

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

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

HJR 1015

4
5 By: Representative Green
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8 **HOUSE JOINT RESOLUTION**

9 PROPOSING A CONSTITUTIONAL AMENDMENT TO AMEND
10 AMENDMENT 30 TO THE ARKANSAS CONSTITUTION TO INCREASE
11 THE NUMBER OF ELECTORS REQUIRED TO FILE A PETITION TO
12 LEVY, RAISE, REDUCE OR ABOLISH A TAX FOR MAINTAINING A
13 CITY LIBRARY; TO AMEND AMENDMENT 32 TO THE ARKANSAS
14 CONSTITUTION TO INCREASE THE NUMBER OF ELECTORS
15 REQUIRED TO FILE A PETITION TO LEVY, RAISE, REDUCE OR
16 ABOLISH A TAX FOR MAINTAINING A CITY OR COUNTY
17 HOSPITAL; TO AMEND AMENDMENT 38 TO THE ARKANSAS
18 CONSTITUTION TO INCREASE THE NUMBER OF ELECTORS
19 REQUIRED TO FILE A PETITION TO LEVY, RAISE, REDUCE OR
20 ABOLISH A TAX FOR MAINTAINING A COUNTY LIBRARY; TO
21 PERMIT THE GOVERNING BODY OF A MUNICIPALITY OR COUNTY
22 TO ADOPT AN ORDINANCE REQUESTING A LEVY, INCREASE,
23 DECREASE, OR REPEAL OF THE TAX FOR LIBRARIES OR
24 HOSPITALS; TO CHANGE THE DATE OF THE ELECTION; AND FOR
25 OTHER PURPOSES.

26
27 **Subtitle**

28 PROPOSING A CONSTITUTIONAL AMENDMENT
29 CONCERNING TAXATION FOR MAINTAINING A
30 CITY LIBRARY, CITY OR COUNTY HOSPITAL,
31 OR COUNTY LIBRARY.
32
33

34 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-THIRD GENERAL
35 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS
36 ELECTED TO EACH HOUSE AGREEING THERETO:

1 That the following is hereby proposed as an amendment to the
2 Constitution of the State of Arkansas, and upon being submitted to the
3 electors of the state for approval or rejection at the next general election
4 for Representatives and Senators, if a majority of the electors voting thereon
5 at such election, adopt such amendment, the same shall become a part of the
6 Constitution of the State of Arkansas, to wit:

7
8 SECTION 1. Section 1 of Amendment 30 to the Arkansas Constitution, as
9 amended by Const. Amend. 72, § 1, is amended to read as follows:

10 1. Petition for tax levy - Election.

11 Whenever ~~100 or more taxpaying electors~~ fifteen percent (15%) of the
12 qualified electors who voted in the preceding mayor's race of any city, having
13 a population of not less than 5,000, shall file a petition with the Mayor, or
14 when the governing body of the municipality adopts an ordinance asking that an
15 annual tax on real and personal property be levied for the purpose of
16 maintaining and operating a public city library and shall specify a rate of
17 taxation not to exceed five mills on the dollar, the question as to whether
18 such tax shall be levied shall be submitted to the qualified electors of such
19 city ~~at a general or special election~~ on the second Tuesday in September of
20 every year. Such petition must be filed at least thirty days prior to the
21 election at which it will be submitted to the voters. The ballot shall be in
22 substantially the following form:

23
24 For a _____ mill tax on real and personal property to be used for
25 maintenance and operation of a public city library.

26
27 Against a _____ mill tax on real and personal property to be used for
28 maintenance and operation of a public city library."

29
30 SECTION 2. Section 3 of Amendment 30 to the Arkansas Constitution, as
31 amended by Const. Amend. 72, § 2, is amended to read as follows:

32 3. Raising, reducing or abolishing tax - Petition and election.

33 Whenever ~~100 or more taxpaying electors~~ fifteen percent (15%) of the
34 qualified electors who voted in the preceding mayor's race of any city having
35 a library tax in force shall file a petition with the Mayor or when the
36 governing body of the municipality adopts an ordinance asking that such tax be

1 raised, reduced or abolished, the question shall be submitted to the qualified
 2 electors ~~at a general or special election~~ on the second Tuesday in September
 3 of every year. Such petition must be filed at least thirty days prior to the
 4 election at which it will be submitted to the voters. The ballot shall follow,
 5 as far as practicable, the form set forth in Section 1 hereof. The result
 6 shall be certified and proclaimed, as provided in Section 2 hereof, and the
 7 result as proclaimed shall be conclusive unless attacked in the courts within
 8 thirty days. Subject to the limitations of Section 5(e) hereof, the tax shall
 9 be lowered, raised or abolished, as the case may be, according to the majority
 10 of the qualified electors voting on the question of such election. If lowered
 11 or raised, the revised tax shall thereafter be continually levied and
 12 collected and the proceeds used in the manner and for the purposes as provided
 13 in Section 2 hereof.

14

15 SECTION 3. Section 1 of Amendment 32 to the Arkansas Constitution is
 16 amended to read as follows:

17 1. Petition for tax levy - Election.

18 Whenever in any county where there is located a public hospital owned by
 19 such county or by any municipal corporation therein, whether such hospital be
 20 operated by such county or municipal corporation or by a benevolent
 21 association as the agent or lessee of such county or municipal corporation,
 22 ~~one hundred or more electors~~ fifteen percent (15%) of the qualified electors
 23 who voted in the preceding circuit clerk's race of such county shall file a
 24 petition with the county judge or when the quorum court adopts an ordinance
 25 asking that an annual tax on real and personal property in such county be
 26 levied for the purpose of maintaining, operating and supporting such hospital
 27 and shall specify a rate of taxation not exceeding one mill on the dollar of
 28 the assessed value of real and personal property in the county. The question
 29 as to whether such tax shall be levied shall be submitted to the qualified
 30 electors of such county ~~at a general election~~ on the second Tuesday in
 31 September of every year. Such petition must be filed at least thirty days
 32 prior to the election at which it will be submitted to the voters. The county
 33 judge upon the filing of such petition shall notify the county board of
 34 election commissioners thereof and the county board of election commissioners
 35 shall cause the question to be placed upon the ballots in substantially the
 36 following form:

1
2 FOR a _____ mill tax on real and personal property to be used for
3 maintenance, operation and support of a public hospital.

4
5 AGAINST a _____ mill tax on real and personal property to be used
6 for maintenance, operation and support of a public hospital.

7
8 SECTION 4. Section 3 of Amendment 32 to the Arkansas Constitution is
9 amended to read as follows:

10 3. Raising, reducing or abolishing tax - Petition and election.

11 Whenever ~~one hundred or more electors~~ fifteen percent (15%) of the
12 qualified electors who voted in the preceding circuit clerk's race of any
13 county having a hospital tax in force shall file a petition with the county
14 judge or when the quorum court adopts an ordinance asking that such tax be
15 raised, reduced or abolished, the question shall be submitted to the qualified
16 electors ~~at a general election~~ on the second Tuesday in September of every
17 year. Such petition must be filed at least thirty days prior to the election
18 at which it will be submitted to the voters. The ballots shall follow, as far
19 as practicable, the form set out in Section 1 hereof, and the result shall be
20 certified and proclaimed as provided in Section 2 hereof and shall be
21 conclusive in like manner. The tax shall be lowered, raised or abolished as
22 the case may be, according to the majority of qualified electors voting on the
23 question at such election, provided, however, that it shall not be raised to
24 more than one mill on the dollar. If lowered or raised the revised tax shall
25 thereafter be continually levied and collected and the proceeds used in the
26 manner and for the purposes provided in Section 2 hereof.

27
28 SECTION 5. Section 1 of Amendment 38 to the Arkansas Constitution, as
29 amended by Const. Amend. 72, § 4, is amended to read as follows:

30 1. Petition for tax levy - Election.

31 Whenever ~~100 or more taxpaying electors~~ fifteen percent (15%) of the
32 qualified electors who voted in the preceding circuit clerk's race of any
33 county shall file a petition in the County Court or when the quorum court
34 adopts an ordinance asking that an annual tax on real and personal property be
35 levied for the purpose of maintaining and operating a public county library or
36 a county library service or system and shall specify a rate of taxation not to

1 exceed five mills on the dollar, the question as to whether said tax shall be
 2 levied shall be submitted to the qualified electors of such county ~~at a~~
 3 ~~general or special election~~ on the second Tuesday in September of every year.
 4 Such petition must be filed at least thirty days prior to the election at
 5 which it will be submitted to the voters. The ballot shall be in substantially
 6 the following form:

7
 8 FOR a _____ mill tax on real and personal property to be used for
 9 maintenance and operation of a public county library or county library service
 10 or system.

11
 12 AGAINST a _____ mill tax on real and personal property to be used for
 13 maintenance and operation of a public county library or county library service
 14 or system.

15
 16 SECTION 6. Section 3 of Amendment 38 to the Arkansas Constitution, as
 17 amended by Const. Amend. 72, § 5, is amended to read as follows:

18 3. Raising, reducing or abolishing tax - Petition and election.

19 Whenever ~~100 or more taxpaying electors~~ fifteen percent (15%) of the
 20 qualified electors who voted in the preceding circuit clerk's race of any
 21 county having library tax in force shall file a petition in the County Court
 22 or when the quorum court adopts an ordinance asking that such tax be raised,
 23 reduced or abolished, the question shall be submitted to the qualified
 24 electors ~~at a general or special election~~ on the second Tuesday in September
 25 of every year. Such petition must be filed at least thirty days prior to the
 26 election at which it will be submitted to the voters. The ballot shall follow,
 27 as far as practicable, the form set forth in Section 1 hereof. The result
 28 shall be certified and entered of record as provided in Section 2 hereof, and
 29 the result as entered of record shall be conclusive unless attacked in the
 30 courts within thirty days. Subject to the limitations of Section 5(e) hereof,
 31 the tax shall be lowered, raised or abolished, as the case may be, according
 32 to the majority of qualified electors voting on the question at such election.
 33 If lowered or raised, the revised tax shall thereafter be continually levied
 34 and collected and proceeds used in the manner and for the purposes as provided
 35 in Section 2 hereof.

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