

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas *As Engrossed: S2/19/19 S2/21/19*

2 92nd General Assembly

3 Regular Session, 2019

SJR 14

4

5 By: Senators L. Eads, Bledsoe, Bond, E. Cheatham, L. Chesterfield, J. Cooper, J. English, J. Hendren,

6 Hickey, K. Ingram, B. Johnson, M. Johnson, M. Pitsch, Rice, G. Stubblefield

7 By: Representatives Wardlaw, Shepherd, Berry, Brown, Christiansen, Coleman, Crawford, M. Davis,

8 Holcomb, Hollowell, Kelly, Ladyman, Lynch, McNair, Richmond, Rye, Slape, B. Smith, Wooten

9

10

SENATE JOINT RESOLUTION

11

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CONTINUE

12

A LEVY OF A ONE-HALF PERCENT SALES AND USE TAX FOR

13

STATE HIGHWAYS AND BRIDGES; COUNTY ROADS, BRIDGES,

14

AND OTHER SURFACE TRANSPORTATION; AND CITY STREETS,

15

BRIDGES, AND OTHER SURFACE TRANSPORTATION AFTER THE

16

RETIREMENT OF THE BONDS AUTHORIZED IN ARKANSAS

17

CONSTITUTION, AMENDMENT 91, AS SPECIAL REVENUE TO BE

18

DISTRIBUTED UNDER THE ARKANSAS HIGHWAY REVENUE

19

DISTRIBUTION LAW.

20

21

22

Subtitle

23

TO CONTINUE A LEVY OF A ONE-HALF PERCENT

24

SALES AND USE TAX FOR THE STATE'S HIGHWAY

25

SYSTEM, COUNTY ROADS, AND CITY STREETS.

26

27

28 BE IT RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE

29 STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL

30 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

31

32 That the following is proposed as an amendment to the Constitution of

33 the State of Arkansas, and upon being submitted to the electors of the state

34 for approval or rejection at the next general election for Representatives

35 and Senators, if a majority of the electors voting thereon at the election

36 adopt the amendment, the amendment shall become a part of the Constitution of



1 the State of Arkansas, to wit:

2
3 SECTION 1. The Arkansas Constitution is amended to read as follows:

4 § 1. Intent of amendment.

5 (a) Arkansas Constitution, Amendment 91, levies a one-half percent
6 sales and use tax to provide additional funding for the state's four-lane
7 highway system, county roads, and city streets.

8 (b) The one-half percent sales and use tax under Arkansas
9 Constitution, Amendment 91, shall be abolished when there are no bonds
10 outstanding to which tax collections are pledged as provided in this
11 amendment.

12 (c) Notwithstanding Arkansas Constitution, Amendment 91, § 8, it is
13 the intent of this amendment that the sales and use tax levied under Arkansas
14 Constitution, Amendment 91, continue after the retirement of the bonds
15 authorized in Arkansas Constitution, Amendment 91, to provide special revenue
16 for use of maintaining, repairing, and improving the state's system of
17 highways, county roads, and city streets.

18
19 § 2. Excise tax.

20 (a)(1) Except for food and food ingredients, an additional excise tax
21 of one-half percent (0.5%) is levied on all taxable sales of tangible
22 personal property, specified digital products, a digital code, and services
23 subject to the tax levied by the Arkansas Gross Receipts Act of 1941,
24 Arkansas Code § 26-52-101 et seq.

25 (2) The tax shall be collected, reported, and paid in the same
26 manner and at the same time as is prescribed by law for the collection,
27 reporting, and payment of all other Arkansas gross receipts taxes.

28 (b)(1) Except for food and food ingredients, an additional excise tax
29 of one-half percent (0.5%) is levied on all tangible personal property,
30 specified digital products, a digital code, and services subject to the tax
31 levied by the Arkansas Compensating Tax Act of 1949, Arkansas Code § 26-53-
32 101 et seq.

33 (2) The tax shall be collected, reported, and paid in the same
34 manner and at the same time as is prescribed by law for the collection,
35 reporting, and payment of Arkansas compensating taxes.

36

1 § 3. Disposition of revenue.

2 (a) The revenue from the taxes levied under § 2 of this amendment
 3 shall be distributed to the State Highway and Transportation Department Fund,
 4 the County Aid Fund, and the Municipal Aid Fund in the percentages provided
 5 in sections § 27-70-201 and § 27-70-206 of the Arkansas Highway Revenue
 6 Distribution Law.

7 (b) No revenue derived from the taxes levied under § 2 of this
 8 amendment shall be used to secure bonds issued by the State Highway
 9 Commission.

11 § 4. Effective date.

12 (a) If the Chief Fiscal Officer of the State determines that a written
 13 statement under Arkansas Constitution, Amendment 91, § 8(b), has been filed
 14 with the Chief Fiscal Officer of the State before June 1, 2023, the tax under
 15 § 2 of this amendment shall be levied and collected on and after July 1,
 16 2023.

17 (b) If a written statement under Arkansas Constitution, Amendment 91,
 18 § 8(b), has not been filed with the Chief Fiscal Officer of the State before
 19 June 1, 2023, the tax under § 2 of this amendment shall not be levied and
 20 collected until the first day of the first calendar quarter beginning more
 21 than thirty (30) days after a written statement under Arkansas Constitution,
 22 Amendment 91, § 8(b), is filed with the Chief Fiscal Officer of the State.

24 SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed
 25 amendment is submitted to the electors of this state on the general election
 26 ballot:

27 (1) The title of this Joint Resolution shall be the ballot title; and

28 (2) The popular name shall be “An Amendment to the Arkansas
 29 Constitution Continuing a One-Half Percent (0.5%) Sales and Use Tax for State
 30 Highways and Bridges; County Roads, Bridges and Other Surface Transportation;
 31 and City Streets, Bridges, and Other Surface Transportation After the
 32 Retirement of the Bonds Authorized in Arkansas Constitution, Amendment 91”.

33
 34
 35
 36

/s/L. Eads