

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

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

HJR 1003

4  
5 By: Representative M. Gray  
6 By: Senator J. Sturch

**HOUSE JOINT RESOLUTION**

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE  
10 FOR THE MAINTENANCE AND OPERATION OF LIBRARIES,  
11 CAPITAL IMPROVEMENTS TO LIBRARIES, AND THE  
12 CONSTRUCTION OF LIBRARIES; TO PROVIDE THAT ELECTORS  
13 OF A CITY MAY PETITION FOR AN ANNUAL TAX ON REAL AND  
14 PERSONAL PROPERTY FOR THE PURPOSE OF MAINTAINING AND  
15 OPERATING A PUBLIC CITY LIBRARY IF THE CITY HAS A  
16 POPULATION OF NOT LESS THAN ONE THOUSAND (1,000);  
17 PROVIDING THAT ELECTORS OF A CITY MAY PETITION FOR AN  
18 ANNUAL TAX ON REAL AND PERSONAL PROPERTY FOR CAPITAL  
19 IMPROVEMENTS TO OR CONSTRUCTION OF A PUBLIC CITY  
20 LIBRARY IF THE CITY HAS A POPULATION OF NOT LESS THAN  
21 ONE THOUSAND (1,000); PROVIDING THAT A REDUCTION IN A  
22 CITY'S POPULATION BELOW ONE THOUSAND (1,000) DOES NOT  
23 AFFECT A TAX APPROVED BY VOTERS UNDER ARKANSAS  
24 CONSTITUTION, AMENDMENT 30; PROVIDING THAT PROCEEDS  
25 OF A TAX VOTED FOR THE MAINTENANCE AND OPERATION OF A  
26 PUBLIC CITY LIBRARY MAY BE USED FOR CAPITAL  
27 IMPROVEMENTS TO OR CONSTRUCTION OF A PUBLIC CITY  
28 LIBRARY; PROVIDING THAT PROCEEDS OF A TAX VOTED FOR  
29 THE PURPOSE OF CAPITAL IMPROVEMENTS TO OR  
30 CONSTRUCTION OF A PUBLIC CITY LIBRARY MAY BE USED FOR  
31 THE MAINTENANCE AND OPERATION OF A PUBLIC CITY  
32 LIBRARY; PROVIDING THAT PROCEEDS OF A TAX VOTED FOR  
33 THE MAINTENANCE AND OPERATION OF A PUBLIC COUNTY  
34 LIBRARY OR COUNTY LIBRARY SERVICE OR SYSTEM MAY BE  
35 USED FOR CAPITAL IMPROVEMENTS TO OR CONSTRUCTION OF A  
36 PUBLIC COUNTY LIBRARY OR A COUNTY LIBRARY SERVICE OR



1 SYSTEM; AND PROVIDING THAT PROCEEDS OF A TAX VOTED  
 2 FOR THE PURPOSE OF CAPITAL IMPROVEMENTS TO OR  
 3 CONSTRUCTION OF A PUBLIC COUNTY LIBRARY OR A COUNTY  
 4 LIBRARY SERVICE OR SYSTEM MAY BE USED FOR THE  
 5 MAINTENANCE AND OPERATION OF A PUBLIC COUNTY LIBRARY  
 6 OR COUNTY LIBRARY SERVICE OR SYSTEM.

7  
 8  
 9 **Subtitle**

10 AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
 11 TO PROVIDE FOR THE MAINTENANCE AND  
 12 OPERATION OF LIBRARIES, CAPITAL  
 13 IMPROVEMENTS TO LIBRARIES, AND THE  
 14 CONSTRUCTION OF LIBRARIES.

15  
 16  
 17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL  
 18 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL  
 19 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

20  
 21 That the following is proposed as an amendment to the Constitution of  
 22 the State of Arkansas, and upon being submitted to the electors of the state  
 23 for approval or rejection at the next general election for Representatives  
 24 and Senators, if a majority of the electors voting thereon at the election  
 25 adopt the amendment, the amendment shall become a part of the Constitution of  
 26 the State of Arkansas, to wit:

27  
 28 SECTION 1. Arkansas Constitution, Amendment 30, §§ 1 and 2, are  
 29 amended to read as follows:

30 § 1. Petition for tax levy – Election.

31 Whenever ~~100~~ one hundred (100) or more taxpaying electors of any city,  
 32 having a population of not less than ~~5,000~~ one thousand (1,000), shall file a  
 33 petition with the Mayor asking that an annual tax on real and personal  
 34 property be levied for the purpose of maintaining and operating a public city  
 35 library and shall specify a rate of taxation not to exceed five (5) mills on  
 36 the dollar, the question as to whether such tax shall be levied shall be

1 submitted to the qualified electors of such city at a general or special  
 2 election. Such petition must be filed at least thirty (30) days prior to the  
 3 election at which it will be submitted to the voters. The ballot shall be in  
 4 substantially the following form:

5 For a \_\_\_ mill tax on real and personal property to be used for  
 6 maintenance and operation of a public city library.

7 Against a \_\_\_ mill tax on real and personal property to be used for  
 8 maintenance and operation of a public city library.

9 § 2. Result of election – Certification and proclamation – Tax levy.

10 (a)(1) The Election Commissioners shall certify to the Mayor the  
 11 result of the vote, and if a majority of the qualified electors voting on the  
 12 question at such election vote in favor of the specified tax, then it shall  
 13 thereafter be continually levied and collected as other general taxes of such  
 14 city are levied and collected.

15 (2) The result of the election shall be proclaimed by the Mayor.

16 (3) The result so proclaimed shall be conclusive unless attacked  
 17 in the courts within thirty (30) days.

18 (b)(1) ~~The~~ Except as provided in subdivision (b)(2) of this section,  
 19 the proceeds of any tax voted for the maintenance and operation of a city  
 20 public library shall be segregated by the city officials and used only for  
 21 that purpose.

22 (2)(A) Proceeds of a tax voted for the maintenance and operation  
 23 of a public city library may be used for capital improvements to or  
 24 construction of a public city library.

25 (B) Subdivision (b)(2)(A) of this section shall apply  
 26 regardless of when the proceeds of the tax were collected.

27 (c) If the tax is approved by a majority of the qualified electors of  
 28 the city voting on the question, the tax shall be continually levied and  
 29 collected regardless of whether the population of the city falls below one  
 30 thousand (1,000).

31  
 32 SECTION 2. Arkansas Constitution, Amendment 30, § 5, is amended to  
 33 read as follows:

34 § 5. Petition for tax levy – Election.

35 (a)(1) Whenever ~~100~~ one hundred (100) or more taxpaying electors of  
 36 any city, having a population of not less than ~~5,000~~ one thousand (1,000),

1 shall file a petition with the Mayor asking that an annual tax on real and  
2 personal property be levied for capital improvements to or construction of a  
3 public city library and shall specify a rate of taxation not to exceed three  
4 (3) mills on the dollar, the question as to whether such tax shall be levied  
5 shall be submitted to the qualified electors of such city at a general or  
6 special election. Such petition must be filed at least thirty (30) days prior  
7 to the election at which it will be submitted to the voters. The ballot shall  
8 be in substantially the following form:

9 For a \_\_\_ mill tax on real and personal property to be used for capital  
10 improvements to or construction of a public city library.

11 Against a \_\_\_ mill tax on real and personal property to be used for  
12 capital improvements to or construction of a public city library.

13 (2) If the tax under this subsection is approved by a majority  
14 of the qualified electors of the city voting on the question, the tax shall  
15 be levied and collected regardless of whether the population of the city  
16 falls below one thousand (1,000).

17 (3)(A) Proceeds of a tax voted for the purpose of capital  
18 improvements to or construction of a public city library may be used for the  
19 maintenance and operation of a public city library.

20 (B) Subdivision (a)(3)(A) of this section shall apply  
21 regardless of when the proceeds of the tax were collected.

22 (b) The electors may authorize the governing body of the city to issue  
23 bonds as prescribed by law for capital improvements to or construction of the  
24 library and to authorize the pledge of all, or any part of, the tax  
25 authorized by this section for the purpose of retiring the bonds. The ballot  
26 submitting the question to the voters shall be in substantially the following  
27 form:

28 For a \_\_\_ mill tax on real and personal property within the city, to be  
29 pledged to an issue or issues of bonds not to exceed \$ \_\_\_, in aggregate  
30 principal amount, to finance capital improvements to or construction of the  
31 city library and to authorize the issuance of the bonds on such terms and  
32 conditions as shall be approved by the city.

33 Against a \_\_\_ mill tax on real and personal property within the city,  
34 to be pledged to an issue or issues of bonds not to exceed \$ \_\_\_, in  
35 aggregate principal amount, to finance capital improvements to or  
36 construction of the city library and to authorize the issuance of the bonds

1 on such terms and conditions as they shall be approved by the city.

2 (c) The maximum rate of any special tax to pay bonded indebtedness, as  
3 authorized by ~~paragraph (b) hereof~~ subsection (b) of this section shall be  
4 stated on the ballot.

5 (d) The special tax for payment of bonded indebtedness authorized in  
6 ~~paragraph (b) hereof~~ subsection (b) of this section shall constitute a  
7 special fund pledged as security for the payment of such indebtedness. The  
8 special tax shall never be extended for any purpose, nor collected for any  
9 greater length of time than necessary to retire such bonded indebtedness,  
10 except that tax receipts in excess of the amount required to retire the debt  
11 according to its terms may, subject to covenants entered into with the  
12 holders of the bonds, be pledged as security for the issuance of additional  
13 bonds if authorized by the voters. The tax for such additional bonds shall  
14 terminate within the time provided for the tax originally imposed. Upon  
15 retirement of the bonded indebtedness, any surplus tax collections, which may  
16 have accumulated shall be transferred to the general funds of the city, and  
17 shall be used for maintenance and operation of the public city library or  
18 capital improvements to or construction of a public city library.

19 (e)(1) Notwithstanding any other provision of this amendment, a tax  
20 approved by the voters for the purpose of paying the bonded indebtedness  
21 shall not be reduced or diminished, nor shall it be used for any other  
22 purpose than to pay principal of, premium or interest on, and the reasonable  
23 fees of a trustee or paying agent, so long as the bonded indebtedness shall  
24 remain outstanding and unpaid.

25 (2) A tax approved by the voters for the purpose of paying the  
26 bonded indebtedness shall be levied and collected regardless of whether the  
27 population of the city falls below one thousand (1,000).

28  
29 SECTION 3. Arkansas Constitution, Amendment 38, § 2, is amended to  
30 read as follows:

31 § 2. Result of election – Certification – Record – Tax levy – Funds –  
32 Disbursement.

33 (a)(1) The election commissioners shall certify to the County Judge  
34 the result of the vote.

35 (2) The County Judge shall cause the result of the election to  
36 be entered of record in the County Court.

1           (3) The result so entered shall be conclusive unless attacked in  
2 the courts within thirty (30) days.

3           (b) If a majority of the qualified electors voting on the question at  
4 such election vote in favor of the specified tax, then it shall thereafter be  
5 continually levied and collected as other general taxes of such county are  
6 levied and collected; provided, however, that such tax shall not be levied  
7 against any real or personal property which is taxed for the maintenance of a  
8 city library, pursuant to the provisions of Amendment No. 30; and no voter  
9 residing within such city shall be entitled to vote on the question as to  
10 whether county tax shall be levied.

11           (c)(1)(A) The Except as provided in subdivision (c)(1)(B) of this  
12 section, the proceeds of any tax voted for the maintenance and operation of a  
13 county public county library or county library service or system shall be  
14 segregated by the county officials and used only for that purpose.

15                   (B)(i) Proceeds of a tax voted for the maintenance and  
16 operation of a public county library or county library service or system may  
17 be used for capital improvements to or construction of a public county  
18 library or a county library service or system.

19                           (ii) Subdivision (c)(1)(B)(i) of this section shall  
20 apply regardless of when the proceeds of the tax were collected.

21           (2) Such funds shall be held in the custody of the County  
22 Treasurer.

23           (3) No claim against said funds shall be approved by the County  
24 Court unless first approved by the County Library Board, if there is a county  
25 Library Board functioning under Act 244 of 1927 [§§ 17-1001–17-1011], or  
26 similar legislation.

27  
28           SECTION 4. Arkansas Constitution, Amendment 38, § 5, is amended to  
29 read as follows:

30           § 5. Petition for tax levy – Election.

31           (a)(1) Whenever ~~100~~ one hundred (100) or more taxpaying electors of  
32 any county shall file a petition in the County Court asking that an annual  
33 tax on real and personal property be levied for the purpose of capital  
34 improvements to or construction of a public county library or a county  
35 library service or system and shall specify a rate of taxation not to exceed  
36 three (3) mills on the dollar, the question as to whether said tax shall be

1 levied shall be submitted to the qualified electors of such county at a  
 2 general or special election. Such petition must be filed at least thirty (30)  
 3 days prior to the election at which it will be submitted to the voters. The  
 4 ballot shall be in substantially the following form:

5 FOR a \_\_\_ mill tax on real and personal property to be used for capital  
 6 improvements to or construction of a public county library or county library  
 7 service or system.

8 AGAINST a \_\_\_ mill tax on real and personal property to be used for  
 9 capital improvements to or construction of a public county library or county  
 10 library service or system.

11 (2)(A) Proceeds of a tax voted for the purpose of capital  
 12 improvements to or construction of a public county library or a county  
 13 library service or system may be used for the maintenance and operation of a  
 14 public county library or county library service or system.

15 (B) Subdivision (a)(2)(A) of this section shall apply  
 16 regardless of when the proceeds of the tax were collected.

17 (b) The voters may authorize the County Court to issue bonds as  
 18 prescribed by law for capital improvements to or construction of the library  
 19 and to authorize the pledge of all, or any part of, the tax authorized in  
 20 Section 1 of this Amendment for the purpose of retiring the bonds. The ballot  
 21 submitting the question to the voters shall be in substantially the following  
 22 form:

23 For a \_\_\_ mill tax on real and personal property within the county, to  
 24 be pledged to an issue or issues of bonds not to exceed \$ \_\_\_, in aggregate  
 25 principal amount, to finance capital improvements to or construction of the  
 26 county library or county library service or system, and to authorize the  
 27 issuance of the bonds on such terms and conditions as shall be approved by  
 28 the County Court.

29 Against a \_\_\_ mill tax on real and personal property within the county,  
 30 to be pledged to an issue or issues of bonds not to exceed \$ \_\_\_, in  
 31 aggregate principal amount, to finance capital improvements to or  
 32 construction of the county library or county library service or system, and  
 33 to authorize the issuance of the bonds on such terms and conditions as shall  
 34 be approved by the County Court.

35 (c) The maximum rate of any special tax to pay bonded indebtedness, as  
 36 authorized by ~~paragraph (b) hereof~~ subsection (b) of this section shall be

1 stated on the ballot.

2 (d) The special tax for payment of bonded indebtedness authorized in  
3 ~~paragraph (b) hereof~~ subsection (b) of this section shall constitute a  
4 special fund pledged as security for the payment of such indebtedness. The  
5 special tax shall never be extended for any purpose, nor collected for any  
6 greater length of time than necessary to retire such bonded indebtedness,  
7 except that tax receipts in excess of the amount required to retire the debt  
8 according to its terms may, subject to covenants entered into with the  
9 holders of the bonds, be pledged as security for the issuance of additional  
10 bonds if authorized by the voters. The tax for such additional bonds shall  
11 terminate within the time provided for the tax originally imposed. Upon  
12 retirement of the bonded indebtedness, any surplus tax collections, which may  
13 have accumulated, shall be transferred to the general funds of the county,  
14 and shall be used for maintenance of the public county library or county  
15 library service or system or capital improvements to or construction of a  
16 public county library or a county library service or system.

17 (e) Notwithstanding any other provision of this Amendment, a tax  
18 approved by the voters for the purpose of paying the bonded indebtedness  
19 shall not be reduced or diminished, nor shall it be used for any other  
20 purpose than to pay principal of, premium or interest on, and the reasonable  
21 fees of a trustee or paying agent, so long as the bonded indebtedness shall  
22 remain outstanding and unpaid.

23

24 SECTION 5. EFFECTIVE DATE. This amendment shall be effective on and  
25 after January 1, 2023.

26

27 SECTION 6. BALLOT TITLE AND POPULAR NAME. When this proposed  
28 amendment is submitted to the electors of this state on the general election  
29 ballot:

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

32 (2) The popular name shall be "A Constitutional Amendment  
33 Providing for the Maintenance and Operation of Libraries, Capital  
34 Improvements to Libraries, and the Construction of Libraries".

35

36