

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives D. Wood and Molinaro**

5

6

7

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 26, CHAPTER 75, SUBCHAPTER 6 OF THE
9 ARKANSAS CODE OF 1987 ANNOTATED FOR THE PURPOSE OF
10 CLARIFYING THE METHOD BY WHICH A CITY MAY PLEDGE THE
11 PROCEEDS OF A HOTEL AND RESTAURANT TAX TO SECURE THE
12 PAYMENT OF BONDS ISSUED TO PROVIDE PUBLIC RECREATION
13 FACILITIES SUCH AS CITY PARKS; PRESCRIBING OTHER MATTERS
14 RELATED THERETO; DECLARING AN EMERGENCY; AND FOR OTHER
15 PURPOSES."

16

17

Subtitle

18 "AN ACT PERTAINING TO THE HOTEL AND RESTAURANT TAX."

19

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

21

22 SECTION 1. Arkansas Code of 1987 Annotated § 26-75-604 is hereby
23 amended by adding new subsection 26-75-604(c), as follows:

24 "(c) When the electors of any city levy a gross receipts tax as set
25 forth in subsection (b) of this section and when the electors of that city
26 have pledged some or all of the proceeds thereof to the repayment of bonds, as
27 set forth in § 26-75-606(b)(1) and (2) or § 26-75-613(a)(2), the proceeds so
28 pledged shall be deposited in the city advertising and promotion fund and
29 distributed by the city advertising and promotion commission in accordance
30 with the pledge and enactment of the electors."

31

32 SECTION 2. Arkansas Code of 1987 Annotated § 26-75-606(b)(2) is hereby
33 amended to read:

34 "(2) Funds credited to the city advertising and promotion fund,
35 pursuant to this subchapter, may be used, spent or pledged by the commission,

1 in addition to all other purposes prescribed in this subchapter, on and for
2 the construction, reconstruction, repair, maintenance, improvements,
3 equipping, and operation of public recreation facilities in said city,
4 including but not limited to facilities constituting city parks, and also for
5 the payment of the principal of, interest on, and fees and expenses in
6 connection with, bonds, as provided in this subchapter, in the manner as shall
7 be determined by the city advertising and promotion commission for the purpose
8 of such payment."

9

10 SECTION 3. All provisions of this act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

13

14 SECTION 4. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

19

20 SECTION 5. All laws and parts of laws in conflict with this act are
21 hereby repealed.

22

23 SECTION 6. EMERGENCY. It is hereby found and determined by the General
24 Assembly that there is urgent need to revise current law relating to the
25 advertising and promotion commissions of municipalities and relating to the
26 authorized uses of local revenues derived from local sales taxes levied on
27 gross receipts of hotels, motels, and restaurants, and that the provisions of
28 this act are designed to accomplish this purpose and are immediately needed in
29 order to clarify the methods of operating of such commissions and
30 administration of such taxes. Therefore, an emergency is hereby declared to
31 exist and this act being necessary for the preservation of the public peace,
32 health and safety shall be in full force and effect from and after its passage
33 and approval.

34

35

