

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/1/05
A Bill

SENATE BILL 473

5 By: Senator Miller
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT ONE PERCENT (1%) OF THE
10 COUNTY'S SHARE OF SURPLUS FUNDS FROM THE PROPERTY
11 TAX RELIEF TRUST FUND BE ALLOCATED TO COUNTY
12 ASSESSORS FOR THE PURPOSE OF ADMINISTERING
13 ARKANSAS CONSTITUTION, AMENDMENT 79; TO PROVIDE
14 THAT THE DEPARTMENT OF HEALTH SEND THE COUNTY
15 ASSESSORS A REPORT OF DEATHS WITHIN THEIR
16 COUNTIES; AND FOR OTHER PURPOSES.
17

Subtitle

18
19 TO PROVIDE THAT ONE PERCENT (1%) OF
20 SURPLUS FUNDS FROM THE PROPERTY TAX
21 RELIEF TRUST FUND BE ALLOCATED TO COUNTY
22 ASSESSORS AND FOR THE HEALTH DEPARTMENT
23 TO PROVIDE THE ASSESSORS A REPORT OF
24 DEATHS WITHIN THEIR COUNTIES.
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 26-26-1118(c), concerning parcels of real
30 estate identified as homesteads, is amended to read as follows:

31 (c)(1) Each county assessor shall be responsible for identifying those
32 parcels of real property that are used as a homestead residence prior to
33 issuing tax bills.

34 (2)(A) Each property owner shall register with the county
35 assessor proof of eligibility for the property tax credit if the property
36 owner intends to claim a property tax credit.



1 (B)(i) The registration may be attached to the deed or
2 other instrument conveying an interest in real property and filed with the
3 circuit clerk, who shall remit the registration to the county assessor.

4 (ii) The registration form shall not be filed by the
5 circuit clerk.

6 (C) The property owner may submit a registration for
7 property tax credit directly to the county assessor.

8 (3) In no event shall the property tax credit authorized by
9 subdivision (a)(1) of this section be allowed after October 31 of the year
10 after the assessment.

11 (4)(A) A parcel of real estate shall qualify as a homestead
12 prior to January 1 of the year after assessment to be eligible for the
13 property tax credit.

14 (B) Once a parcel of real property is determined to be
15 eligible for the property tax credit, the parcel shall remain eligible for
16 that year regardless of a change in the use of the property during the year.

17 (5)(A) The parties to a transfer of property may prorate, as
18 between themselves, the property tax credit and the benefits of the credit by
19 agreement of the parties.

20 (B) If a property qualifies for the tax credit, the credit
21 shall apply regardless of who or what entity pays the property tax.

22 (6)(A) When property is transferred, the purchaser of the
23 property shall notify the county assessor of the new use of the property.

24 (B) The notification may be by affidavit provided by the
25 purchaser of the real property or on a form provided by the county assessor.

26 (7)(A) The Division of Vital Records of the Department of Health
27 shall send to the county assessor a monthly report listing the residents of
28 that county who have died.

29 (B) The report shall be sent to each county assessor by:

30 (i) Electronic mail;

31 (ii) Fax; or

32 (iii) United States Postal Service.

33
34 SECTION 2. Arkansas Code 26-26-310(b), concerning distributions from
35 the Property Tax Relief Trust Fund, is amended to read as follows:

36 (b)(1) Reimbursements to each county shall continue on a monthly basis

1 from the fund until the full amount certified by the county collectors, as of
2 November 15 of each year, has been paid.

3 (2)(A) In no event shall the amount distributed to a county
4 during a calendar year from the fund exceed the final amount certified by the
5 county collector as of November 15 as the property tax reduction for that
6 calendar year resulting from § 26-26-1118.

7 (B) If a county is paid in excess of its proportionate
8 share, the Chief Fiscal Officer of the State shall have the authority to
9 reduce payments made to the county for the subsequent calendar year until the
10 overpayment is recovered.

11 (C)(i) ~~Commencing December 31, 2002, and each~~ On December
12 ~~31 thereafter~~ of each year, the Chief Fiscal Officer of the State, in
13 cooperation with the Legislative Council and the Legislative Auditor, shall
14 determine that portion of the balance remaining that is in excess of the
15 required reimbursement to the counties and shall certify the excess to the
16 Treasurer of State.

17 (ii) Beginning December 31, 2005, and on December 31
18 of each subsequent year, if excess funds are certified under subdivision
19 (b)(2)(C)(i) of this section, the Treasurer of State shall transfer from the
20 excess funds an amount equal to one percent (1%) of the full amount certified
21 by the county collector as of November 15 of each year to the county
22 treasurer for allocation to the county assessor.

23 (iii)(a) These funds shall be used by the county
24 assessor for the costs of administering Arkansas Constitution, Amendment 79.

25 (b) These cost include personnel, equipment,
26 services, and postage used in the administration of Arkansas Constitution,
27 Amendment 79.

28 (iv) The remaining ~~Such~~ excess funds may be used in
29 accordance with subsequent legislation to provide additional tax relief or
30 financial assistance to school districts that incur a reduction in revenue as
31 a direct result of Arkansas Constitution, Amendment 79.

32 (3)(A) The Legislative Auditor or his or her designee shall
33 audit the books and records of the county assessor, county collector, or any
34 other party as needed to ensure that the amount of the property tax reduction
35 certified by the county collector is accurate.

36 (B) The Chief Fiscal Officer of the State shall have the

1 authority to adjust the amount certified by the county collector if it is
2 discovered that the certified amount is incorrect.

3
4 SECTION 3. Arkansas Code 20-18-304, concerning the disclosure of
5 information contained in vital records and vital reports, is amended to read
6 as follows:

7 (d)(1) The State Registrar of Vital Records shall send to the county
8 assessor of each county within this state a monthly report listing the
9 residents of that county who have died.

10 (2) The report shall be sent to each county assessor by:

11 (A) Electronic mail;

12 (B) Fax; or

13 (C) United States Postal Service.

14
15 /s/ Miller
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36