

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

State of Arkansas
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HJR 1003

By: Representative M. Gray
By: Senator J. Sturch

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE FOR THE MAINTENANCE AND OPERATION OF LIBRARIES, CAPITAL IMPROVEMENTS TO LIBRARIES, AND THE CONSTRUCTION OF LIBRARIES; TO PROVIDE THAT ELECTORS OF A CITY MAY PETITION FOR AN ANNUAL TAX ON REAL AND PERSONAL PROPERTY FOR THE PURPOSE OF MAINTAINING AND OPERATING A PUBLIC CITY LIBRARY IF THE CITY HAS A POPULATION OF NOT LESS THAN ONE THOUSAND (1,000); PROVIDING THAT ELECTORS OF A CITY MAY PETITION FOR AN ANNUAL TAX ON REAL AND PERSONAL PROPERTY FOR CAPITAL IMPROVEMENTS TO OR CONSTRUCTION OF A PUBLIC CITY LIBRARY IF THE CITY HAS A POPULATION OF NOT LESS THAN ONE THOUSAND (1,000); PROVIDING THAT A REDUCTION IN A CITY'S POPULATION BELOW ONE THOUSAND (1,000) DOES NOT AFFECT A TAX APPROVED BY VOTERS UNDER ARKANSAS CONSTITUTION, AMENDMENT 30; PROVIDING THAT PROCEEDS OF A TAX VOTED FOR THE MAINTENANCE AND OPERATION OF A PUBLIC CITY LIBRARY MAY BE USED FOR CAPITAL IMPROVEMENTS TO OR CONSTRUCTION OF A PUBLIC CITY LIBRARY; PROVIDING THAT PROCEEDS OF A TAX VOTED FOR THE PURPOSE OF CAPITAL IMPROVEMENTS TO OR CONSTRUCTION OF A PUBLIC CITY LIBRARY MAY BE USED FOR THE MAINTENANCE AND OPERATION OF A PUBLIC CITY LIBRARY; PROVIDING THAT PROCEEDS OF A TAX VOTED FOR THE MAINTENANCE AND OPERATION OF A PUBLIC COUNTY LIBRARY OR COUNTY LIBRARY SERVICE OR SYSTEM MAY BE USED FOR CAPITAL IMPROVEMENTS TO OR CONSTRUCTION OF A PUBLIC COUNTY LIBRARY OR A COUNTY LIBRARY SERVICE OR



SYSTEM; AND PROVIDING THAT PROCEEDS OF A TAX VOTED FOR THE PURPOSE OF CAPITAL IMPROVEMENTS TO OR CONSTRUCTION OF A PUBLIC COUNTY LIBRARY OR A COUNTY LIBRARY SERVICE OR SYSTEM MAY BE USED FOR THE MAINTENANCE AND OPERATION OF A PUBLIC COUNTY LIBRARY OR COUNTY LIBRARY SERVICE OR SYSTEM.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE FOR THE MAINTENANCE AND OPERATION OF LIBRARIES, CAPITAL IMPROVEMENTS TO LIBRARIES, AND THE CONSTRUCTION OF LIBRARIES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD 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 proposed as an amendment to the 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 the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Arkansas Constitution, Amendment 30, §§ 1 and 2, are amended to read as follows:

§ 1. Petition for tax levy – Election.

Whenever ~~100~~ one hundred (100) or more taxpaying electors of any city, having a population of not less than ~~5,000~~ one thousand (1,000), shall file a petition with the Mayor asking that an annual tax on real and personal property be levied for the purpose of maintaining and operating a public city library and shall specify a rate of taxation not to exceed five (5) mills on the dollar, the question as to whether such tax shall be levied shall be

submitted to the qualified electors of such city at a general or special election. Such petition must be filed at least thirty (30) days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form:

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

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

§ 2. Result of election – Certification and proclamation – Tax levy.

(a)(1) The Election Commissioners shall certify to the Mayor the result 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 city are levied and collected.

(2) The result of the election shall be proclaimed by the Mayor.

(3) The result so proclaimed shall be conclusive unless attacked in the courts within thirty (30) days.

(b)(1) ~~The~~ Except as provided in subdivision (b)(2) of this section, the proceeds of any tax voted for the maintenance and operation of a city public library shall be segregated by the city officials and used only for that purpose.

(2)(A) Proceeds of a tax voted for the maintenance and operation of a public city library may be used for capital improvements to or construction of a public city library.

(B) Subdivision (b)(2)(A) of this section shall apply regardless of when the proceeds of the tax were collected.

(c) If the tax is approved by a majority of the qualified electors of the city voting on the question, the tax shall be continually levied and collected regardless of whether the population of the city falls below one thousand (1,000).

SECTION 2. Arkansas Constitution, Amendment 30, § 5, is amended to read as follows:

§ 5. Petition for tax levy – Election.

(a)(1) Whenever ~~100~~ one hundred (100) or more taxpaying electors of any city, having a population of not less than ~~5,000~~ one thousand (1,000),

shall file a petition with the Mayor asking that an annual tax on real and personal property be levied for capital improvements to or construction of a public city library and shall specify a rate of taxation not to exceed three (3) mills on the dollar, the question as to whether such tax shall be levied shall be submitted to the qualified electors of such city at a general or special election. Such petition must be filed at least thirty (30) days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form:

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

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

(2) If the tax under this subsection is approved by a majority of the qualified electors of the city voting on the question, the tax shall be levied and collected regardless of whether the population of the city falls below one thousand (1,000).

(3)(A) Proceeds of a tax voted for the purpose of capital improvements to or construction of a public city library may be used for the maintenance and operation of a public city library.

(B) Subdivision (a)(3)(A) of this section shall apply regardless of when the proceeds of the tax were collected.

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

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

Against a ___ mill tax on real and personal property within the city, to be pledged to an issue or issues of bonds not to exceed \$ ___, in aggregate principal amount, to finance capital improvements to or construction of the city library and to authorize the issuance of the bonds

on such terms and conditions as they shall be approved by the city.

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

(d) The special tax for payment of bonded indebtedness authorized in ~~paragraph (b) hereof~~ subsection (b) of this section shall constitute a special fund pledged as security for the payment of such indebtedness. The special tax shall never be extended for any purpose, nor collected for any greater length of time than necessary to retire such bonded indebtedness, except that tax receipts in excess of the amount required to retire the debt according to its terms may, subject to covenants entered into with the holders of the bonds, be pledged as security for the issuance of additional bonds if authorized by the voters. The tax for such additional bonds shall terminate within the time provided for the tax originally imposed. Upon retirement of the bonded indebtedness, any surplus tax collections, which may have accumulated shall be transferred to the general funds of the city, and shall be used for maintenance and operation of the public city library or capital improvements to or construction of a public city library.

(e)(1) Notwithstanding any other provision of this amendment, a tax approved by the voters for the purpose of paying the bonded indebtedness shall not be reduced or diminished, nor shall it be used for any other purpose than to pay principal of, premium or interest on, and the reasonable fees of a trustee or paying agent, so long as the bonded indebtedness shall remain outstanding and unpaid.

(2) A tax approved by the voters for the purpose of paying the bonded indebtedness shall be levied and collected regardless of whether the population of the city falls below one thousand (1,000).

SECTION 3. Arkansas Constitution, Amendment 38, § 2, is amended to read as follows:

§ 2. Result of election – Certification – Record – Tax levy – Funds – Disbursement.

(a)(1) The election commissioners shall certify to the County Judge the result of the vote.

(2) The County Judge shall cause the result of the election to be entered of record in the County Court.

(3) The result so entered shall be conclusive unless attacked in the courts within thirty (30) days.

(b) 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; provided, however, that such tax shall not be levied against any real or personal property which is taxed for the maintenance of a city library, pursuant to the provisions of Amendment No. 30; and no voter residing within such city shall be entitled to vote on the question as to whether county tax shall be levied.

(c)(1)(A) ~~The~~ Except as provided in subdivision (c)(1)(B) of this section, the proceeds of any tax voted for the maintenance and operation of a county public county library or county library service or system shall be segregated by the county officials and used only for that purpose.

(B)(i) Proceeds of a tax voted for the maintenance and operation of a public county library or county library service or system may be used for capital improvements to or construction of a public county library or a county library service or system.

(ii) Subdivision (c)(1)(B)(i) of this section shall apply regardless of when the proceeds of the tax were collected.

(2) Such funds shall be held in the custody of the County Treasurer.

(3) No claim against said funds shall be approved by the County Court unless first approved by the County Library Board, if there is a county Library Board functioning under Act 244 of 1927 [§§ 17-1001–17-1011], or similar legislation.

SECTION 4. Arkansas Constitution, Amendment 38, § 5, is amended to read as follows:

§ 5. Petition for tax levy – Election.

(a)(1) Whenever ~~100~~ one hundred (100) or more taxpaying electors of any county shall file a petition in the County Court asking that an annual tax on real and personal property be levied for the purpose of capital improvements to or construction of a public county library or a county library service or system and shall specify a rate of taxation not to exceed three (3) mills on the dollar, the question as to whether said tax shall be

levied shall be submitted to the qualified electors of such county at a general or special election. Such petition must be filed at least thirty (30) days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form:

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

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

(2)(A) Proceeds of a tax voted for the purpose of capital improvements to or construction of a public county library or a county library service or system may be used for the maintenance and operation of a public county library or county library service or system.

(B) Subdivision (a)(2)(A) of this section shall apply regardless of when the proceeds of the tax were collected.

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

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

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

(c) The maximum rate of any special tax to pay bonded indebtedness, as authorized by ~~paragraph (b) hereof~~ subsection (b) of this section shall be

stated on the ballot.

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

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

SECTION 5. EFFECTIVE DATE. This amendment shall be effective on and after January 1, 2023.

SECTION 6. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

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

(2) The popular name shall be "A Constitutional Amendment Providing for the Maintenance and Operation of Libraries, Capital Improvements to Libraries, and the Construction of Libraries".