

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

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SJR 10

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5 By: Senator Bisbee

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8 **SENATE JOINT RESOLUTION**

9 PROPOSING AN AMENDMENT TO ARTICLE 14, SECTION 3
10 OF THE ARKANSAS CONSTITUTION TO PROVIDE FOR
11 SCHOOL FACILITIES IN THE UNIFORM RATE OF AD
12 VALOREM PROPERTY TAX REQUIRED FOR SCHOOL
13 DISTRICTS.

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15 **Subtitle**

16 PROPOSING AN AMENDMENT TO ARTICLE 14,
17 SECTION 3 OF THE ARKANSAS CONSTITUTION
18 TO PROVIDE FOR SCHOOL FACILITIES IN THE
19 UNIFORM RATE OF AD VALOREM PROPERTY TAX
20 REQUIRED FOR SCHOOL DISTRICTS.

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23 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE
24 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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27 That the following is proposed as an amendment to the Constitution of
28 the State of Arkansas, and upon being submitted to the electors of the state
29 for approval or rejection at the next general election for Senators and
30 Representatives, if a majority of the electors voting thereon at the
31 election, adopt the amendment, the amendment shall become a part of the
32 Constitution of the State of Arkansas, to wit:

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34 SECTION 1. Article 14, § 3 of the Arkansas Constitution is amended to
35 read as follows:

36 § 3. School tax - Budget - Approval of tax rate (Const., Art.



1 14, § 3, as amended by Const. Amend. 11, Const. Amend. 40, amended, and
 2 Const. Amend. 74).

3 (a) The General Assembly shall provide for the support of common
 4 schools and school facilities by general law. In order to provide quality
 5 education, it is the goal of this state to provide a fair system for the
 6 distribution of funds. It is recognized that, in providing such a system,
 7 some funding variations may be necessary. The primary reason for allowing
 8 such variations is to allow school districts, to the extent permissible, to
 9 raise additional funds to enhance the educational system within the school
 10 district. It is further recognized that funding variations or restrictions
 11 thereon may be necessary in order to comply with, or due to, other provisions
 12 of this Constitution, the United States Constitution, state or federal laws,
 13 or court orders.

14 (b)(1)(A) There is established a uniform rate of ad valorem property
 15 tax of twenty-five (25) mills to be levied on the assessed value of all
 16 taxable real, personal, and utility property in the state to be used solely
 17 for maintenance and operation of the schools and school facilities.

18 (B) A certain percentage of the uniform rate of ad valorem
 19 property tax of twenty-five (25) mills to be levied on the assessed value of
 20 all taxable real, personal, and utility property in the state shall be
 21 dedicated to the maintenance or construction of school facilities, or both.

22 (2) Except as provided in this subsection the uniform rate of
 23 tax shall not be an additional levy for maintenance and operation of the
 24 schools but shall replace a portion of the existing rate of tax levied by
 25 each school district available for maintenance and operation of schools in
 26 the school district. The rate of tax available for maintenance and operation
 27 levied by each school district on the effective date of this amendment shall
 28 be reduced to reflect the levy of the uniform rate of tax. If the rate of tax
 29 available for maintenance and operation levied by a school district on the
 30 effective date of this amendment exceeds the uniform rate of tax, the excess
 31 rate of tax shall continue to be levied by the school district until changed
 32 as provided in subsection (c)(1). If the rate of tax available for
 33 maintenance and operation levied by a school district on the effective date
 34 of this amendment is less than the uniform rate of tax, the uniform rate of
 35 tax shall nevertheless be levied in the district.

36 (3) The uniform rate of tax shall be assessed and collected in

1 the same manner as other school property taxes, but the net revenues from the
 2 uniform rate of tax shall be remitted to the State Treasurer and distributed
 3 by the state to the school districts as provided by law. No portion of the
 4 revenues from the uniform rate of tax shall be retained by the state. The
 5 revenues so distributed shall be used by the school districts solely for
 6 maintenance and operation of schools.

7 (4) The General Assembly may by law propose an increase or
 8 decrease in the uniform rate of tax and submit the question to the electors
 9 of the state at the next general election. If a majority of the electors of
 10 the state voting on the issue vote For the proposed increase or decrease in
 11 the uniform rate of tax, the uniform rate of tax shall be increased or
 12 decreased as approved. If a majority of the electors of the state voting on
 13 the issue vote Against the proposed increase or decrease in the uniform rate
 14 of tax, the uniform rate of tax shall continue to be levied at the rate for
 15 the year in which the election is held.

16 (c)(1) In addition to the uniform rate of tax provided in subsection
 17 (b), school districts are authorized to levy, by a vote of the qualified
 18 electors respectively thereof, an annual ad valorem property tax on the
 19 assessed value of taxable real, personal, and utility property for the
 20 maintenance and operation of schools and the retirement of indebtedness. The
 21 Board of Directors of each school district shall prepare, approve and make
 22 public not less than sixty (60) days in advance of the annual school election
 23 a proposed budget of expenditures deemed necessary to provide for the
 24 foregoing purposes, together with a rate of tax levy sufficient to provide
 25 the funds therefor, including the rate under any continuing levy for the
 26 retirement of indebtedness. The Board of Directors shall submit the tax at
 27 the annual school election or at such other time as may be provided by law.
 28 If a majority of the qualified voters in the school district voting in the
 29 school election approve the rate of tax proposed by the Board of Directors,
 30 then the tax at the rate approved shall be collected as provided by law. In
 31 the event a majority of the qualified electors voting in the school election
 32 disapprove the proposed rate of tax, then the tax shall be collected at the
 33 rate approved in the last preceding school election. However, if the rate
 34 last approved has been modified pursuant to subsection (b) or (c)(2) of this
 35 section, then the tax shall be collected at the modified rate until another
 36 rate is approved.

1 (2) The tax levied by a school district pursuant to subsection
2 (c)(1) of this section may be reduced pursuant to procedures provided by law
3 if the tax would cause the state or district to be out of compliance with any
4 other provision of this Constitution, the United States Constitution, state
5 or federal law, or court order.

6 (3) No tax levied pursuant to subsection (c)(1) of this section
7 shall be appropriated to any other district than that for which it is levied.

8 (d) For the purposes of this section, "maintenance and operation"
9 means such expenses for the general maintenance and operation of schools as
10 may be defined by law. [As amended by Const. Amends 11, 40 and 74.]

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