

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

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4
5 By: Representative Long
6
7

HJR 1005

HOUSE JOINT RESOLUTION

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE
10 THE "ARKANSAS TAXPAYER BILL OF RIGHTS"; AND TO AMEND
11 THE ARKANSAS CONSTITUTION CONCERNING THE COLLECTION
12 AND EXPENDITURE OF STATE REVENUE.
13
14

Subtitle

15
16 N AMENDMENT TO THE ARKANSAS CONSTITUTION
17 TO CREATE THE "ARKANSAS TAXPAYER BILL OF
18 RIGHTS".
19

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

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

30
31 SECTION 1. The Arkansas Constitution is amended to add an additional
32 amendment to read as follows:

33 § 1. Title.

34 This amendment shall be known and may be cited as the "Arkansas
35 Taxpayer Bill of Rights".
36



1 § 2. Budgeting.

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

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

12
13 § 3. Increase of state taxes and fees.

14 (a) For any fiscal year that commences on or after July 1, 2027, a
15 three-fourths (3/4) vote of each house of the General Assembly shall be
16 required for legislation that is:

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

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

19 (3) Extending an expiring tax or fee; or

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

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

25 (2) A proposal submitted under subdivision (b)(1) of this
26 section shall become law if approved by three-fourths (3/4) of the qualified
27 electors voting upon the matter.

28
29 § 4. Increase in general revenue expenditures.

30 (a) A budget prepared by the General Assembly for the state's fiscal
31 year shall provide that the increase in expenditures of net general revenue
32 available for distribution is no greater than two percent (2%) as compared to
33 the expenditures of net general revenue available for distribution in the
34 preceding fiscal year.

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

1 state entity.

2
3 § 5. Transfer to Catastrophic Reserve Fund.

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

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

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

9 (b)(1) For any state fiscal year that commences on or after July 1,
10 2027, before making any transfers to the Budget Stabilization Trust Fund or
11 any refunds as required by § 6 of this amendment, the Treasurer of State
12 shall transfer revenues in excess of the limitation on the increase in
13 expenditures of net general revenue available for distribution under § 4 of
14 this amendment to the Catastrophic Reserve Fund or its successor fund to the
15 extent necessary to ensure that the balance of the Catastrophic Reserve Fund
16 at the end of the fiscal year is an amount equal to twenty percent (20%) of
17 the previous fiscal year's expenditures of net general revenue.

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

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

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

26 (2)(A) An expenditure from the Catastrophic Reserve Fund may
27 occur upon a three-fourths (3/4) vote of a quorum present of each house of
28 the General Assembly in a regular, fiscal, or extraordinary session.

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

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

33
34 § 6. Transfer to Budget Stabilization Trust Fund.

35 (a) For any state fiscal year that commences on or after July 1, 2027,
36 if net general revenue of the state exceeds the limitation on the increase in

1 expenditures of net general revenue available for distribution under § 4 of
2 this amendment, for that fiscal year the excess shall be utilized or refunded
3 as provided in this section.

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

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

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

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

16 (d) For any state fiscal year that commences on or after July 1, 2027,
17 if the amount of net general revenue is less than the amount of net general
18 revenue for the prior fiscal year, the Treasurer of State shall transfer
19 money from the Budget Stabilization Trust Fund to the General Revenue Fund
20 Account of the State Apportionment Fund in an amount equal to the difference
21 between the amount of net general revenues for the prior fiscal year and the
22 amount of net general revenues for the fiscal year.

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

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

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

31
32 § 7. Laws necessary to implement amendment.

33 The General Assembly may enact laws necessary to implement this
34 amendment, including without limitation laws concerning temporary reductions
35 of income tax rates and sales and use tax rates authorized under § 6 of this
36 amendment.

1
2 SECTION 2. Arkansas Constitution, Article 5, § 38, is repealed.

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

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

9
10 SECTION 3. The subsection of Arkansas Constitution, Article 5, § 1,
11 titled "Majority", is amended to read as follows:

12 Majority. Any measure submitted to the people as herein provided shall
13 take effect and become a law when approved by a majority of the votes cast
14 upon such measure, and not otherwise, and shall not be required to receive a
15 majority of the electors voting at such election. Such measures shall be
16 operative on and after the thirtieth day after the election at which it is
17 approved, unless otherwise specified in the Act.

18 This section shall not be construed to deprive any member of the
19 General Assembly of the right to introduce any measure, ~~but~~ Except as
20 otherwise provided in this constitution, no measure shall be submitted to the
21 people by the General Assembly, ~~except a proposed constitutional amendment or~~
22 ~~amendments as provided for in this Constitution.~~

23
24 SECTION 4. EFFECTIVE DATE. This amendment is effective on and after
25 January 1, 2027.

26
27 SECTION 5. BALLOT TITLE AND POPULAR NAME. When this proposed
28 amendment is submitted to the electors of this state on the general election
29 ballot:

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

32 (2) The popular name shall be "A Constitutional Amendment to
33 Create the "Arkansas Taxpayer Bill of Rights"; and to Amend the Arkansas
34 Constitution Concerning the Collection and Expenditure of State Revenue."