

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

As Engrossed: H2/2/04 S2/4/04 S2/5/04

Call Item 6

A Bill

HOUSE BILL 1162

5 By: Representatives Stovall, Mahony, Jackson
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7

For An Act To Be Entitled

9 AN ACT TO INCREASE THE UNIFORM RATE OF AD VALOREM
10 PROPERTY TAX BY THREE (3) MILLS SUBJECT TO THE
11 APPROVAL OF THE VOTERS IN THIS STATE TO BE USED
12 SOLELY FOR MAINTENANCE AND OPERATION OF PUBLIC
13 SCHOOLS; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO INCREASE THE UNIFORM RATE OF AD
16 VALOREM PROPERTY TAX BY THREE (3) MILLS
17 SUBJECT TO THE APPROVAL OF THE VOTERS IN
18 THIS STATE TO BE USED SOLELY FOR
19 MAINTENANCE AND OPERATION OF PUBLIC
20 SCHOOLS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Legislative findings.

26 The General Assembly of the State of Arkansas has determined that there
27 is an immediate need for more money in order to maintain and operate the
28 public schools in this state. These improvements are necessary to provide
29 for an adequate education for Arkansas students. The General Assembly has
30 determined that the current ad valorem property tax of twenty-five (25) mills
31 established by Amendment 74 of the Arkansas Constitution for maintenance and
32 operation is inadequate for the maintenance and operation of public schools.
33 The General Assembly finds that the best way to provide a quality education
34 is by increasing the uniform rate of ad valorem property tax under Amendment
35 74 of the Arkansas Constitution to twenty-eight (28) mills.
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SECTION 2. Authorization.

Arkansas Constitution, Amendment 74(b)(4) authorizes the General Assembly to propose an increase in the uniform rate of tax and submit the question to the electors of the state at the next general election.

SECTION 3. Millage levied.

Subject to the approval of the voters at the next general election, there is established a uniform rate of ad valorem property tax of twenty-eight (28) mills to be levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operation of schools.

SECTION 4. Election.

(a) Findings. The uniform rate of ad valorem property tax established by Arkansas Constitution, Amendment 74(b)(1) may only be increased by a majority of the electors of the state voting on the issue at the next general election and voting "For" the proposed increase in the uniform rate of tax.

(b) Certification of measure. The Secretary of State shall certify to the county board of election commissioners of each county the measure provided in subsection (d) of this section to appear on the ballot at the next general election.

(c) Publication. The measure provided in subsection (d) of this section shall be published in the same manner as provided in Arkansas Code §§ 7-9-113 and 7-5-206.

(d) Ballot title.

(1) The ballot title shall be in the following form:

"TO INCREASE THE ESTABLISHED UNIFORM RATE OF AD VALOREM PROPERTY TAX UNDER AMENDMENT 74(b)(1) OF THE ARKANSAS CONSTITUTION BY THREE (3) MILLS FROM TWENTY-FIVE (25) MILLS TO A TOTAL OF TWENTY-EIGHT (28) MILLS BY AMENDING ARKANSAS CODE TITLE 26, CHAPTER 80, SUBCHAPTER 2 TO ADD A NEW SECTION TO READ AS FOLLOWS:

26-80-208. Uniform rate of ad valorem property tax.

(a)(1) There is established a uniform rate of ad valorem property tax of twenty-eight (28) mills to be levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for

1 maintenance and operation of the schools.

2 (2) The established uniform rate of ad valorem property tax of
3 twenty-eight (28) mills is equal to the twenty-five (25) mills levied under
4 Arkansas Constitution, Amendment 74, and an additional three (3) mills levied
5 under this section.

6 (3)(A) Except as provided in this subdivision (a)(3) the
7 additional three (3) mills levied under this section shall not be an
8 additional levy for maintenance and operation of the schools but shall
9 replace a portion of the existing rate of tax levied by each school district
10 available for maintenance and operation of schools in the school district.
11 The rate of tax available for maintenance and operation levied by each school
12 district on the effective date of this section shall be reduced to reflect
13 the levy of the uniform rate of tax.

14 (B)(i) If the rate of tax available for maintenance and
15 operation levied by a school district on the effective date of this section
16 exceeds twenty-eight (28) mills, the excess rate of tax shall continue to be
17 levied by the school district until changed pursuant to Amendment 74 of the
18 Arkansas Constitution.

19 (ii) If the rate of tax available for maintenance and
20 operation levied by a school district on the effective date of this section
21 is less than twenty-eight (28) mills, the uniform rate of tax of twenty-eight
22 (28) mills shall nevertheless be levied in the district.

23 (b)(1) This section shall be effective January 1, 2005.

24 (2) The uniform rate of ad valorem property tax of twenty-eight
25 (28) mills shall apply beginning with the assessment of property in 2004 for
26 which taxes are collected in 2005."

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28 (2) The ballot title shall be followed by these words:

29 "[] FOR increasing the established uniform rate of ad valorem property
30 tax by three (3) mills from twenty-five (25) mills to a total of twenty-eight
31 (28) mills.

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33 [] AGAINST increasing the established uniform rate of ad valorem
34 property tax by three (3) mills from twenty-five (25) mills to a total of
35 twenty-eight (28) mills."

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