

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

Act 1156 of 2003  
HOUSE BILL 2229

5 By: Representative Stovall  
6  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE A PROCEDURE TO CHANGE AN  
10 INDICATED USE OF REVENUES DERIVED FROM A COUNTY  
11 SALES OR USE TAX WITH VOTER APPROVAL; AND FOR  
12 OTHER PURPOSES.  
13

## Subtitle

14 TO CREATE A PROCEDURE TO CHANGE AN  
15 INDICATED USE OF REVENUES DERIVED FROM A  
16 COUNTY SALES OR USE TAX WITH VOTER  
17 APPROVAL.  
18  
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20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 26-74-208(c) is amended to read as follows:

24 (c)(1)(A) The ballot may also indicate designated uses of the revenues  
25 derived from the sales or use tax or the allocation or distribution of  
26 revenues, or both, and, if the tax is approved, the proceeds shall only be  
27 used for the designated purposes and distributed in the manner set forth in  
28 the ballot.

29 (B) The proceeds may be used for other designated purposes  
30 if the electors approve a change in the designated use of the revenues by  
31 vote under this subsection.

32 (2)(A) The quorum court of a county may refer to the vote of the  
33 people a change in the indicated use of revenues derived from a sales or use  
34 tax that was approved by the voters.

35 (B) If the quorum court of a county refers to the vote of  
36 the people a change in the indicated use of revenues derived from a sales or



1 use tax, then the quorum court shall:

2 (i) Notify the county board of election  
3 commissioners that the measure has been referred to the vote of the people;  
4 and

5 (ii) Submit a copy of the ballot title to the board  
6 of election commissioners.

7 (C)(i) An election to change the indicated use of revenues  
8 derived from a sales or use tax shall be conducted in the manner provided by  
9 law for all other county elections.

10 (ii) The results of an election under this  
11 subsection shall be certified, proclaimed, and subject to challenge under the  
12 procedures stated in § 26-74-209.

13 (3) If the voters approve a change in the indicated use of  
14 revenues derived from a sales or use tax, the change in the indicated use  
15 shall apply to all revenues collected on the first day of the calendar month  
16 following the expiration of the thirty (30) day challenge period under § 26-  
17 74-209.

18 (4)(A) If the voters do not approve a change in the indicated  
19 use of revenues derived from a sales or use tax, the tax shall continue to be  
20 collected and the revenues derived from the tax shall continue to be used for  
21 the purposes indicated in the ballot for the tax.

22 (B) An election to change the indicated use of revenues  
23 derived from a sales or use tax shall not constitute an election on the levy  
24 of the tax.

25 (5) Notwithstanding anything in this subchapter to the contrary,  
26 in any county that a local sales and use tax has been adopted in the manner  
27 provided in this subchapter and a portion of the revenues derived from the  
28 tax has been pledged to secure lease rentals or bonds, the purpose for the  
29 tax may not be changed to reduce the pledge in favor of the lease or bonds.

30

31 SECTION 2. Arkansas Code § 26-74-308(c) is amended to read as follows:

32 (c)(1)(A) The ballot may also indicate designated uses of the revenues  
33 derived from the sales or use tax and, if the tax is approved, the proceeds  
34 shall only be used for the designated purposes.

35 (B) The proceeds may be used for other designated purposes  
36 if the electors approve a change in the designated use of the revenues by

1 vote under this subsection.

2 (2)(A) The quorum court of a county may refer to the vote of the  
 3 people a change in the indicated use of revenues derived from a sales or use  
 4 tax that was approved by the voters.

5 (B) If the quorum court of a county refers to the vote of  
 6 the people a change in the indicated use of revenues derived from a sales or  
 7 use tax, then the quorum court shall:

8 (i) Notify the county board of election  
 9 commissioners that the measure has been referred to the vote of the people;  
 10 and

11 (ii) Submit a copy of the ballot title to the board  
 12 of election commissioners.

13 (C)(i) An election to change the indicated use of revenues  
 14 derived from a sales or use tax shall be conducted in the manner provided by  
 15 law for all other county elections.

16 (ii) The results of an election under this  
 17 subsection shall be certified, proclaimed, and subject to challenge under the  
 18 procedures stated in § 26-74-309.

19 (3) If the voters approve a change in the indicated use of  
 20 revenues derived from a sales or use tax, the change in the indicated use  
 21 shall apply to all revenues collected on the first day of the calendar month  
 22 following the expiration of the thirty (30) day challenge period under § 26-  
 23 74-309.

24 (4)(A) If the voters do not approve a change in the indicated  
 25 use of revenues derived from a sales or use tax, the tax shall continue to be  
 26 collected and the revenues derived from the tax shall continue to be used for  
 27 the purposes indicated in the ballot for the tax.

28 (B) An election to change the indicated use of revenues  
 29 derived from a sales or use tax shall not constitute an election on the levy  
 30 of the tax.

31 (5) Notwithstanding anything in this subchapter to the contrary,  
 32 in any county that a local sales and use tax has been adopted in the manner  
 33 provided in this subchapter and a portion of the revenues derived from the  
 34 tax has been pledged to secure lease rentals or bonds, the purpose for the  
 35 tax may not be changed to reduce the pledge in favor of the lease or bonds.

36 APPROVED: 4/8/2003