall be made to the board on or before the third Monday in ~~August~~ September.

1 (b) Any property owner, in person, by agent, petition, or letter, may  
2 apply to the board for the adjustment of the assessment of his own property or  
3 that of another person as equalized by the board. All applications shall be  
4 made to and considered by the board on or before the first Saturday next  
5 preceding the third Monday in September if in regular session for equalization  
6 or before the first Saturday next preceding the third Monday of November if  
7 meeting in special sessions.

8 (c) Any property owner or his agent who has applied for consideration or  
9 a hearing for an adjustment of his assessments, and if the board has failed to  
10 take action on his application before adjourning its regular session or if it  
11 fails to convene in special session to consider such application, shall be  
12 entitled to have the board reduce all such increases to the assessed levels of  
13 the previous year."

14  
15 SECTION 9. All provisions of this act of a general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.

18  
19 SECTION 10. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

24  
25 SECTION 11. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

27  
28 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the  
29 Eighty-second General Assembly that this law will change the working relations  
30 of the county equalization boards and will give citizens of the various  
31 counties in Arkansas better representation on those boards, and in order for  
32 the changes made by this law to have the least disruptive effect, it is  
33 necessary for this Act to take effect immediately. Therefore, an emergency is  
34 declared to exist and this act being immediately necessary for the  
35 preservation of the public peace, health and safety shall become effective on  
36 the date of its approval by the Governor. If the bill is neither approved nor



1 vetoed by the Governor, it shall become effective on the expiration of the  
2 period of time during which the Governor may veto the bill. If the bill is  
3 vetoed by the Governor and the veto is overridden, it shall become effective  
4 on the date the last house overrides the veto.

5 /s/ Milum

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