

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

# A Bill

SENATE BILL 836

5 By: Senator Irvin  
6 By: Representative L. Fite  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ASSOCIATION OF  
10 ARKANSAS COUNTIES; AND FOR OTHER PURPOSES.  
11

## Subtitle

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14 TO AMEND THE LAW CONCERNING THE  
15 ASSOCIATION OF ARKANSAS COUNTIES.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 14-14-111, concerning electronic records,  
21 is amended to add an additional subsection to read as follows:

22 (d) Beginning on or before January 1, 2016, and each month thereafter,  
23 each county assessor, county collector, and the software providers each use  
24 shall assure the transmission to the Association of Arkansas Counties all  
25 property tax data via electronic transfer and available for inspection using  
26 a standardized format.  
27

28 SECTION 2. Arkansas Code § 14-14-112 is amended to read as follows:

29 14-14-112. Bulk copying of public records.

30 (a)(1) In the absence of an existing agreement or county ordinance, a  
31 county official may negotiate with a commercial, nonpress entity regarding a  
32 reasonable fee for mass duplication, copying, or bulk electronic access of  
33 public records.

34 ~~(b)(2)~~ A negotiated agreement authorized by this section is not  
35 to the exclusion of any right to a public record a person has under this  
36 subchapter or § 25-19-109.



1           ~~(e)~~(3) As used in this section, "existing agreement" means a  
2 contract, custom, practice, or dealings that were in use as of January 1,  
3 2011.

4           (b)(1)(A) The Association of Arkansas Counties may negotiate with a  
5 commercial, nonpress entity concerning a reasonable fee for mass duplication,  
6 copying, or bulk electronic access of public records the association obtains  
7 under §§ 14-20-107 and 14-14-111.

8           (B) Fees received by the association shall be deposited  
9 into the County Automated Records Account and credited to the County  
10 Information, Technology, and Efficiency Services Account for defraying the  
11 costs of back up, storage, equipment, labor, legal services, maintenance, and  
12 operation of the automated records program and homestead verification  
13 program.

14           (2) Upon request by a citizen to the association for copies,  
15 duplication, access, or bulk electronic access of the documents provided to  
16 the association under §§ 14-20-107 and 14-14-111, the association shall  
17 provide the requesting citizen the identity and contact information of the  
18 county official who is the proper custodian of the record sought.

19  
20           SECTION 3. Arkansas Code § 14-20-107 is amended to read as follows:

21           14-20-107. Appropriations for Association of Arkansas Counties =  
22 Findings.

23           (a)(1)(A)(i) The General Assembly finds that Arkansas Constitution,  
24 Amendment 55, authorizes counties to contract, cooperate, and join another  
25 county for a public purpose.

26           (ii) The General Assembly further finds that the  
27 Association of Arkansas Counties provides for the cooperative procurement of  
28 commodities, workers compensation insurance, risk management services, legal  
29 services, and insurance for counties and county employees.

30           (B) The quorum court of each county in this state may  
31 provide for the cooperative association and participation of its county to  
32 join with other counties in the services, programs, purchases, and activities  
33 of the Association of Arkansas Counties, a domestic corporation organized and  
34 existing under the provisions of the Arkansas Nonprofit Corporation Act, §§  
35 4-28-201 – 4-28-206 and 4-28-209 – 4-28-224.

36           (2) If the quorum court of a county authorizes the participation

1 of the county in the association, then the quorum court shall annually  
 2 appropriate from county general funds an amount that ~~shall be~~ is equal to one  
 3 percent (1%) of the general revenues received by that county from the County  
 4 Aid Fund in the State Treasury during the preceding fiscal year.

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

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

11 (2) ~~All funds so~~ Funds received by the association ~~shall be~~ are  
 12 subject to audit by the State of Arkansas, and the association shall make  
 13 available to the auditors at all reasonable times all books, files, and  
 14 records concerning ~~such~~ the funds.

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

18 (d) The association is recognized as the official agency of the  
 19 counties of this state to receive funds and use them for making a continuing  
 20 study of ways and means to improve county government in Arkansas.

21 (e)(1) There is created on the books of the ~~Association of Arkansas~~  
 22 ~~Counties-association~~ a trust fund to be known as the "Automated Records  
 23 Systems Fund".

24 (2)(A) The Automated Records Systems Fund shall be funded in  
 25 part by counties in Class 6 and Class 7 in the State of Arkansas for purposes  
 26 of recorder automation grants.

27 (B) The county recorder of the Class 6 and Class 7  
 28 counties shall remit one dollar (\$1.00) for each document recorded in the  
 29 county recorder's office directly to the Automated Records Systems Fund into  
 30 the County Recorder Automation Grants Account on a monthly basis.

31 (3)(A) The portion of the funds deposited into the Automated  
 32 Records Systems Fund credited to the Recorder Automation Grants Account shall  
 33 be administered by a ~~Committee~~ subcommittee composed of the county recorders  
 34 of the counties in Class 6 and Class 7 to be known as the "Automated Records  
 35 Systems Fund ~~Committee~~ Subcommittee.

36 (B) The ~~committee~~ subcommittee shall meet biannually to

1 review grant applications made by county recorders in Class 1 – Class 5  
2 counties solely for purposes directly related to office automation.

3 (C) The ~~committee~~ subcommittee shall not disburse any  
4 moneys from the ~~Automated Records Systems Fund~~ Recorder Automation Grants  
5 Account to counties in Class 6 and Class 7.

6 (D) The ~~committee~~ subcommittee shall expend substantially  
7 all of the money from the ~~fund~~ account on an annual basis.

8 (E) Each member of the ~~committee~~ subcommittee may receive  
9 expense reimbursement in accordance with § 25-16-901 et seq.

10 (f) Counties shall establish information technology and efficiency  
11 services with the association to:

12 (1) Assure the efficient, safe, and secure back-up storage of  
13 property tax records;

14 (2) Assist in the proper verification of property tax credits  
15 and exemptions by claimants in accordance with law;

16 (3) Fund the purposes of the Automated Records System Fund; and

17 (4) Provide a central location for data access to the Division  
18 of Legislative Audit.

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20 SECTION 4. Arkansas Code § 26-26-1119(e), concerning prohibited  
21 conduct, is amended to read as follows:

22 (e)(1) The property owner may appeal to the county court the  
23 determination by a county assessor that:

24 (A) The property owner shall repay an unlawfully claimed  
25 homestead property tax credit;

26 (B) The property owner shall pay penalties; or

27 (C) Any other determination that the property owner has  
28 violated this section.

29 (2) To appeal the determination by a county assessor, the  
30 property owner ~~must~~ shall file a petition with the county court within thirty  
31 (30) days from the date of the determination by the county assessor.

32 (3) After the petition is filed, the county court shall set a  
33 hearing within thirty (30) days after the filing of the petition.

34 (4) At the hearing, the property owner and county assessor shall  
35 present supporting evidence ~~to support their positions.~~

36 (5) The county court shall provide the property owner, county

1 assessor, and county clerk with the county court's decision in writing within  
2 ten (10) business days ~~after~~ of the hearing.

3 (6)(A) The property owner or county assessor may appeal the  
4 county court's decision to circuit court within thirty (30) days ~~after~~ of the  
5 date of the ~~decision~~ entry of the final order with the county clerk.

6 (B) The appeal to circuit court shall be made using the  
7 same procedure as for administrative appeals of the District Court Rules of  
8 the Supreme Court.

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10 SECTION 5. Arkansas Code § 26-26-1119 is amended to add an additional  
11 subsection to read as follows:

12 (g)(1) Beginning on or before January 1, 2016, and quarterly  
13 thereafter, the Association of Arkansas Counties shall review the property  
14 tax records stored and backed up under § 14-14-111 and § 14-20-107 to  
15 determine the compliance of property owners with this section.

16 (2) A report of compliance by property owners with this section  
17 shall be supplied quarterly to the assessor, collector, and the designated  
18 preparer of the tax books for each county.

19 (3) The association shall mail property owners identified in the  
20 report a copy of the information provided to the county evidencing a  
21 potential violation of this section to the last known address along with a  
22 copy of this section.

23 (4) Unless otherwise directed by the assessor or the  
24 association, the designated preparer of the tax books shall extend the  
25 penalty under this section no later than (60) sixty days from the date of  
26 receipt of the report or revised report.

27 (5) Upon request from the county judge, the association shall  
28 provide legal services and representation to the county and county officials  
29 on any appeals from county court to circuit court filed by property owners.

30 (6) The Division of Legislative Audit shall be provided a copy  
31 of quarterly reports and revised quarterly reports sent to the counties along  
32 with an annual report of the status of pending litigation on appeal from  
33 county court.

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