

**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 1004

4
5 By: Representative S. Meeks

HOUSE JOINT RESOLUTION

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
9 THE TAXATION OF PERSONAL PROPERTY AND REAL PROPERTY
10 IN THE STATE OF ARKANSAS; AUTHORIZING THE GENERAL
11 ASSEMBLY TO REDUCE OR ELIMINATE THE TAXATION OF
12 PERSONAL PROPERTY; ALLOWING THE GENERAL ASSEMBLY TO
13 REDUCE OR ELIMINATE THE TAXATION OF PERSONAL PROPERTY
14 BY LAW AND TO CREATE EXEMPTIONS FOR THE TAXATION OF
15 PERSONAL PROPERTY; REQUIRING THE GENERAL ASSEMBLY TO
16 PROVIDE BY LAW ON OR BEFORE JANUARY 1, 2047, THAT NO
17 TAX SHALL BE LEVIED ON PERSONAL PROPERTY; REPEALING
18 THE REQUIREMENT THAT PERSONAL PROPERTY AND REAL
19 PROPERTY BE TAXED AT AN EQUAL RATE; AND AMENDING
20 ARKANSAS CONSTITUTION, AMENDMENTS 30 AND 38, TO
21 PROVIDE THAT TAXES FOR THE PURPOSES OF THE AMENDMENTS
22 MAY BE LEVIED ON REAL PROPERTY, PERSONAL PROPERTY, OR
23 BOTH REAL AND PERSONAL PROPERTY.

Subtitle

27 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
28 CONCERNING THE TAXATION OF PERSONAL
29 PROPERTY AND REAL PROPERTY IN THE STATE
30 OF ARKANSAS.

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32
33 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL
34 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
35 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:



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

7
 8 SECTION 1. The Arkansas Constitution is amended to read as follows:

9 (a) The General Assembly may enact laws to:

10 (1) Reduce the rates on the taxation of personal property,
 11 including without limitation laws providing that no tax shall be levied on
 12 personal property; and

13 (2) Create exemptions for the taxation of personal property.

14 (b) On or before January 1, 2047, the General Assembly shall provide
 15 by law that no tax shall be levied on personal property in the State of
 16 Arkansas.

17 (c) A law enacted by the General Assembly under this amendment:

18 (1) Requires a majority vote of each house of the General
 19 Assembly for passage; and

20 (2) Supersedes any provision of the Arkansas Constitution in
 21 conflict with the law.

22
 23 SECTION 2. Arkansas Constitution, Amendment 30, § 1, is amended to
 24 read as follows:

25 § 1. Petition for tax levy – Election.

26 Whenever 100 or more taxpaying electors of any city, having a
 27 population of not less than 5,000, shall file a petition with the Mayor
 28 asking that an annual tax on ~~real and personal property~~ real property,
 29 personal property, or both real property and personal property be levied for
 30 the purpose of maintaining and operating a public city library and shall
 31 specify a rate of taxation on real property, personal property, or both real
 32 property and personal property not to exceed five mills on the dollar, the
 33 question as to whether such tax shall be levied shall be submitted to the
 34 qualified electors of such city at a general or special election. Such
 35 petition must be filed at least thirty days prior to the election at which it
 36 will be submitted to the voters. The ballot shall be in substantially the

1 following form:

2 For a ___ mill tax on real property and a ___ mill tax on personal property
3 to be used for maintenance and operation of a public city library.

4 Against a ___ mill tax on real property and a ___ mill tax on personal
5 property to be used for maintenance and operation of a public city library.

6
7 SECTION 3. Arkansas Constitution, Amendment 30, § 5(a) and (b),
8 concerning tax levies for capital improvements to or construction of a public
9 city library, are amended to read as follows:

10 (a) Whenever 100 or more taxpaying electors of any city, having a
11 population of not less than 5,000, shall file a petition with the Mayor
12 asking that an annual tax on ~~real and personal property~~ real property,
13 personal property, or both real property and personal property be levied for
14 capital improvements to or construction of a public city library and shall
15 specify a rate of taxation on real property, personal property, or both real
16 property and personal property not to exceed three mills on the dollar, the
17 question as to whether such tax shall be levied shall be submitted to the
18 qualified electors of such city at a general or special election. Such
19 petition must be filed at least thirty days prior to the election at which it
20 will be submitted to the voters. The ballot shall be in substantially the
21 following form:

22 For a ___ mill tax on real property and a ___ mill tax on personal property
23 to be used for capital improvements to or construction of a public city
24 library.

25 Against a ___ mill tax on real property and a ___ mill tax on personal
26 property to be used for capital improvements to or construction of a public
27 city library.

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

34 For a ___ mill tax on real property and a ___ mill tax on personal property
35 within the city, to be pledged to an issue or issues of bonds not to exceed \$
36 ___, in aggregate principal amount, to finance capital improvements to or

1 construction of the city library and to authorize the issuance of the bonds
 2 on such terms and conditions as shall be approved by the city.
 3 Against a ___ mill tax on real property and a ___ mill tax on personal
 4 property within the city, to be pledged to an issue or issues of bonds not to
 5 exceed \$ ___ , in aggregate principal amount, to finance capital improvements
 6 to or construction of the city library and to authorize the issuance of the
 7 bonds on such terms and conditions as they shall be approved by the city.

8
 9 SECTION 4. Arkansas Constitution, Amendment 38, § 1, is amended to
 10 read as follows:

11 § 1. Petition for tax levy – Election.

12 Whenever 100 or more taxpaying electors of any county shall file a
 13 petition in the County Court asking that an annual tax on ~~real and personal~~
 14 property real property, personal property, or both real property and personal
 15 property be levied for the purpose of maintaining and operating a public
 16 county library or a county library service or system and shall specify a rate
 17 of taxation on real property, personal property, or both real property and
 18 personal property not to exceed five mills on the dollar, the question as to
 19 whether said tax shall be levied shall be submitted to the qualified electors
 20 of such county at a general or special election. Such petition must be filed
 21 at least thirty days prior to the election at which it will be submitted to
 22 the voters. The ballot shall be in substantially the following form:

23 FOR a ___ mill tax on real property and a ___ mill tax on personal property
 24 to be used for maintenance and operation of a public county library or county
 25 library service or system.

26 AGAINST a ___ mill tax on real property and a ___ mill tax on personal
 27 property to be used for maintenance and operation of a public county library
 28 or county library service or system.

29
 30 SECTION 5. Arkansas Constitution, Amendment 38, § 5(a) and (b),
 31 concerning tax levies for capital improvements to or construction of a public
 32 county library or a county library service or system, are amended to read as
 33 follows:

34 (a) Whenever 100 or more taxpaying electors of any county shall file a
 35 petition in the County Court asking that an annual tax on ~~real and personal~~
 36 property real property, personal property, or both real property and personal

1 property be levied for the purpose of capital improvements to or construction
 2 of a public county library or a county library service or system and shall
 3 specify a rate of taxation on real property, personal property, or both real
 4 property and personal property not to exceed three mills on the dollar, the
 5 question as to whether said tax shall be levied shall be submitted to the
 6 qualified electors of such county at a general or special election. Such
 7 petition must be filed at least thirty days prior to the election at which it
 8 will be submitted to the voters. The ballot shall be in substantially the
 9 following form:

10 FOR a ___ mill tax on real property and a ___ mill tax on personal property
 11 to be used for capital improvements to or construction of a public county
 12 library or county library service or system.

13 AGAINST a ___ mill tax on real property and a ___ mill tax on personal
 14 property to be used for capital improvements to or construction of a public
 15 county library or county library service or system.

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

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

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

34
 35 SECTION 6. Arkansas Constitution, Amendment 79, § 4, is amended to
 36 read as follows:

1 § 4. [Income adjustments – Personal property millage rate – Uniform
2 property tax rate requirement – Reassessment – Rollback adjustments].

3 (a) The General Assembly shall, by law, provide for procedures to be
4 followed with respect to adjusting ad valorem taxes or millage pledged for
5 bonded indebtedness purposes, to assure that the tax or millage levied for
6 bonded indebtedness purposes will, at all times, provide a level of income
7 sufficient to meet the current requirements of all principal, interest,
8 paying agent fees, reserves, and other requirements of the bond indenture.

9 ~~(b) The millage rate levied against taxable personal property and
10 utility and regulated carrier property in each taxing unit in the state shall
11 be equal to the millage rate levied against real property in each taxing unit
12 in the state. Personal property millage rates currently not equal to real
13 estate millage rates shall be reduced to the level of the real estate millage
14 rate; except to the extent necessary to provide a level of income sufficient
15 to meet the current requirements of all principal, interest, paying agent
16 fees, reserves, and other requirements of the bond indenture.~~

17 ~~(e)(b)~~ The provisions of this section shall not affect or repeal the
18 required uniform rate of ad valorem property tax set forth in Amendment 74.

19 ~~(d)(c)~~ The General Assembly may, by law, prescribe the method and
20 means for reassessing real property and establish the frequency of
21 reassessment. However, reassessment shall occur at least once every five (5)
22 years.

23 ~~(e)(d)~~ Rollback adjustments under Article 16, Section 14 shall be
24 determined after the adjustments are made to assessed value under this
25 Amendment.

26
27 SECTION 7. EFFECTIVE DATE. This amendment is effective on and after
28 January 1, 2023.

29
30 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed
31 amendment is submitted to the electors of this state on the general election
32 ballot:

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

35 (2) The popular name shall be "An Amendment to the Arkansas
36 Constitution Providing that No Tax Shall Be Levied on Personal Property

1 Effective No Later Than January 1, 2047, and Providing That Personal Property
2 and Real Property Are Not Required to be Taxed at an Equal Rate".

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