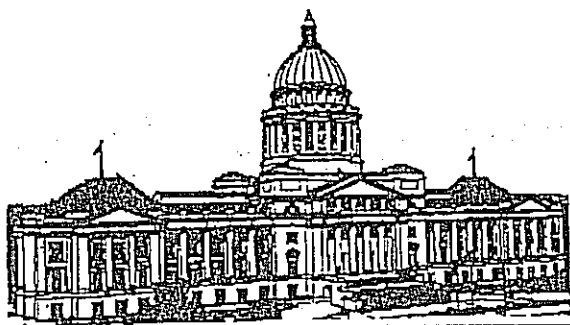


# ARKANSAS REGISTER

## Transmittal Sheet



Sharon Priest  
Secretary of State  
State Capitol Rm. 026  
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date \_\_\_\_\_ Code Number 177.00.01--005

Name of Agency Assessment Coordination Department

Department \_\_\_\_\_

Contact Person Rita Rollins

Statutory Authority for Promulgating Rules 25-15-203

☒ Intended Effective Date

☒ Emergency

☐ 10 Days After Filing

☐ Other \_\_\_\_\_

Legal Notice Published . . . . . 05/06/01

Final Date for Public Comment . . . . . 06/08/01

Reviewed by Legislative Council . . . . . \_\_\_\_\_

Adopted by State Agency . . . . . 05/03/01

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

[Signature]  
Signature

501/324-9240

Phone Number

Director

Title

05/02/01  
Date

BY \_\_\_\_\_  
SECRETARY OF STATE  
STATE OF ARKANSAS

01 MAY -3 AM 9:15

FILED  
AR. REGISTER DIV.

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY:       Assessment Coordination Department  
DIVISION:  
DIVISION DIRECTOR:       Debra Asbury  
CONTACT PERSON:         Bob Leslie, General Counsel  
ADDRESS:                 1614 W Third, Little Rock, AR 72206  
PHONE NO.:               501/324-9240  
FAX NO.:                 501/324-9242

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire attached to the front of (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis (Polly Green, Secretary)  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

1.     What is the short title of this rule?         3.31

2.     What is the subject of the proposed rule?

Failure to comply with performance audit.

3.     Is this rule required to comply with federal statute or regulations?

Yes:                         No:     X

If yes, please provide the federal regulation and/or statute citation.

4.     Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes:     X                         No:

If yes, what is the effective date of the emergency rule?     05/03/01

Will this emergency rule be promulgated under the regular provision of the Administrative procedure Act?     Yes:     X                         No:

5. Is this a new rule? Yes: No: ☒

Does this repeal an existing rule? Yes: No: ☒

If yes, please provide a copy of the repealed rule.

Is this an amendment to an existing rule? If yes please attach a markup showing the changes in the existing rule and a summary of the substantive changes. Yes

6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation. 25-21-105

7. What is the purpose of this proposed rule? Why is it necessary?

To clarify provisions of Act 1185 of 1999.

8. Will a public hearing be held on this proposed rule?

Yes: ☒ No:

If yes, please give the date, time, and place of the public hearing.

May 31, 2001 - 10:00 a.m. - 1614 West Third - Little Rock - AR

9. When does the public comment period expire? 06/08/01

10. What is the proposed effective date of this proposed rule? 05/03/01

11. Do you expect this rule to be controversial? Yes: No: ☒  
If yes, please explain.

12. Please give the names of persons, groups, or organizations which you expect to comment on these rules. Please provide their position (for or against) if known.

Arkansas Assessors' Association  
Various Appraisal Contractors

DEPARTMENT/AGENCY: Assessment Coordination Department  
DIVISION:  
DIVISION DIRECTOR: Debra Asbury  
CONTACT PERSON: Bob Leslie, General Counsel  
ADDRESS: 1614 W Third, Little Rock, AR 72201  
PHONE NO.: 501/324-9240

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: 3.31

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes: No: ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation: N/A

1999-2000 Fiscal Year

2000-2001 Fiscal Year

General Revenue:  
Federal Funds:  
Cash Funds:  
Special Revenue:  
Other:  
Total:

General Revenue:  
Federal Funds:  
Cash Funds:  
Special Revenue:  
Other:  
Total:

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CLERK OF STATE  
STATE OF ARIZONA  
BY

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? None

1999-2000 Fiscal Year

2000-2001 Fiscal Year

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2000-2001 Fiscal Year

2001-2002 Fiscal Year

None

None

## ASSESSMENT COORDINATION DEPARTMENT

### Statement of Need for Amended Rule 3.31 5-3-01

The Assessment Coordination Department finds that imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than twenty (20) days notice.

The reason for the finding is as follows -

Rule 3.31 as currently worded allows only 30 days for corrections or the reappraisal contract will be terminated. When thousands of parcels are involved this can be impossible. Unless changed immediately, this rule can cause termination of a large number of reappraisal contracts, which would be detrimental to public welfare because overall quality of reappraisals would likely suffer due to lack of continuity, while expenses would increase substantially.

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MR. REGISTER DIV.  
01 MAY -3 AM 9:15  
STATE OF ARKANSAS  
BY \_\_\_\_\_

**RULE 3.31**

**FAILURE TO COMPLY WITH STANDARDS OF PERFORMANCE AUDIT**

Whenever an audit, using the standards established elsewhere in these rules, performed by the ACD indicates that proper reappraisal procedures are not being followed, that finding will be reported by certified mail to the appraisal manager. The aforementioned letter will be copied to the county assessor, board of equalization, county judge, quorum court, and the appraisal company when applicable.

For each out of compliance category, the appraisal manager must bring reappraisal procedures into compliance within 30 calendar days of the date of the certified letter and notify the ACD, and must make necessary corrections of past reappraisal work within 90 calendar days or by July 1 of the valuation year, whichever comes first, or the reappraisal plan will be terminated immediately, and funding will be terminated.

### RULE 3.31

#### FAILURE TO COMPLY WITH STANDARDS OF PERFORMANCE AUDIT

Whenever an audit, using the standards established elsewhere in these rules, performed by the ACD indicates ~~a reappraisal is out of compliance with those standards, that proper reappraisal procedures are not being followed~~, that finding will be reported by certified mail to the reappraisal manager, ~~and funding for the reappraisal project will be immediately suspended~~. The aforementioned letter will be copied to the county assessor, board of equalization, county judge, quorum court, and agent of the appraisal company when applicable.

~~The appraisal manager will notify the ACD when necessary corrections have been made, at a point no later than 30 calendar days after the date of the original certified letter from the ACD. If the appraisal manager fails to take proper corrective action and make notification to the ACD, the reappraisal plan will be terminated immediately, and funding will be terminated.~~

For each out of compliance category, the appraisal manager must bring reappraisal procedures into compliance within 30 calendar days of the date of the certified letter and notify the ACD, and must make necessary corrections of past reappraisal work within 90 calendar days or by July 1 of the valuation year, whichever comes first, or the reappraisal plan will be terminated immediately, and funding will be terminated.

#### *Substantive changes:*

*The rule change clarifies the provision of Act 1185 requiring correct reappraisal procedures.*

*The rule change lengthens the time allowed for corrections of past reappraisal work from 30 to 90 days.*