

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/9/17

A Bill

HOUSE BILL 1743

5 By: Representative Capp
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE ALLOCATION OF
9 REVENUE WITHIN A COUNTY COMPOSED OF DUAL JUDICIAL
10 *DISTRICTS; TO DECLARE AN EMERGENCY; AND FOR OTHER*
11 *PURPOSES.*
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Subtitle

14 TO AMEND THE LAW CONCERNING THE
15 ALLOCATION OF REVENUE WITHIN A COUNTY
16 *COMPOSED OF JUDICIAL DISTRICTS; AND TO*
17 *DECLARE AN EMERGENCY.*
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Uncodified sections 18-20 of Act 14 of 1881 are repealed.

24 ~~SEC. 18. That the clerk of the county court of Clay county shall keep~~
25 ~~two financial records, in one of which he shall keep a true and perfect~~
26 ~~record of the financial affairs of the Eastern district; and in the other he~~
27 ~~shall keep a similar record for the Western district. The financial affairs~~
28 ~~of each district shall be kept as separate and distinct as though the two~~
29 ~~districts were separate and distinct counties.~~

30 ~~SEC. 19. That all revenue accruing to the county of Clay, from the~~
31 ~~sale of forfeited State and county lands, liquor and ferry license, and from~~
32 ~~all other sources whatsoever, shall be used for the exclusive benefit of the~~
33 ~~district in which such revenue may arise.~~

34 ~~SEC. 20. That in making deposits of county funds with the county~~
35 ~~treasurer, the sheriff and collector shall take his receipts specifying to~~
36 ~~which district said funds belong.~~



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SECTION 2. Uncodified sections 19-21 of Act 61 of 1883 are repealed.

~~SEC. 19. That the Clerk of the County Court of Craighead County shall keep two financial records, in one of which he shall keep a true and perfect record of the financial affairs of the Jonesboro District, and in the other he shall keep a similar record for the Lake City District. The financial affairs of each District shall be kept as separate distinct as though the two Districts were separate and distinct counties.~~

~~SEC. 20. That all revenue accruing to the County of Craighead from the sale of forfeited State and county lands, liquor and ferry license, and from all other sources whatever, shall be used for the exclusive benefit of the District in which such revenue may arise.~~

~~SEC. 21. That in making deposits of county funds with the County Treasurer, the Sheriff and Collector shall take his receipt specifying to which District said funds belong.~~

SECTION 3. Uncodified sections 19-21 of Act 51 of 1885 are repealed.

~~SEC. 19. That the Clerk of the County Court of Franklin county shall keep two financial records, in one of which he shall keep a true and perfect record of the financial affairs of the Ozark District, and in the other he shall keep a similar record for the Charleston District. The financial affairs of each District shall be kept as separate and distinct as though the two Districts were separate and distinct counties.~~

~~SEC. 20. That all revenue accruing to the county of Franklin from the sale of forfeited state and county lands, liquor and ferry license, and from all other sources whatever, shall be used for the exclusive benefit of the District in which such revenue may arise.~~

~~SEC. 21. That all money and all money derived from donations to the county of Franklin, from whatever source given to said county, shall be divided between the Ozark and Charleston Districts in the ratio of the number of inhabitants of each of said Districts to the whole number of inhabitants of said county at the time the gift or donation was made.~~

SECTION 4. Uncodified sections 22-24 of Act 133 of 1885 are repealed.

~~SEC. 22. That the Clerk of the County Court of Prairie County shall keep two financial records, in one of which he shall keep a true and perfect~~

1 ~~record of the financial affairs of the Northern District, and in the other he~~
2 ~~shall keep a similar record for the Southern District. The financial affairs~~
3 ~~of each District shall be kept as separate and distinct as though the two~~
4 ~~District were separate and distinct counties.~~

5 ~~SEC. 23. That all revenue accruing to the county of Prairie from the~~
6 ~~sale of forfeited lands of the State and county, liquor and ferry license,~~
7 ~~and from all other sources whatsoever, shall be used for the exclusive~~
8 ~~benefit of the District in which such revenue may arise.~~

9 ~~SEC. 24. That in making deposits of county funds with the County~~
10 ~~Treasurer, the Sheriff and Collector shall take his receipts specifying to~~
11 ~~which District said funds belong.~~

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13 SECTION 5. Uncodified section 18 of Act 100 of 1875 is repealed.

14 ~~SEC. 18. That all laws and parts of laws in controvention with this~~
15 ~~act, be, and the same are hereby repealed, and that this act take effect and~~
16 ~~be in force from and after its passage; provided, that business shall~~
17 ~~continue to be transacted in said county, as in now provided for by law, and~~
18 ~~until the said commissioners named in the third (3) section of this act have~~
19 ~~reported that they have court house in readiness for the purpose of holding~~
20 ~~the circuit and probate courts of the Dardanelle district, and as soon~~
21 ~~thereafter as the said Commissioners procure a court house for the holdings~~
22 ~~of the courts in the Dardanelle district at the expense of the inhabitants of~~
23 ~~the said Dardanelle district, then the courts shall beholden, and the~~
24 ~~business conducted in all respects as is by law required to be done at the~~
25 ~~county seat of said county, and it shall be the duty of the presiding judge~~
26 ~~of the county court to order and direct the clerk of the circuit court to~~
27 ~~prepare the circuit court records, and the circuit and chancery courts of the~~
28 ~~county of Yell for the two said districts, shall be held at such times as may~~
29 ~~be provided by law.~~

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31 SECTION 6. Uncodified sections 20 and 21 of Act 5 of 1901 are repealed.

32 ~~SEC. 20. That on or before the first Monday in January, 1902, there~~
33 ~~shall be erected a court house and county jail on sites in the town of court~~
34 ~~seat of Southern District, hereafter to be selected by commissioners provided~~
35 ~~for in this Act, free of expense to the taxpayers of Logan County. In said~~
36 ~~court house the circuit, chancery and probate courts for the Southern~~

1 ~~District may be held; in said jail the prisoners in the Southern District may~~
2 ~~be confined; and all the business pertaining to the said courts shall be~~
3 ~~transacted and conducted in all respects as is, by law, required at the~~
4 ~~county seat of Logan County.~~

5 ~~Provided, that the circuit, chancery and probate courts of said~~
6 ~~Southern District may be held, and all the business appertaining to said~~
7 ~~courts transacted in some house in the town of court seat of Southern~~
8 ~~District, to be obtained by the sheriff of Logan County for that purpose on~~
9 ~~or before the taking effect of this Act, until a permanent court house can be~~
10 ~~erected on the site selected by the commissioners provided for in this Act.~~
11 ~~All judgments and decrees rendered in such temporary court house shall be of~~
12 ~~full force and effect.~~

13 ~~SEC. 21. That the County Court of Logan County, at its April, 1901,~~
14 ~~term, appoint commissioners to select sites for court house and jail in the~~
15 ~~town of the court seat of Southern District, as provided in section 20 of~~
16 ~~this Act, and with authority to receive, in the name of Logan County, for the~~
17 ~~use of the Southern District of Logan County, title to said sites, to erect~~
18 ~~thereon, or cause to be erected thereon, a suitable court house and jail for~~
19 ~~the Southern District, free of expense to the taxpayers of Logan County,~~
20 ~~within twenty days after the passage and approval of the Act; there shall be~~
21 ~~held in the voting precincts of the Townships of Boone, Cauthron, Sugar~~
22 ~~Greek, Petit Jean, Blue Mountain, Revilee and Washburn an election by the~~
23 ~~qualified electors of the Southern District of Logan County, to determine~~
24 ~~whether the court seat of the Southern District shall be located at the town~~
25 ~~of Booneville or the town of Magazine. Said election shall be held on a day~~
26 ~~to be designated by the county judge of Logan County, and notice thereof~~
27 ~~shall be given in the aforesaid townships by the sheriff of Logan County for~~
28 ~~ten (10) days before the election, in the manner required by law for giving~~
29 ~~notice of holding a general election in this State. Said election shall be~~
30 ~~held by the judges of election in said townships under the restrictions,~~
31 ~~regulations and penalties prescribed by law for holding general elections in~~
32 ~~this State. The elections [electors] in the Southern District who reside in~~
33 ~~Mountain Township shall have the right to vote for court seat in Blue~~
34 ~~Mountain Township, and those in Driggs Township shall have the right to vote~~
35 ~~for court seat in Revilee Township. That some one, in behalf of each of the~~
36 ~~towns of Booneville and Magazine, shall, within ten (10) days after the~~

1 ~~passage and approval of this Act, enter into bond in the sum of ten thousand~~
2 ~~dollars to the State of Arkansas for the use and benefit of Logan County,~~
3 ~~with good security, to be approved by the county judge of Logan County,~~
4 ~~conditioned that the obligors in said bond shall cause to be erected, free of~~
5 ~~expense to the taxpayers of Logan County, by January 1, 1902, a court house,~~
6 ~~to cost not less than five thousand dollars, and a suitable jail, on suitable~~
7 ~~sites, within said town, if said town shall be designated as the court seat~~
8 ~~for the Southern District by a majority of the electors voting at the~~
9 ~~election to locate a court seat for the Southern District provided for in~~
10 ~~this Act. In the event said bond be not given in behalf of either of the two~~
11 ~~towns of Booneville or Magazine, as above provided, then such towns shall not~~
12 ~~be voted for as a court seat of the Southern District, and if neither of said~~
13 ~~towns give said bond, neither of them shall be voted for, and the court of~~
14 ~~Logan County shall continue to be held at Paris, as now provided by law, and~~
15 ~~this Act shall fail. The election of the court seat shall be held under the~~
16 ~~direction of and be reported to the election commissioners of Logan County,~~
17 ~~as other elections are now held and reported. The election commissioners~~
18 ~~shall provide an official ballot for said election, the expense of which~~
19 ~~shall be paid for by the town of towns authorized by this Act to be voted~~
20 ~~for. The town authorized by this Act to be voted for, for court seat,~~
21 ~~receiving the highest number of votes in said election, shall be declared by~~
22 ~~said commissioners the court seat for the Southern District of Logan County.~~
23 ~~The sheriff of Logan County shall cause said election to be safeguarded in~~
24 ~~the manner now required by law. In the case of contest over the decision of~~
25 ~~the election commissioners as to the result of the election, County Court of~~
26 ~~Logan County shall have authority, as if upon appeal, to hear and determine~~
27 ~~the same. In case of a tie, the County Court of Logan County shall have~~
28 ~~authority to order another election upon the same terms and under the same~~
29 ~~restrictions as herein provided for. The certificate of the result of the~~
30 ~~election herein provided for shall be filed with the clerk of the County~~
31 ~~Court of Logan County, and by him entered of record.~~

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33 SECTION 7. Uncodified sections 19-21 of Act 81 of 1901 are repealed.

34 SECTION 19. ~~That the clerk of the County Court of Mississippi County~~
35 ~~shall keep two financial records, in one of which he shall keep a true and~~
36 ~~perfect record of the financial affairs of the Osceola District and in the~~

1 ~~other a similar record of the Chickasawba District. The financial affairs of~~
 2 ~~each district shall be kept as separate and distinct as if the two districts~~
 3 ~~were separate and distinct counties.~~

4 ~~SECTION 20. That all revenue accruing to the county from the sale of~~
 5 ~~forfeited state and county lands, liquor and ferry license, and from all~~
 6 ~~other sources whatever, shall be used for the exclusive benefit of the~~
 7 ~~district in which such revenue shall arise.~~

8 ~~SECTION 21. That in making deposits of county funds with the county~~
 9 ~~treasurer the sheriff and collector shall take his receipts specifying to~~
 10 ~~which districts said funds belong.~~

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 12 SECTION 8. Arkansas Code § 14-14-114 is amended to read as follows:

13 14-14-114. Allocation of revenue.

14 A Revenues received by a county that contains within its boundary a
 15 circuit court composed of ~~both an east and a west~~ more than one (1) judicial
 16 district that ~~were was~~ was created in 1883 ~~shall enact an ordinance to establish~~
 17 ~~that revenues received by the county by an uncodified act~~ shall be allocated
 18 ~~for the entire county as determined by the quorum court~~ and shall not be
 19 ~~divided by the judicial district in which the revenues were collected.~~

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 21 *SECTION 9. EMERGENCY CLAUSE. It is found and determined by the*
 22 *General Assembly of the State of Arkansas that several uncodified acts*
 23 *involving the allocation of revenue within counties composed of dual judicial*
 24 *districts have been subject to misinterpretation by the courts; that to*
 25 *prevent litigation arising from varying interpretations of the uncodified*
 26 *acts, certain sections of these uncodified acts need to be repealed; and that*
 27 *this act is immediately necessary to ensure that the standard operating*
 28 *procedures of the affected counties and the Department of Finance and*
 29 *Administration are lawful. Therefore, an emergency is declared to exist, and*
 30 *this act being immediately necessary for the preservation of the public*
 31 *peace, health, and safety shall become effective on:*

32 *(1) The date of its approval by the Governor;*

33 *(2) If the bill is neither approved nor vetoed by the Governor,*
 34 *the expiration of the period of time during which the Governor may veto the*
 35 *bill; or*

36 *(3) If the bill is vetoed by the Governor and the veto is*

1 overridden, the date the last house overrides the veto.

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/s/Capp