

State of Arkansas

77th General Assembly

Regular Session, 1989

H.J.R.

1007

By: Representative Wingfield

HOUSE JOINT RESOLUTION

FOR A PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING THE LEVY
FOR RURAL HOSPITALS TO BE RAISED FROM ONE MILL UP TO FIVE
MILLS ON THE DOLLAR OF ASSESSED VALUE OF REAL AND PERSONAL
PROPERTY IN THE COUNTY.

BE IT RESOLVED BY THE HOUSE OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH
HOUSE AGREEING THERETO:

THAT the following is hereby proposed as an amendment to the 1874
Constitution of the State of Arkansas, and upon being submitted to the
electors of the State for approval or rejection at the next general election
for representatives and senators, if a majority of the electors voting thereon
at such election adopt such amendment the same shall become a part of the
Constitution of the State of Arkansas, to wit:

SECTION 1. Petition for tax levy - Election.

Whenever in any county where there is located a public hospital owned by
such county or by any municipal corporation therein, whether such hospital be
operated by such county or municipal corporation or by a benevolent
association as the agent or lessee of such county or municipal corporation,
one hundred or more electors of such county shall file a petition with the
county judge asking that an annual tax on real and personal property in such
county be levied for the purpose of maintaining, operating and supporting such
hospital and shall specify a rate of taxation not exceeding five mills on the
dollar of the assessed value of real and personal property in the county. The
question as to whether such tax shall be levied shall be submitted to the
qualified electors of such county at a general election. Such petition must
be filed at least thirty days prior to the election at which it will be

submitted to the voters. The county judge upon the filing of such petition shall notify the county board of election commissioners thereof and the county board of election commissioners shall cause the question to be placed upon the ballots in substantially the following form:

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

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

SECTION 2. Result of election - Certification and proclamation - Tax levy.

The election commissioners shall certify to the county judge the results of the vote and if a majority of the qualified electors voting on the question at such election vote in favor of the specified tax then it shall thereafter be continually levied and collected as other general taxes of such county are levied and collected. The result of the election shall be proclaimed by the county judge by publication for one insertion in some newspaper published and having a bona fide circulation in such county. The result so proclaimed shall be conclusive unless attacked in the courts within thirty days and after the election it shall not be competent to attack the result thereof on the ground that any signers of the petition were not qualified electors. The proceeds of any tax so voted shall upon the settlement of the collecting officer be paid by the treasurer of the county to the treasurer of such hospital to be used by such treasurer in the maintenance, operation and support of such institution; provided that any county where there may be more than one hospital qualified to receive the proceeds of such tax, the quorum court at its meeting for the purpose of adopting the county's budget, shall provide for the apportionment of the proceeds of said tax between the institutions so qualified according to their respective needs.

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

Whenever one hundred or more electors of any county having a hospital tax in force shall file a petition with the county judge asking that such tax be raised, reduced or abolished, the question shall be submitted to the qualified electors at a general election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The

ballots shall follow, as far as practicable, the form set out in Section 1 hereof, and the results shall be certified and proclaimed as provided in Section 2 hereof and shall be conclusive in like manner. The tax shall be lowered, raised or abolished as the case may be, according to the majority of qualified electors voting on the question at such election, provided, however, that it shall not be raised to more than five mills on the dollar. If lowered or raised the revised tax shall thereafter be continually levied and collected and the proceeds used in the manner and for the purposes provided in Section 2 hereof.

SECTION 4. Amendment self executing.

This amendment shall be self executing and shall become a part of the constitution of the State of Arkansas when approved by a majority of the electors voting thereon at the next general election.

SECTION 5. (a) All levies being collected under Amendment 32 of the Arkansas Constitution of 1874 shall be hereby continued without election under this amendment.

(b) Amendment 32 of the Arkansas Constitution of 1874 is hereby repealed.

SECTION 6. This amendment shall become effective on January 1, 1991.