

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

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

HJR 1002

4
5 By: Representative S. Meeks
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7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
9 THE TAXATION OF PERSONAL PROPERTY AND REAL PROPERTY
10 IN THE STATE OF ARKANSAS; AUTHORIZING THE GENERAL
11 ASSEMBLY TO REDUCE OR ELIMINATE THE TAXATION OF
12 PERSONAL PROPERTY; ALLOWING THE GENERAL ASSEMBLY TO
13 REDUCE OR ELIMINATE THE TAXATION OF PERSONAL PROPERTY
14 BY LAW AND TO CREATE EXEMPTIONS FOR THE TAXATION OF
15 PERSONAL PROPERTY; REQUIRING THE GENERAL ASSEMBLY TO
16 PROVIDE BY LAW ON OR BEFORE JANUARY 1, 2050, THAT NO
17 TAX SHALL BE LEVIED ON PERSONAL PROPERTY; REPEALING
18 THE REQUIREMENT THAT PERSONAL PROPERTY AND REAL
19 PROPERTY BE TAXED AT AN EQUAL RATE; AND AMENDING
20 ARKANSAS CONSTITUTION, AMENDMENTS 30 AND 38, TO
21 PROVIDE THAT TAXES FOR THE PURPOSES OF THE AMENDMENTS
22 MAY BE LEVIED ON REAL PROPERTY, PERSONAL PROPERTY, OR
23 BOTH REAL AND PERSONAL PROPERTY.
24

25
26 **Subtitle**

27 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
28 CONCERNING THE TAXATION OF PERSONAL
29 PROPERTY AND REAL PROPERTY IN THE STATE
30 OF ARKANSAS.
31

32
33 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL
34 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
35 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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1 THAT the following is proposed as an amendment to the Constitution of
 2 the State of Arkansas, and upon being submitted to the electors of the state
 3 for approval or rejection at the next general election for Representatives
 4 and Senators, if a majority of the electors voting thereon at the election
 5 adopt the amendment, the amendment shall become a part of the Constitution of
 6 the State of Arkansas, to wit:

7
 8 SECTION 1. The Arkansas Constitution is amended to add an additional
 9 amendment to read as follows:

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

11 (a) The General Assembly may enact laws to:

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

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

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

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

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

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

24
 25 SECTION 2. Arkansas Constitution, Amendment 30, § 1, is amended to
 26 read as follows:

27 § 1. Petition for tax levy – Election.

28 Whenever 100 or more taxpaying electors of any city, having a
 29 population of not less than 5,000, shall file a petition with the Mayor
 30 asking that an annual tax on ~~real and personal property~~ real property,
 31 personal property, or both real property and personal property be levied for
 32 the purpose of maintaining and operating a public city library and shall
 33 specify a rate of taxation not to exceed five mills on the dollar on real
 34 property, or not to exceed five mills on the dollar on personal property, or
 35 not to exceed five mills on the dollar on each type of property, real
 36 property and personal property, the question as to whether such tax shall be

1 levied shall be submitted to the qualified electors of such city at a general
 2 or special election. Such petition must be filed at least thirty days prior
 3 to the election at which it will be submitted to the voters. The ballot
 4 shall be in substantially the following form and may be adjusted to reflect
 5 whether the proposed annual tax would be upon real property, personal
 6 property, or both real property and personal property:

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

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

11
 12 SECTION 3. Arkansas Constitution, Amendment 30, § 5(a) and (b),
 13 concerning tax levies for capital improvements to or construction of a public
 14 city library, are amended to read as follows:

15 (a) Whenever 100 or more taxpaying electors of any city, having a
 16 population of not less than 5,000, shall file a petition with the Mayor
 17 asking that an annual tax on ~~real and personal property~~ real property,
 18 personal property, or both real property and personal property be levied for
 19 capital improvements to or construction of a public city library and shall
 20 specify a rate of taxation not to exceed three mills on the dollar on real
 21 property, or not to exceed three mills on the dollar on personal property, or
 22 not to exceed three mills on the dollar on each type of property, real
 23 property and personal property, the question as to whether such tax shall be
 24 levied shall be submitted to the qualified electors of such city at a general
 25 or special election. Such petition must be filed at least thirty days prior
 26 to the election at which it will be submitted to the voters. The ballot
 27 shall be in substantially the following form and may be adjusted to reflect
 28 whether the proposed annual tax would be upon real property, personal
 29 property, or both real property and personal property:

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

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

36 (b) The electors may authorize the governing body of the city to issue

1 bonds as prescribed by law for capital improvements to or construction of the
 2 library and to authorize the pledge of all, or any part of, the tax
 3 authorized by this section for the purpose of retiring the bonds. The ballot
 4 submitting the question to the voters shall be in substantially the following
 5 form and may be adjusted to reflect whether the proposed annual tax would be
 6 upon real property, personal property, or both real property and personal
 7 property:

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

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

18
 19 SECTION 4. Arkansas Constitution, Amendment 38, § 1, is amended to
 20 read as follows:

21 § 1. Petition for tax levy – Election.

22 Whenever 100 or more taxpaying electors of any county shall file a
 23 petition in the County Court asking that an annual tax on ~~real and personal~~
 24 property real property, personal property, or both real property and personal
 25 property be levied for the purpose of maintaining and operating a public
 26 county library or a county library service or system and shall specify a rate
 27 of taxation not to exceed five mills (5) mills on the dollar on real
 28 property, or not to exceed five (5) mills on the dollar on personal property,
 29 or not to exceed five (5) mills on the dollar on each type of property, real
 30 property and personal property, the question as to whether said tax shall be
 31 levied shall be submitted to the qualified electors of such county at a
 32 general or special election. Such petition must be filed at least thirty
 33 days prior to the election at which it will be submitted to the voters. The
 34 ballot shall be in substantially the following form and may be adjusted to
 35 reflect whether the proposed annual tax would be upon real property, personal
 36 property, or both real property and personal property:

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

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

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

12 (a) Whenever 100 or more taxpaying electors of any county shall file a
 13 petition in the County Court asking that an annual tax on ~~real and personal~~
 14 property real property, personal property, or both real property and personal
 15 property be levied for the purpose of capital improvements to or construction
 16 of a public county library or a county library service or system and shall
 17 specify a rate of taxation not to exceed three mills on the dollar on real
 18 property, or not to exceed three mills on the dollar on personal property, or
 19 not to exceed three mills on the dollar on each type of property, real
 20 property and personal property, the question as to whether said tax shall be
 21 levied shall be submitted to the qualified electors of such county at a
 22 general or special election. Such petition must be filed at least thirty
 23 days prior to the election at which it will be submitted to the voters. The
 24 ballot shall be in substantially the following form and may be adjusted to
 25 reflect whether the proposed annual tax would be upon real property, personal
 26 property, or both real property and personal property:

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

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

33 (b) The voters may authorize the County Court to issue bonds as
 34 prescribed by law for capital improvements to or construction of the library
 35 and to authorize the pledge of all, or any part of, the tax authorized in
 36 Section 1 of this Amendment for the purpose of retiring the bonds. The ballot

1 submitting the question to the voters shall be in substantially the following
 2 form and may be adjusted to reflect whether the proposed annual tax would be
 3 upon real property, personal property, or both real property and personal
 4 property:

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

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

17
 18 SECTION 6. Arkansas Constitution, Amendment 79, § 4, is amended to
 19 read as follows:

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

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

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

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

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

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

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

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

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13 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed
14 amendment is submitted to the electors of this state on the general election
15 ballot:

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

18 (2) The popular name shall be "An Amendment to the Arkansas
19 Constitution Providing that No Tax Shall Be Levied on Personal Property
20 Effective No Later Than January 1, 2050, and Providing That Personal Property
21 and Real Property Are Not Required to be Taxed at an Equal Rate".

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