

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Jones**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT AUTHORIZING COUNTIES, CITIES OF THE FIRST AND
9 SECOND CLASS AND INCORPORATED TOWNS TO HOLD AN ELECTION
10 FOR THE LEVY OF A SPECIAL LOCAL SALES AND USE TAX NOT TO
11 EXCEED ONE-FOURTH OF ONE PERCENT (1/4 of 1%); AND FOR
12 OTHER PURPOSES."

13
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. (a) Any county, city of the first or second class or
17 incorporated town may adopt an ordinance levying a special local sales or use
18 tax for the use of such county or city or town in an amount not to exceed one-
19 fourth of one percent (1/4 of 1%), except that no city or town shall levy the
20 tax herein authorized unless and until the quorum court of the county wherein
21 said city or town is situated, fails to pass an ordinance levying said tax on
22 a county wide basis or the county levying ordinance is defeated by the voters
23 in a county wide election.

24 (b) On the date of the adoption of an ordinance levying a special local
25 sales and use tax for the benefit of such county, city or town, the county,
26 city or town shall provide, by ordinance, for calling and holding a special
27 election on such question. The special election shall be called for a date
28 within one hundred twenty (120) days from the date of the action of the
29 governing body in establishing the date of the election. The date for the
30 special election may be the same as the date for the next regular county or
31 municipal election, if such election is to be held within the one hundred
32 twenty (120) day period. The governing body of the county or municipality
33 shall notify the county board of election commissioners that the measure has
34 been referred to a vote of the people and shall submit a copy of the ballot
35 title to the county board of election commissioners. The ballot title to be

1 used at such election shall be substantially in the following form:

2 "For adoption of a one-fourth of one percent (1/4 of 1%) special local
3 sales and use tax within (name of county or municipality) for support of
4 a Public Mass Transportation System and Facilities."

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6 "Against adoption of a one-fourth of one percent (1/4 of 1%) special
7 local sales and use tax within (name of county or municipality) for
8 support of a Public Mass Transportation System and Facilities."

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10 The election shall be conducted in the manner provided by law for all county
11 or municipal elections unless otherwise specified herein.

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13 SECTION 2. (a) The tax authorized by this Act shall be in addition to
14 all other sales and use taxes now or hereafter authorized for counties, cities
15 of the first and second class and incorporated towns.

16 (b) With the exception of the purpose for which the tax herein
17 authorized may be used, all provisions of Arkansas Code 26-75-201 et seq.,
18 being enabling legislation for cities and incorporated towns to levy and
19 collect local sales and use taxes, and Arkansas Code 26-74-201 et seq. and
20 Arkansas Code 26-74-301 et seq., being enabling legislation for counties to
21 levy and collect local sales and use tax, shall be applicable and controlling
22 in the levy, election, administration, collection and enforcement of the tax
23 herein authorized, except that the proceeds of a levy made by a county
24 pursuant to this Act, shall not be distributed on a per capital basis as
25 provided for by Arkansas Code 26-74-201 et seq. and Arkansas Code 26-74-301 et
26 seq., but shall be remitted and transmitted to the county treasurer and used
27 for the purposes and in the percentage amounts as provided for and set forth
28 in the levying ordinance.

29 (c) The proceeds of the tax herein authorized shall be used only to
30 provide the following public service and purpose by a county, a city of the
31 first or second class, or incorporated town:

32
33 PUBLIC MASS TRANSPORTATION SYSTEMS AND FACILITIES
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35 (d) The ordinance levying a tax herein authorized shall identify and

1 set forth the purpose for which the levy is made.

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3 SECTION 3. All provisions of this Act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 4. If any provision of this Act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the Act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 Act are declared to be severable.

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13 SECTION 5. All laws and parts of laws in conflict with this Act are
14 hereby repealed.

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16 SECTION 6. EMERGENCY. It has been found, and is hereby declared by the
17 General Assembly of the State of Arkansas, that certain counties and
18 municipalities within the State of Arkansas, as a result of foreseen
19 elimination of federal funds heretofore made available to them and used for a
20 variety of vital public purposes, will not be able to and cannot provide the
21 funds necessary to provide such vital public service and purpose to their
22 inhabitants without additional funding authority from the State of Arkansas;
23 that the most appropriate way for such counties or municipalities to provide
24 funds for this purpose is by the levy of a sales and use tax on the gross
25 receipts derived from certain businesses within the counties and
26 municipalities, and that this Act is needed and should be given effect at the
27 earliest possible date; therefore, an emergency is hereby declared to exist
28 and this Act being necessary for the immediate preservation of the public
29 peace, health, welfare and safety shall be in full force and effect from and
30 after its passage and approval.

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