

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Second Extraordinary Session, 1994**  
4 **By: Representative Steele, et al.**

**Call Item 10**  
**ACT 64 OF 1994**  
**HOUSE BILL 1002**

# **A Bill**

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

8 "AN ACT TO AMEND SUBCHAPTER 3 OF TITLE 14, CHAPTER 164, OF  
9 THE ARKANSAS CODE OF 1987, ANNOTATED, TO ADD A NEW SECTION  
10 § 14-164-340 AUTHORIZING LOCAL GOVERNMENTS TO FINANCE  
11 CAPITAL IMPROVEMENTS FOR CRIMINAL JUSTICE PROJECTS ON A  
12 SHORT-TERM BASIS WITHOUT ISSUING BONDS; TO DECLARE AN  
13 EMERGENCY; AND FOR OTHER PURPOSES."

## **Subtitle**

16 "TO AUTHORIZE LOCAL GOVERNMENTS TO  
17 FINANCE CAPITAL IMPROVEMENTS FOR  
18 CRIMINAL JUSTICE PROJECTS WITHOUT  
19 ISSUING BONDS."

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

23 SECTION 1. Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of  
24 1987, Annotated, is hereby amended to add a new section to read as follows:

25 "14-164-340. Alternative to issuance of bonds - Criminal justice  
26 projects.

27 (a) In addition to the options provided for by Arkansas Code  
28 § 14-164-338 for financing capital improvements of a public nature, if a  
29 legislative body determines that a sales and use tax of one percent (1%) or  
30 less authorized by § 14-164-327 would, if levied for no longer than thirty-six  
31 (36) months, produce sufficient revenue to finance capital improvements for  
32 criminal justice purposes without resorting to a bond issue, the legislative  
33 body may dispense with the issuance of bonds, levy the tax for no longer than  
34 the thirty-six (36) month period, and appropriate the resulting revenues,  
35 subject to the Arkansas Constitution, Article 12, Section 4, provided that:

36 (1) A majority of the qualified electors of the county or

1 municipality voting on the question at a general or special election shall  
2 have approved the tax and the *projects* of capital improvements for criminal  
3 justice purpose; and

4           (2) The revenues from the tax are expended solely for the  
5 projects authorized by the electorate.

6           (b) Under this section, the term "capital improvements for criminal  
7 justice purposes" means, whether obtained by purchase, lease, construction,  
8 reconstruction, restoration, improvement, alteration, repair, or other means,  
9 any physical public facility, betterment or improvement with the purpose of  
10 furthering or promoting law enforcement, or the apprehension, prosecution,  
11 probation, rehabilitation, or detention of any criminals, accused defendants,  
12 suspects, or juvenile detainees, and any preliminary plans, studies, or  
13 surveys relative thereto; land or rights in land, including, without  
14 limitations, leases, air rights, easements, rights-of-way, or licenses, and  
15 any furnishings, machinery, vehicles, apparatus, or equipment for any such  
16 public facility, betterment or improvement, which shall include, but is not  
17 limited to, the following: any and all facilities for city or town halls,  
18 courthouses and other administrative, executive, or other public offices for  
19 law enforcement officials or agencies; court facilities; jails; police  
20 stations and sheriff\_s offices; police precinct or sheriff\_s station or  
21 substations; law enforcement training facilities; probation or parole offices  
22 and facilities; *alternative learning centers*; county and municipal criminal  
23 detention and correctional facilities; juvenile detention facilities.

24           (c) The portion of the tax authorized by § 14-164-327 which is not  
25 utilized under this section may be used as otherwise provided in this  
26 subchapter.

27           (d) The provisions of this section shall not preclude or affect the  
28 ability of a municipality or county to levy a sales and use tax beyond the  
29 thirty-six month period, unless so restricted on the ballot, or for less than  
30 the thirty-six month period, if stated on the ballot, under §§ 26-74-201 -  
31 26-74-223, 26-74-301 - 26-74-319, 26-75-201 - 26-75-223, and 26-75-301 -  
32 26-75-318 and use all or a portion of the proceeds thereof to finance capital  
33 improvements for criminal justice purposes, with or without issuing bonds and  
34 with or without an election approving the use of the tax collections for  
35 capital improvements.

1           (e) (1) This section shall not limit the authority of municipalities  
2 and counties to levy taxes for thirty-six (36) months or less only under  
3 §§ 26-74-201 - 26-74-223, 26-74-301 - 26-74-319, 26-75-201 - 26-75-223, and  
4 26-75-301 - 26-75-318 and use the proceeds thereof to finance capital  
5 improvements, and the General Assembly hereby finds and determines that  
6 §§ 26-74-201 - 26-74-223, 26-74-301 - 26-74-319, 26-75-201 - 26-75-223, and  
7 26-75-301 - 26-75-318 each provide for the levy of up to a one percent (1%)  
8 sales and use tax and the use thereof for any purpose for which the general  
9 funds of the municipality or county may be used unless restricted on the  
10 ballot to a specified purpose.

11           (2) This section is intended to supplement all other laws which  
12 are designed to finance capital improvements for county and municipal  
13 governments and, when applicable in accordance with the provisions of this  
14 section, may be used by a county or a municipality as an alternative to  
15 financing capital improvements for criminal justice purposes.

16           (f) The revenues derived from this tax may also be used to retire  
17 existing bonds issued for the acquisition, renovation, or construction of  
18 capital improvements for criminal justice purposes.

19           (g) *The revenue derived from this tax may also be used to establish a*  
20 *trust fund whose income would provide operating funds for the same purposes*  
21 *enumerated above in subsection (b).*

22           (h) *The purpose of this act is to authorize an extention of the tax*  
23 *authorized by § 14-164-327 for an additional period of twelve (12) months.*  
24 *This act shall not be construed to authorize the imposition of any tax in*  
25 *addition to that authorized by § 14-164-327."*

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27           SECTION 2. *Arkansas Code 14-19-108 is amended to read as follows:*

28           *"14-19-108. Courthouse and jail. There shall be erected in each*  
29 *county, at its established seat of justice, a good and sufficient courthouse*  
30 *and jail. The quorum court may, by a majority vote, or by referral to a vote*  
31 *of the people, determine the location of the jail facility at some location*  
32 *other than the established seat of justice."*

33

34           SECTION 3. *Arkansas Code 14-19-102 is hereby repealed.*

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

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5 SECTION 5. If any provisions of this act or the application thereof to  
6 any person or circumstance is held invalid, the invalidity shall not affect  
7 other provisions or applications of the act which can be given effect without  
8 the invalid provisions or application, and to this end the provisions of this  
9 act are declared to be severable.

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11 SECTION 6. All laws and parts of laws in conflict with this act are  
12 hereby repealed.

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14 SECTION 7. Emergency. It is hereby found and determined by the  
15 Seventy-Ninth General Assembly of the State of Arkansas meeting in the Second  
16 Extraordinary Session of 1994 that some local governments have an immediate  
17 and pressing need to finance capital improvements for criminal justice  
18 projects without incurring unnecessary bond issue expenses; that until this  
19 act becomes effective, the local governments must either finance those capital  
20 improvements through bond issues or delay commencing the capital improvements  
21 which would in either case result in greater cost than using the method  
22 provided by this act and a greater threat to the general public safety from  
23 criminals; and that this act should be given effect immediately in order to  
24 minimize the amount of taxes necessary to finance capital improvements for  
25 criminal justice purposes and to insure the public safety. Therefore, in  
26 order to authorize the people of counties and cities to vote as soon as  
27 possible on the issue of levying sales taxes for capital improvements for  
28 criminal justice projects, an emergency is hereby declared to exist, and this  
29 act being necessary for the immediate preservation of the public peace,  
30 health, and safety, shall be in full force and effect from and after its  
31 passage and approval.

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*/s/Rep. Steele, et al*

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APPROVED: 8-26-94

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