

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/28/17
A Bill

HOUSE BILL 1821

By: Representative Ballinger
By: Senator J. Cooper

For An Act To Be Entitled

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

Subtitle

CONCERNING A PARTY IN AN ACTION FOR
DECLARATORY RELIEF; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code § 16-111-111 is amended to read as follows:
16-111-111. Parties.

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

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



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

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

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

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

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

/s/Ballinger