

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

*As Engrossed: H3/28/23*

HJR 1005

By: Representative Long

## HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE THE "ARKANSAS TAXPAYER BILL OF RIGHTS"; AND TO AMEND *THE ARKANSAS CONSTITUTION CONCERNING THE COLLECTION AND EXPENDITURE OF STATE REVENUE.*

### Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE THE "ARKANSAS TAXPAYER BILL OF RIGHTS".

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. Title.*

*This amendment shall be known and may be cited as the "Arkansas Taxpayer Bill of Rights".*



§ 2. Budgeting.

(a) When enacting a budget for the state's fiscal year, the General Assembly shall utilize a process that prohibits deficit spending of general revenues by ensuring that the expenditure of general revenues in a fiscal year does not exceed the amount of general revenues collected by the State of Arkansas.

(b) Subsection (a) of this section does not prohibit the General Assembly from budgeting for a fiscal year based on the state's expected collection of general revenues and subsequently adjusting budgeting priorities based upon actual collections of general revenue to ensure that deficit spending does not occur.

§ 3. Increase of state taxes and fees.

(a) For any fiscal year that commences on or after July 1, 2025, a three-fourths (3/4) vote of each house of the General Assembly shall be required for the following:

(1) Establishing a new tax or a new fee;

(2) Increasing the rate of a tax or fee;

(3) Extending an expiring tax or fee; or

(4) An amendment to the law directly causing a gain to the state in net tax revenue or net fee revenue.

(b) The General Assembly may submit a proposal under subdivisions (a)(1)-(4) for the approval of qualified electors voting upon the matter at a general election.

§ 4. Increase in general revenue expenditures.

(a) A budget prepared by the General Assembly for the state's fiscal year shall provide that the increase in expenditures of net general revenue available for distribution is no greater than three percent (3%) as compared to the expenditures of net general revenue available for distribution in the preceding fiscal year.

(b) The limitation under subsection (a) of this section does not apply to one-time expenditures for the settlement of claims against the state or a state entity.

§ 5. Transfer to Catastrophic Reserve Fund.

(a) As used in this section, "emergency" means an extraordinary event or occurrence that:

(1) Could not have been reasonably foreseen or prevented; and

(2) Requires immediate expenditure to preserve the health, safety, and general welfare of the people of Arkansas.

(b)(1) For any state fiscal year that commences on or after July 1, 2025, before making any transfers to the Budget Stabilization Trust Fund or any refunds as required by § 6 of this amendment, the Treasurer of State shall transfer revenues in excess of the limitation on the increase in expenditures of net general revenue available for distribution under § 4 of this amendment to the Catastrophic Reserve Fund or its successor fund to the extent necessary to ensure that the balance of the Catastrophic Reserve Fund at the end of the fiscal year is an amount equal to twenty percent (20%) of the previous fiscal year's expenditures of net general revenue.

(2) The Treasurer of State shall not be required to transfer any moneys to the Catastrophic Reserve Fund other than the moneys required under subdivision (b)(1) of this section.

(3) The Catastrophic Reserve Fund shall be in addition to, and shall not be used to meet, any other reserve requirement of this constitution or Arkansas law.

(b)(1) Moneys in the Catastrophic Reserve Fund may be expended only for an emergency.

(2)(A) An expenditure from the Catastrophic Reserve Fund may occur upon a three-fourths (3/4) vote of a quorum present of:

(i) Each house of the General Assembly in a regular, fiscal, or extraordinary session; or

(ii) The Legislative Council during the interim.

(B) Approval of an expenditure under subdivision (b)(2)(A) of this section may include an appropriation for the expenditure of funds.

(3) Interest or other income earned on the Catastrophic Reserve Fund shall accrue to the Catastrophic Reserve Fund.

§ 6. Transfer to Budget Stabilization Trust Fund.

(a) For any state fiscal year that commences on or after July 1, 2025, if net general revenue of the state exceeds the limitation on the increase in expenditures of net general revenue available for distribution under § 4 of

this amendment, for that fiscal year the excess shall be utilized or refunded as provided in this section.

(b) The Treasurer of State shall first transfer the excess to the Catastrophic Reserve Fund as necessary under § 5 of this amendment.

(c)(1) The Treasurer of State shall transfer all additional excess revenues to the Budget Stabilization Trust Fund or its successor fund, to the extent necessary to ensure that the balance of the Budget Stabilization Fund at the end of the fiscal year is an amount equal to twenty percent (20%) of the previous fiscal year's expenditures of net general revenue.

(2) The Budget Stabilization Trust Fund may exceed the balance under subdivision (c)(1) of this section but shall not fall below that balance.

(3) Interest or other income earned on the Budget Stabilization Trust Fund shall accrue to the Budget Stabilization Trust Fund.

(d) For any state fiscal year that commences on or after July 1, 2025, if the amount of net general revenue is less than the amount of net general revenue for the prior fiscal year, the Treasurer of State shall transfer money from the Budget Stabilization Trust Fund to the General Revenue Fund Account of the State Apportionment Fund in an amount equal to the difference between the amount of net general revenues for the prior fiscal year and the amount of net general revenues for the fiscal year.

(e)(1) The Budget Stabilization Trust Fund may consist of other funds as provided by law.

(2) The General Assembly may provide by law for additional uses of the Budget Stabilization Trust Fund.

(f) Any moneys that remain after the Treasurer of State has made the transfers required by this section or by law shall be reserved in the current fiscal year and refunded during the next fiscal year through temporary income tax or sales tax rate reductions.

§ 7. Laws necessary to implement amendment.

The General Assembly may enact laws necessary to implement this amendment, including without limitation laws concerning temporary income or sales tax rate reductions authorized under § 6 of this amendment.

SECTION 2. Arkansas Constitution, Article 5, § 38, is repealed.

~~§ 38. Taxes — Increase — Approval by electors.~~

~~§ 2. None of the rates for property, excise, privilege or personal taxes, now levied shall be increased by the General Assembly except after the approval of the qualified electors voting thereon at an election, or in case of emergency, by the votes of three fourths of the members elected to each House of the General Assembly.~~

SECTION 3. EFFECTIVE DATE. This amendment is effective on and after January 1, 2025.

SECTION 4. 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 To Create the "Arkansas Taxpayer Bill of Rights"; and to Amend the Arkansas Constitution Concerning the Collection and Expenditure of State Revenue.

/s/Long