

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

State of Arkansas
94th General Assembly
Regular Session, 2023

HJR 1002

By: Representative S. Meeks

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE TAXATION OF PERSONAL PROPERTY AND REAL PROPERTY IN THE STATE OF ARKANSAS; AUTHORIZING THE GENERAL ASSEMBLY TO REDUCE OR ELIMINATE THE TAXATION OF PERSONAL PROPERTY; ALLOWING THE GENERAL ASSEMBLY TO REDUCE OR ELIMINATE THE TAXATION OF PERSONAL PROPERTY BY LAW AND TO CREATE EXEMPTIONS FOR THE TAXATION OF PERSONAL PROPERTY; REQUIRING THE GENERAL ASSEMBLY TO PROVIDE BY LAW ON OR BEFORE JANUARY 1, 2050, THAT NO TAX SHALL BE LEVIED ON PERSONAL PROPERTY; REPEALING THE REQUIREMENT THAT PERSONAL PROPERTY AND REAL PROPERTY BE TAXED AT AN EQUAL RATE; AND AMENDING ARKANSAS CONSTITUTION, AMENDMENTS 30 AND 38, TO PROVIDE THAT TAXES FOR THE PURPOSES OF THE AMENDMENTS MAY BE LEVIED ON REAL PROPERTY, PERSONAL PROPERTY, OR BOTH REAL AND PERSONAL PROPERTY.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE TAXATION OF PERSONAL PROPERTY AND REAL PROPERTY IN THE STATE OF ARKANSAS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH 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. The Arkansas Constitution is amended to add an additional amendment to read as follows:

§ 1. Reduction and elimination of taxation of personal property.

(a) The General Assembly may enact laws to:

(1) Reduce the rates on the taxation of personal property, including without limitation laws providing that no tax shall be levied on personal property; and

(2) Create exemptions for the taxation of personal property.

(b) On or before January 1, 2050, the General Assembly shall provide by law that no tax shall be levied on personal property in the State of Arkansas.

(c) A law enacted by the General Assembly under this amendment:

(1) Requires a majority vote of each house of the General Assembly for passage; and

(2) Supersedes any provision of the Arkansas Constitution in conflict with the law.

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

§ 1. Petition for tax levy – Election.

Whenever 100 or more taxpaying electors of any city, having a population of not less than 5,000, shall file a petition with the Mayor asking that an annual tax on ~~real and personal property~~ real property, personal property, or both real property 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 mills on the dollar on real property, or not to exceed five mills on the dollar on personal property, or not to exceed five mills on the dollar on each type of property, real property and personal property, 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 days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form and may be adjusted to reflect whether the proposed annual tax would be upon real property, personal property, or both real property and personal property:

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

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

SECTION 3. Arkansas Constitution, Amendment 30, § 5(a) and (b), concerning tax levies for capital improvements to or construction of a public city library, are amended to read as follows:

(a) Whenever 100 or more taxpaying electors of any city, having a population of not less than 5,000, shall file a petition with the Mayor asking that an annual tax on ~~real and personal property~~ real property, personal property, or both real property 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 mills on the dollar on real property, or not to exceed three mills on the dollar on personal property, or not to exceed three mills on the dollar on each type of property, real property and personal property, 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 days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form and may be adjusted to reflect whether the proposed annual tax would be upon real property, personal property, or both real property and personal property:

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

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

(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 and may be adjusted to reflect whether the proposed annual tax would be upon real property, personal property, or both real property and personal property:

For a ___ mill tax on real property and a ___ mill tax on 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 property and a ___ mill tax on 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.

SECTION 4. Arkansas Constitution, Amendment 38, § 1, is amended to read as follows:

§ 1. Petition for tax levy – Election.

Whenever 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~~ real property, personal property, or both real property and personal property be levied for the purpose of maintaining and operating a public county library or a county library service or system and shall specify a rate of taxation not to exceed five mills (5) mills on the dollar on real property, or not to exceed five (5) mills on the dollar on personal property, or not to exceed five (5) mills on the dollar on each type of property, real property and personal property, 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 days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form and may be adjusted to reflect whether the proposed annual tax would be upon real property, personal property, or both real property and personal property:

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

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

SECTION 5. Arkansas Constitution, Amendment 38, § 5(a) and (b), concerning tax levies for capital improvements to or construction of a public county library or a county library service or system, are amended to read as follows:

(a) Whenever 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~~ real property, personal property, or both real property 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 mills on the dollar on real property, or not to exceed three mills on the dollar on personal property, or not to exceed three mills on the dollar on each type of property, real property and personal property, 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 days prior to the election at which it will be submitted to the voters. The ballot shall be in substantially the following form and may be adjusted to reflect whether the proposed annual tax would be upon real property, personal property, or both real property and personal property:

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

(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 and may be adjusted to reflect whether the proposed annual tax would be upon real property, personal property, or both real property and personal property:

For a ___ mill tax on real property and a ___ mill tax on 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 property and a ___ mill tax on 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.

SECTION 6. Arkansas Constitution, Amendment 79, § 4, is amended to read as follows:

§ 4. [Income adjustments – Personal property millage rate – Uniform property tax rate requirement – Reassessment – Rollback adjustments].

(a) The General Assembly shall, by law, provide for procedures to be followed with respect to adjusting ad valorem taxes or millage pledged for bonded indebtedness purposes, to assure that the tax or millage levied for bonded indebtedness purposes will, at all times, provide a level of income sufficient to meet the current requirements of all principal, interest, paying agent fees, reserves, and other requirements of the bond indenture.

~~(b) The millage rate levied against taxable personal property and utility and regulated carrier property in each taxing unit in the state shall be equal to the millage rate levied against real property in each taxing unit in the state. Personal property millage rates currently not equal to real estate millage rates shall be reduced to the level of the real estate millage rate; except to the extent necessary to provide a level of income sufficient to meet the current requirements of all principal, interest, paying agent fees, reserves, and other requirements of the bond indenture.~~

~~(e)(b)~~ The provisions of this section shall not affect or repeal the

required uniform rate of ad valorem property tax set forth in Amendment 74.

~~(d)~~(c) The General Assembly may, by law, prescribe the method and means for reassessing real property and establish the frequency of reassessment. However, reassessment shall occur at least once every five (5) years.

~~(e)~~(d) Rollback adjustments under Article 16, Section 14 shall be determined after the adjustments are made to assessed value under this Amendment.

SECTION 7. EFFECTIVE DATE. This amendment is effective on and after January 1, 2025.

SECTION 8. 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 "An Amendment to the Arkansas Constitution Providing that No Tax Shall Be Levied on Personal Property Effective No Later Than January 1, 2050, and Providing That Personal Property and Real Property Are Not Required to be Taxed at an Equal Rate".