

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

A Bill

HOUSE BILL 1821

5 By: Representative Ballinger
6

For An Act To Be Entitled

8 AN ACT CONCERNING A PARTY IN AN ACTION FOR
9 DECLARATORY RELIEF; TO DECLARE AN EMERGENCY; AND FOR
10 OTHER PURPOSES.
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Subtitle

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13 CONCERNING A PARTY IN AN ACTION FOR
14 DECLARATORY RELIEF; AND TO DECLARE AN
15 EMERGENCY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-111-111 is amended to read as follows:
22 16-111-111. Parties.

23 (a) When declaratory relief is sought, all persons shall be made
24 parties who have or claim any interest which would be affected by the
25 declaration, and no declaration shall prejudice the rights of persons not
26 parties to the proceeding. In any proceeding which involves the validity of a
27 municipal ordinance or franchise, such municipality shall be made a party,
28 and shall be entitled to be heard, and if the statute, ordinance or franchise
29 is alleged to be unconstitutional, the Attorney General of the State shall
30 also be served with a copy of the proceeding and be entitled to be heard.

31 (b) When declaratory relief is sought with respect to a tax, a person
32 or entity whose revenue could be affected by the declaration shall be given a
33 copy of the lawsuit and shall have the right to intervene but is not required
34 to be named as a party to the action.
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36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the



1 General Assembly of the State of Arkansas that taxpayer appeals of property
 2 taxes or other tax issues are unduly complicated by current state law and
 3 that school districts and other government bodies with no control over
 4 taxation administration are incurring unnecessary and excessive legal
 5 expenses due to being required to be named as defendants in lawsuits rather
 6 than having the right to notice and participate in lawsuits. Therefore, an
 7 emergency is declared to exist, and this act being immediately necessary for
 8 the preservation of the public peace, health, and safety shall become
 9 effective on:

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

11 (2) If the bill is neither approved nor vetoed by the Governor,
 12 the expiration of the period of time during which the Governor may veto the
 13 bill; or

14 (3) If the bill is vetoed by the Governor and the veto is
 15 overridden, the date the last house overrides the veto.

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