

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/19/07

A Bill

HOUSE BILL 1299

5 By: Representatives Harrelson, Lowery, D. Johnson
6 By: Senators Steele, Broadway
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8

For An Act To Be Entitled

10 AN ACT TO INCREASE THE RECORDING FEES CHARGED BY
11 COUNTY RECORDERS FOR CERTAIN WRITTEN INSTRUMENTS;
12 AND FOR OTHER PURPOSES.
13

Subtitle

15 TO INCREASE THE RECORDING FEES CHARGED
16 BY COUNTY RECORDERS FOR CERTAIN WRITTEN
17 INSTRUMENTS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 21-6-306 is amended to read as follows:
23 21-6-306. Recorders.

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

26 (A) For recording deeds, deeds of trust, mortgages,
27 release deeds, powers of attorney, plats, survey plats, notary bonds, foreign
28 judgments, writs of execution, writs of garnishment, materialman's liens, and
29 other recordable instruments, except as otherwise prescribed in this section,
30 eight dollars (\$8.00) fifteen dollars (\$15.00) for one (1) page, one (1) side
31 only, and three dollars (\$3.00) five dollars (\$5.00) for each additional
32 page; and

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



1 ~~(2) For filing or recording all instruments other than those~~
2 ~~prescribed in subdivision (1) of this section that are normally placed on~~
3 ~~record in the recorder's office;~~

4 ~~(A) Plats: when measurements exceed 8 1/2" x 14"~~
5 ~~.....\$12.00~~

6 ~~(B) Survey plats: 8 1/2" x 14" or smaller~~
7 ~~.....8.00~~

8 ~~(C) Materialman's lien and certificate of assessment~~
9 ~~.....8.00~~

10 ~~(D) Notary bond~~
11 ~~.....8.00~~

12 ~~(E) Foreign judgments~~
13 ~~.....8.00~~

14 ~~(F) Writs of garnishment or execution of garnishment~~
15 ~~.....10.00~~

16 ~~(G) For entering satisfaction of record, marginal~~
17 ~~.....50~~

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

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

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

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

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

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

35 (2)(A) At least twenty-five percent (25%) of the moneys
36 collected annually shall be used to purchase, maintain, and operate an

1 automated records system. The acquisition and update of software for the
2 automated records system shall be a permitted use of these funds.

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

6 (C) Any funds in excess of one million dollars
7 (\$1,000,000) held at any time in the county recorder's cost fund shall be
8 transferred to the county general fund.

9
10 SECTION 2. Arkansas Code § 14-20-107 is amended to read as follows:

11 14-20-107. Appropriations for Association of Arkansas Counties.

12 (a)(1) The quorum courts of each county in this state may provide for
13 the participation of their county in the services and activities of the
14 Association of Arkansas Counties, a domestic corporation organized and
15 existing under the provisions of the Arkansas Nonprofit Corporation Act, §§
16 4-28-201 - 4-28-206 and 4-28-209 - ~~4-28-223~~ 4-28-224.

17 (2) If the quorum court of a county authorizes the participation
18 of the county in this association, then the quorum court shall annually
19 appropriate from county general funds an amount which shall be equal to one
20 percent (1%) of the general revenues received by that county from the County
21 Aid Fund in the State Treasury during the preceding fiscal year.

22 (3) Participation by each county in this association shall be
23 optional with the quorum court of each of the respective counties as provided
24 in this section.

25 (b)(1) The funds so received by the association shall be used
26 exclusively by it to finance the object of its existence, namely, to aid in
27 the improvement of county government in the State of Arkansas.

28 (2) All funds so received by the association shall be subject to
29 audit by the State of Arkansas, and this association shall make available to
30 the auditors, at all reasonable times, all books, files, and records
31 concerning such funds.

32 (c) Moneys appropriated by the court as the county's contribution to
33 this association shall be paid to the association during the month of July
34 for the fiscal year commencing on July 1 and ending on June 30 next
35 following.

36 (d) This association is recognized as the official agency of the

1 counties of this state to receive funds and use them for making a continuing
2 study of ways and means to improve county government in Arkansas.

3 (e)(1) There is created on the books of the Association of Arkansas
4 Counties a trust fund to be known as the "Automated Records Systems Fund".

5 (2)(A) The Automated Records Systems Fund shall be funded by
6 counties in Class 6 and Class 7 in the State of Arkansas.

7 (B) The county recorder of the Class 6 and Class 7
8 counties shall remit one dollar (\$1.00) for each document recorded in the
9 county recorder's office directly to the Automated Records Systems Fund on a
10 monthly basis.

11 (3)(A) The Automated Records Systems Fund shall be administered
12 by a committee comprised of the county recorders of the counties in Class 6
13 and Class 7 to be known as the "Automated Records Systems Fund Committee".

14 (B) The Automated Records Systems Fund Committee shall
15 meet biannually to review grant applications made by county recorders in
16 Class 1 through Class 5 solely for purposes directly related to office
17 automation.

18 (C) The committee shall not disburse any moneys from the
19 Automated Records Systems Fund to counties in Class 6 and Class 7.

20 (D) The committee shall expend substantially all of the
21 money from the fund on an annual basis.

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23 /s/ Harrelson
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