

1 State of Arkansas

As Engrossed: 3/1/91 3/15/91

2 78th General Assembly

3 Regular Session, 1991

H.J.R. 1006

4 **By: Representatives B. Wood, Maddox, Foster, Bryan, Cunningham, Pollan, Holland, and**
5 **Schexnayder**

6

7

HOUSE JOINT RESOLUTION

8

PROPOSING A CONSTITUTIONAL AMENDMENT TO AMEND AMENDMENTS

9

30 AND 38 TO THE ARKANSAS CONSTITUTION TO ALLOW VOTERS TO

10

APPROVE A MAXIMUM OF FIVE (5) MILLS FOR LIBRARY OPERATIONS

11

FOR CITY AND COUNTY LIBRARIES AND TO ALLOW THE VOTERS TO

12

PLEDGE AN ADDITIONAL THREE (3) MILLS FOR CAPITAL

13

IMPROVEMENTS TO OR CONSTRUCTION OF CITY AND COUNTY

14

LIBRARIES OR TO PLEDGE AN ADDITIONAL THREE (3) MILLS TO

15

RETIRE CAPITAL IMPROVEMENT BONDS FOR THE CONSTRUCTION OR

16

CAPITAL IMPROVEMENTS OF CITY AND COUNTY LIBRARIES.

17

18

19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-EIGHTH GENERAL

20 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS

21 ELECTED TO EACH HOUSE AGREEING THERETO:

22

23 That the following is hereby proposed as an amendment to the

24 Constitution of the state of Arkansas, and upon being submitted to the

25 electors of the state for approval or rejection at the next general election

26 for Representatives and Senators, if a majority of the electors voting thereon

27 at such election, adopt such amendment, the same shall become a part of the

28 Constitution of the state of Arkansas, to wit:

29

30 *SECTION 1. Section 1 of Amendment 30 to the Arkansas Constitution is*

31 *hereby amended to read as follows:*

32 *"SECTION 1. Petition for tax levy - Election. Whenever 100 or more*

33 *taxpaying electors of any city, having a population of not less than 5,000,*

34 *shall file a petition with the Mayor asking that an annual tax on real and*

35 *personal property be levied for the purpose of maintaining and operating a*

36 *public city library and shall specify a rate of taxation not to exceed five*

37 *mills on the dollar, the question as to whether such tax shall be levied shall*

1 be submitted to the qualified electors of such city at a general or special
2 election. Such petition must be filed at least thirty 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
6 be used for maintenance and operation of a public city library.

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

9

10 SECTION 2. Section 3 of Amendment 30 to the Arkansas Constitution is
11 hereby amended to read as follows:

12 "SECTION 3. Raising, reducing or abolishing tax - Petition and
13 election. Whenever 100 or more taxpaying electors of any city having a
14 library tax in force shall file a petition with the Mayor asking that such tax
15 be raised, reduced or abolished, the question shall be submitted to the
16 qualified electors at a general or special election. Such petition must be
17 filed at least thirty days prior to the election at which it will be submitted
18 to the voters. The ballot shall follow, as far as practicable, the form set
19 forth in Section 1 hereof. The result shall be certified and proclaimed, as
20 provided in Section 2 hereof, and the result as proclaimed shall be conclusive
21 unless attacked in the courts within thirty days. Subject to the limitations
22 of Section 5(e) hereof, the tax shall be lowered, raised or abolished, as the
23 case may be, according to the majority of the qualified electors voting on the
24 question of such election. 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 as provided for in Section 2 hereof."

27

28 SECTION 3. Amendment 30 to the Arkansas Constitution is hereby amended
29 by inserting an additional section at the end thereof to read as follows:

30 "SECTION 5. Petition for tax levy - Election. (a) Whenever 100 or
31 more taxpaying electors of any city, having a population of not less than
32 5,000, shall file a petition with the Mayor asking that an annual tax on real
33 and personal property be levied for capital improvements to or construction of
34 a public city library and shall specify a rate of taxation not to exceed three
35 mills on the dollar, the question as to whether such tax shall be levied shall
36 be submitted to the qualified electors of such city at a general or special

1 election. Such petition must be filed at least thirty days prior to the
 2 election at which it will be submitted to the voters. The ballot shall be in
 3 substantially the following form:

4 For a _____ mill tax on real and personal property to
 5 be used for capital improvements to or construction of a public city library.

6 Against a _____ mill tax on real and personal property
 7 to be used for capital improvements to or construction of a public city
 8 library.

9 (b) The electors may authorize the governing body of the city to issue
 10 bonds as prescribed by law for capital improvements to or construction of the
 11 library and to authorize the pledge of all, or any part of, the tax authorized
 12 by this section for the purpose of retiring the bonds. The interest rate on
 13 any bonds shall not exceed the rate provided by this Constitution. The ballot
 14 submitting the question to the voters shall be in substantially the following
 15 form:

16 For a _____ mill tax on real and personal property
 17 within the city, to be pledged to an issue or issue of bonds not to exceed
 18 \$_____, in aggregate principal amount, to finance capital
 19 improvements to or construction of the city library and to authorize the
 20 issuance of the bonds on such terms and conditions as shall be approved by the
 21 city.

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

28 (c) The maximum rate of any special tax to pay bonded indebtedness, as
 29 authorized by paragraph (b) hereof shall be stated on the ballot.

30 (d) The special tax for payment of bonded indebtedness authorized in
 31 paragraph (b) hereof shall constitute a special fund pledged as security for
 32 the payment of such indebtedness. The special tax shall never be extended for
 33 any purpose, nor collected for any greater length of time than necessary to
 34 retire such bonded indebtedness, except that tax receipts in excess of the
 35 amount required to retire the debt according to its terms may, subject to

1 covenants entered into with the holders of the bonds, be pledged as security
2 for the issuance of additional bonds if authorized by the voters. The tax for
3 such additional bonds shall terminate within the time provided for the tax
4 originally imposed. Upon retirement of the bonded indebtedness, any surplus
5 tax collections, which may have accumulated shall be transferred to the
6 general funds of the city, and shall be used for maintenance and operation of
7 the public city library.

8 (e) Notwithstanding any other provision of this amendment, a tax
9 approved by the voters for the purpose of paying the bonded indebtedness shall
10 not be reduced or diminished, nor shall it be used for any other purpose than
11 to pay principal of, premium or interest on, and the reasonable fees of a
12 trustee or paying agent, so long as the bonded indebtedness shall remain
13 outstanding and unpaid."

14

15 SECTION 4. Section 1 of Amendment 38 to the Arkansas Constitution is
16 hereby amended to read as follows:

17 "SECTION 1. Petition for tax levy - Election. Whenever 100 or more
18 tax paying electors of any county shall file a petition in the County Court
19 asking that an annual tax on real and personal property be levied for the
20 purpose of maintaining and operating a public county library or a county
21 library service or system and shall specify a rate of taxation not to exceed
22 five mills on the dollar, the question as to whether said tax shall be levied
23 shall be submitted to the qualified electors of such county at a general or
24 special election. Such petition must be filed at least thirty days prior to
25 the election at which it will be submitted to the voters. The ballot shall be
26 in substantially the following form:

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

30 AGAINST a _____ mill tax on real and personal property to be
31 used for maintenance and operation of a public county library or county
32 library service or system."

33

34 SECTION 5. Section 3 of Amendment 38 to the Arkansas Constitution is
35 hereby amended to read as follows:

1 "SECTION 3. Raising, reducing or abolishing tax - Petition and
2 election. Whenever 100 or more tax paying electors of any county having
3 library tax in force shall file a petition in the County Court asking that
4 such tax be raised, reduced or abolished, the question shall be submitted to
5 the qualified electors at a general or special election. Such petition must
6 be filed at least thirty days prior to the election at which it will be
7 submitted to the voters. The ballot shall follow, as far as practicable, the
8 form set forth in Section 1 hereof. The result shall be certified and entered
9 of record as provided in Section 2 hereof, and the result as entered of record
10 shall be conclusive unless attacked in the courts within thirty days. Subject
11 to the limitations of Section 5(e) hereof, the tax shall be lowered, raised or
12 abolished, as the case may be, according to the majority of qualified electors
13 voting on the question at such election. If lowered or raised, the revised
14 tax shall thereafter be continually levied and collected and proceeds used in
15 the manner and for the purposes as provided in Section 2 hereof."

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17 SECTION 6. Amendment 38 to the Arkansas Constitution is hereby amended
18 by inserting an additional section at the end thereof to read as follows:

19 "SECTION 5. Petition for tax levy - Election. (a) Whenever 100 or
20 more tax paying electors of any county shall file a petition in the County
21 Court asking that an annual tax on real and personal property be levied for
22 the purpose of capital improvements to or construction of a public county
23 library or a county library service or system and shall specify a rate of
24 taxation not to exceed three mills on the dollar, the question as to whether
25 said tax shall be levied shall be submitted to the qualified electors of such
26 county at a general or special election. Such petition must be filed at least
27 thirty days prior to the election at which it will be submitted to the voters.
28 The ballot shall be in substantially the following form:

29 FOR a _____ mill tax on real and personal property to be used
30 for capital improvements to or construction of a public county library or
31 county library service or system.

32 AGAINST a _____ mill tax on real and personal property to be used
33 for capital improvements to or construction of a public county library or
34 county library service or system.

35 (b) The voters may authorize the County Court to issue bonds as

1 prescribed by law for capital improvements to or construction of the library
2 and to authorize the pledge of all, or any part of, the tax authorized in
3 Section 1 of this Amendment for the purpose of retiring the bonds. The
4 interest rate on any bonds shall not exceed the rate provided in this
5 Constitution. The ballot submitting the question to the voters shall be in
6 substantially the following form:

7 For a _____ mill tax on real and personal property within
8 the county, to be pledged to an issue or issues of bonds not to exceed
9 \$_____, in aggregate principal amount, to finance capital
10 improvements to or construction of the county library or county library
11 service or system, and to authorize the issuance of the bonds on such terms
12 and conditions as shall be approved by the County Court.

13 Against a _____ mill tax on real and personal property within
14 the county, to be pledged to an issue or issues of bonds not to exceed
15 \$_____, in aggregate principal amount, to finance capital improvements
16 to or construction of the county library or county library service or system,
17 and to authorize the issuance of the bonds on such terms and conditions as
18 shall be approved by the County Court.

19 (c) The maximum rate of any special tax to pay bonded indebtedness, as
20 authorized by paragraph (b) hereof shall be stated on the ballot.

21 (d) The special tax for payment of bonded indebtedness authorized in
22 paragraph (b) hereof shall constitute a special fund pledged as security for
23 the payment of such indebtedness. The special tax shall never be extended for
24 any purpose, nor collected for any greater length of time than necessary to
25 retire such bonded indebtedness, except that tax receipts in excess of the
26 amount required to retire the debt according to its terms may, subject to
27 covenants entered into with the holders of the bonds, be pledged as security
28 for the issuance of additional bonds if authorized by the voters. The tax for
29 such additional bonds shall terminate within the time provided for the tax
30 originally imposed. Upon retirement of the bonded indebtedness, any surplus
31 tax collections, which may have accumulated, shall be transferred to the
32 general funds of the county, and shall be used for maintenance of the county
33 library or county library service or system.

34 (e) Notwithstanding any other provision of this Amendment, a tax
35 approved by the voters for the purpose of paying the bonded indebtedness shall

1 not be reduced or diminished, nor shall it be used for any other purpose than
2 to pay principal of, premium or interest on, and the reasonable fees of a
3 trustee or paying agent, so long as the bonded indebtedness shall remain
4 outstanding and unpaid." /s/ B. Wood et al

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