

*As Engrossed: 2/25/92*

1 **State of Arkansas** *As Engrossed: 2/25/92*

2 **78th General Assembly**

**A BILL ACT 46 OF 1992** Call Item

3 **First Extraordinary Session, 1992**

SENATE BILL 44

4 **By: Senator Todd**

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### **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 26-74-501 AND 26-74-502 TO  
9 ALLOW THE COUNTY TAX ON FOOD AND LODGING TO BE LEVIED BY A  
10 PETITION AND ELECTION; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code 26-74-501 is amended to read as follows:

16 "§ 26-74-501. Levy of tax.

17 Any county which does not levy a tax under § 14-20-112, county gross  
18 receipts tax on hotels and restaurants, and in which there is not located a  
19 city which levies a tax under § 26-75-602 or § 26-75-701, may, by either an  
20 ordinance of the county quorum court or through petition pursuant to §26-74-  
21 502 (a), levy a tax in the amount necessary for the payment of bonds issued or  
22 indebtedness incurred by the county public facilities board for the purposes  
23 prescribed in this subchapter, but in no event to exceed two percent (2%) upon  
24 the gross receipts or gross proceeds from either or both of the following:

25 (1) Gross receipts or gross proceeds from the renting, leasing,  
26 or otherwise furnishing of hotel, motel, or short term condominium rental  
27 accommodations for sleeping, meeting, or party room facilities for profit in  
28 such city, but such accommodations shall not include the rental or lease of  
29 such accommodations for periods of thirty (30) days or more;

30 (2) Portions of gross receipts or gross proceeds received by  
31 restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out  
32 restaurants, concession stands, convenience stores, grocery store-restaurants,  
33 and similar businesses as shall be defined in the levying ordinance, from the  
34 sale of prepared food and beverages for on-premises or off-premises  
35 consumption, but such tax shall not apply to such gross receipts or gross  
36 proceeds of fraternal organizations qualified under section 501(c)(3) of the

1 federal Internal Revenue Code."

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3 SECTION 2. Arkansas Code 26-74-502 is amended to read as follows:

4 "§ 26-74-502. Petitions requesting an election.

5 (a) If petitions are filed requesting an election for an initiated  
6 ordinance levying the tax authorized under this subchapter, the quorum court  
7 shall submit the question of the levying of the tax to the electors. The  
8 petitions must be signed by not less than five hundred (500) electors of the  
9 county. The election shall be held within one hundred twenty (120) days of  
10 the filing of the petitions. The tax shall be levied upon approval of a  
11 majority of the qualified electors voting on the issue at the election.

12 (b) If petitions requesting a referendum election are filed, the quorum  
13 court levying a tax under this subchapter shall submit the question of the  
14 levying of the tax to the electors. The petitions must be signed by not less  
15 than five hundred (500) electors of the county and must be filed with the  
16 quorum court within thirty (30) days after the adoption of the ordinance  
17 levying the tax."

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

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23 SECTION 4. If any provision of this act or the application thereof to  
24 any person or circumstance is held invalid, such invalidity shall not affect  
25 other provisions or applications of the act which can be given effect without  
26 the invalid provision or application, and to this end the provisions of this  
27 act are declared to be severable.

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29 SECTION 5. All laws or parts of laws in conflict with this act are  
30 hereby repealed.

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*/s/Sen. Todd*

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APPROVED: 3-17-92

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