

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 892

4
5 By: Senator Argue
6 By: Representative Mahony

For An Act To Be Entitled

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10 AN ACT TO IMPLEMENT AMENDMENT 74 TO THE ARKANSAS
11 CONSTITUTION; TO AMEND CERTAIN SECTIONS OF THE
12 ARKANSAS CODE TO COMPLY WITH AMENDMENT 74; TO
13 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

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16 AN ACT TO IMPLEMENT AMENDMENT 74 TO THE
17 ARKANSAS CONSTITUTION; TO AMEND CERTAIN
18 SECTIONS OF THE ARKANSAS CODE TO COMPLY
19 WITH AMENDMENT 74; TO DECLARE AN
20 EMERGENCY.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code Title 26, Chapter 80 is amended to add a new
26 subchapter:

27 26-80-301. Title.

28 This subchapter shall be known and may be cited as "The Amendment 74
29 Enabling Act of 2003."

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31 26-80-302. Definitions.

32 As used in this Arkansas Code Title 26, Chapter 80, Subchapter 1:

33 (1) "Additional maintenance and operation millage" means millage
34 levied by the electors of a local school district for maintenance and
35 operation in excess of those required by the uniform rate of tax;

36 (2) "Dedicated maintenance and operation millage" means millage levied



1 by the electors of a local school district and used for those purposes
 2 explicated in § 26-80-110;

3 (3) "Debt service millage" means the total number of mills voted by
 4 the electors of a school district to be pledged as security for the
 5 retirement of bonded indebtedness;

6 (4) "Millage rate" means the millage rate listed in the most recent
 7 tax ordinance approved by the county quorum court under the authority of §
 8 14-14-904;

9 (5) "Maintenance and operation millage" means millage levied by the
 10 electors of a local school district for the maintenance and operation of the
 11 school district;

12 (6)(A) "Net revenues" means actual revenues from taxes due and owing
 13 after January 1, 1997, rounded to the nearest hundredth minus any commission
 14 fees authorized by law to be collected or withheld for later distribution by
 15 the county offices.

16 (B) No additional fees shall be charged for transmittal or
 17 redistribution of funds by any county or state office in carrying out the
 18 procedures established to comply with the requirements of Amendment 74; and

19 (7)(A) "Uniform rate of tax" means a uniform rate of ad valorem
 20 property tax of twenty-five (25) mills to be levied on the assessed value of
 21 all taxable real, personal, and utility property in the state to be used
 22 solely for maintenance and operation of the schools.

23 (B) In calculating compliance with the uniform rate of tax
 24 imposed by Arkansas Constitution, Article 14, § 3, as amended by Arkansas
 25 Constitution, Amendments 11, 40, and 74, only those mills voted for
 26 maintenance and operation shall be used.

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 28 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 29 General Assembly of the State of Arkansas that the Arkansas Supreme Court has
 30 declared that the current method that the state uses to determine compliance
 31 with Amendment 74 to be unconstitutional and has instructed the General
 32 Assembly to take action before the termination of the court's stay of its
 33 mandate. It is also found that the people must be informed as early as
 34 possible the impact of the court's ruling on the property taxes that they pay
 35 for education. Therefore, an emergency is declared to exist and this act
 36 being immediately necessary for the preservation of the public peace, health,

1 and safety shall become effective on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor, the
4 expiration of the period of time during which the Governor may veto the bill;

5 or

6 (3) If the bill is vetoed by the Governor and the veto is overridden,
7 the date the last house overrides the veto.

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