

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

SENATE BILL 836

By: Senator Irvin  
By: Representative L. Fite

## For An Act To Be Entitled

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

### Subtitle

TO AMEND THE LAW CONCERNING THE  
ASSOCIATION OF ARKANSAS COUNTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-14-111, concerning electronic records, is amended to add an additional subsection to read as follows:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The property owner shall pay penalties; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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