

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

As Engrossed: S3/28/17

A Bill

HOUSE BILL 1821

5 By: Representative Ballinger
6 *By: Senator J. Cooper*
7

For An Act To Be Entitled

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

15 CONCERNING A PARTY IN AN ACTION FOR
16 DECLARATORY RELIEF; AND TO DECLARE AN
17 EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 16-111-111 is amended to read as follows:
23 16-111-111. Parties.

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

32 (b)(1) When declaratory relief is sought with respect to a tax, a
33 person or group of persons challenging the tax shall provide a governmental
34 entity and a school district whose direct revenue could be affected by the
35 declaration with notice of the action by providing a copy of the complaint to
36 the government entity or school district.



1 (2) A governmental entity or school district provided with
 2 notice under subdivision (b)(1) of this section has the right to intervene in
 3 the action but is not required to be named as a party to the action nor is
 4 the government entity or school district considered an indispensable or
 5 necessary party to the action.

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

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

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

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

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 24 /s/Ballinger

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