

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/18/19 H3/20/19
A Bill

HOUSE BILL 1769

By: Representative Payton
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE FEES COLLECTED BY THE COMMISSIONER OF STATE LANDS; TO AUTHORIZE THE COMMISSIONER OF STATE LANDS TO SET ADEQUATE RATES, FEES, AND CHARGES TO REIMBURSE THE COSTS INCURRED BY THE COMMISSIONER OF STATE LANDS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE FEES COLLECTED BY THE COMMISSIONER OF STATE LANDS; AND TO AUTHORIZE THE COMMISSIONER OF STATE LANDS TO SET ADEQUATE RATES, FEES, AND CHARGES.

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

SECTION 1. Arkansas Code § 21-6-203 is amended to read as follows:
21-6-203. Commissioner of State Lands.

~~(a) The following fees shall be charged and collected by the Commissioner of State Lands:~~

- ~~(1) Emerged Land Deeds issued pursuant to §§ 22-5-404, 22-5-405
..... \$ 5.00~~
- ~~(2) Deeds to 16th section school lands under § 22-5-407
..... 5.00~~
- ~~(3) Quitclaim deed of mineral interest under § 22-6-502
..... 5.00~~



- ~~(4) Issuance of duplicate deeds and patents under § 22-6-104
..... 5.00~~
- ~~(5) Issuance of original patents under § 22-6-105
..... 5.00~~
- ~~(6) Redemption deeds issued under § 26-37-310
..... 5.00~~
- ~~(7) Issuance of sale deeds 5.00~~
- ~~(8) Double entry statements 3.00~~
- ~~(9) Disclaimers 3.00~~
- ~~(10) For each page of field notes issued by the office of the
Commissioner of State Lands50~~
- ~~(11) A fee of five dollars (\$5.00) plus actual cost for each
General Land Office plat copied and distributed.~~

~~(b) The Commissioner of State Lands shall charge a collection fee of twenty-five dollars (\$25.00) against all tax delinquent land redeemed or sold by the Commissioner of State Lands, except the fees charged for the redemption of severed mineral interests shall not include the twenty-five-dollar collection fee.~~

~~(c) For each certificate of donation to forfeited lands issued by the Commissioner of State Lands, there shall be paid a fee of ten dollars (\$10.00).~~

~~(d) For each donation deed issued by the Commissioner of State Lands, there shall be paid a fee of one dollar (\$1.00).~~

(a) The Commissioner of State Lands may by rule:

(1) Establish a schedule of rates, fees, and charges for the deeds produced and filed or services performed in carrying out the established duties and authority of the office of the Commissioner of State Lands; and

(2) Revise the rates, fees, and charges to ensure that the revenues from the rates, fees, and charges together with other available funds shall be sufficient to cover the costs of the various deeds produced or filed and services performed in carrying out the established duties and authority of the office.

~~(e)(b)(1) A fee under this section shall not be established in an amount that exceeds the costs expended by the Commissioner of State Lands in producing or filing deeds or performing services.~~

(2) As used in subdivision (b)(1) of this section, "costs" means the actual costs expended by the Commissioner of State Lands plus three percent (3%) of the actual costs expended by the Commissioner of State Lands.

(c) All rates, fees, and charges collected by the Commissioner of State Lands shall be deposited into a financial institution in the state.

SECTION 2. Arkansas Code § 26-37-105 is amended to read as follows:
26-37-105. Collection fee.

(a) The Commissioner of State Lands shall may charge a ~~twenty-five dollar (\$25.00)~~ collection fee for each deed issued by the Commissioner of State Lands, whether the land is redeemed or sold.

(b) The collection fee under this section shall be established by rule adopted by the Commissioner of State Lands.

(c) However, the collection fee under this section shall not exceed the costs expended by the Commissioner of State Lands in producing or filing the deed.

(2) As used in subdivision (c)(1) of this section, "costs" means the actual costs expended by the Commissioner of State Lands plus three percent (3%) of the actual costs expended by the Commissioner of State Lands.

SECTION 3. Arkansas Code § 26-37-201(a)(2), concerning fees to recover the costs of publication of the notice, is amended to read as follows:

(2)(A) The publication fee for the notice shall be ~~the same as set forth in § 26-37-107~~ adopted by rule of the Commissioner of State Lands.

(B)(i) However, the fee under this section shall not exceed the costs expended by the Commissioner of State Lands in producing, filing, or performing the deed.

(ii) As used in subdivision (a)(2)(B)(i) of this section, "costs" means the actual costs expended by the Commissioner of State Lands plus three percent (3%) of the actual costs expended by the Commissioner of State Lands.

/s/Payton