

Act 367 of the 1989 Regular Session.

Act 367

SB207

By: Senator Beebe

"AN ACT TO AMEND ARKANSAS CODE 6-13-306 AND 6-13-309 TO PROVIDE THAT AT THE NEXT REGULAR SCHOOL ELECTION FOLLOWING THE CREATION OF A NEW SCHOOL DISTRICT RESULTING FROM CONSOLIDATION OF TWO OR MORE OTHER DISTRICTS THE QUALIFIED ELECTORS OF THE NEW DISTRICT SHALL ELECT A BOARD OF DIRECTORS OF THE NEW DISTRICT; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 6-13-306 is hereby amended to read as follows:

"6-13-306. Election of directors -- Terms. (a) At the next regular school election following the creation of a new district under this subchapter, the qualified electors of the new district shall elect a board of directors for the new district as follows, except that the boards of directors of the former districts may, pursuant to 6-13-309, prescribe the number of directors of the new district who shall reside in each of the former districts.

(1) If the new district was created by the consolidation of two (2) former districts, the board shall be composed of eight (8) members, four (4) of whom shall be residents of each of the former districts. At the first meeting of the board, the four (4) members who reside in each of the former districts shall determine by lot the term to be served by each. One (1) of the four (4) members from each former district shall serve for a term of one (1) year, one (1) shall serve for a term of two (2) years, one (1) shall serve for a term of three (3) years, and one (1) shall serve for a term of four (4) years. Each year thereafter at the annual school election, the qualified electors of the new district shall elect one (1) successor member from each of the former districts for a term of four (4) years.

(2) If the new district was created by the consolidation of three (3) former districts, the board shall be composed of six (6) members, two (2) of whom shall be residents of each of the former districts. At the first meeting of the board, the two (2) members who reside in each of the former districts shall determine by lot the term to be served by each. One (1) of the two (2) members from each of the three (3) former districts shall serve for a term of two (2) years and one (1) shall serve for a term of four (4) years. Every two (2) years thereafter at the annual school election, the qualified electors of the new district shall elect one (1) successor member from each of the three (3) former districts for a term of four (4) years.

(3)(A) If the new district was created prior to July 9, 1969, by the consolidation of four (4) former districts, the board shall be composed of eight (8) members with each member serving a four-year term. Provided, that the existing board shall devise a plan to allow the present board members to serve the remainder of their terms with their successors to be elected for such terms as to allow the terms of two (2) members to expire each year with the eventual result being an eight-member board serving four-year terms with the terms of two (2) members expiring each year.

(B) If the new district was created by the consolidation after July 9, 1969, of four (4) former districts, the board shall be composed of

eight (8) members, two (2) of whom shall be residents of each of the former districts. At the first meeting of the board, the two (2) members who reside in each of the former districts shall determine by lot the term to be served by each. One (1) of the two (2) members from each of the four (4) former districts shall serve for a term of two (2) years and one (1) shall serve for a term of four (4) years. Every two (2) years thereafter at the annual school election, the qualified electors of the new district shall elect one (1) successor member from each of the four (4) former districts for a term of four (4) years.

(4) If the new district was created by the consolidation of five (5), six (6), seven (7), or eight (8) former districts, the board shall be composed of a number of members equal to the number of former districts consolidated to form the new district, with one (1) member of the board being a resident of each of the former districts. At the first meeting of the board, the members shall determine by lot the length of the term to be served by each.

(A) If the new district was created by the consolidation of five (5) former districts, each member of the board shall serve a term of one (1), two (2), three (3), four (4), or five (5) years as determined by lot;

(B) If the new district was created by the consolidation of six (6) former districts, each member of the board shall serve a term of one (1), two (2), three (3), four (4), five (5), or six (6) years as determined by lot.

(C) If the new district was created by the consolidation of seven (7) former districts, each member of the board shall serve a term of one (1), two (2), three (3), four (4), five (5), six (6), or seven (7) years as determined by lot;

(D) If the new district was created by the consolidation of eight (8) former districts, each member of the board shall serve a term of one (1), two (2), three (3), four (4), five (5), six (6), seven (7), or eight (8) years as determined by lot.

(b) Successor members shall be elected by the qualified electors of the new district for terms of four (4) years."

SECTION 2. Subsection (a) of Arkansas Code 6-13-309 is hereby amended to read as follows:

"(a) Anything contained in 6-13-306 to the contrary notwithstanding, the boards of directors of the former districts are expressly authorized to enter into an agreement, executed by the president and secretary of each district, prescribing the date the new district shall come into existence and prescribing the number of directors of the new district who shall reside in each of the former districts."

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. (a) Subsection (b) of 6-13-309 of the Arkansas Code is hereby repealed.

(b) All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. Emergency. It is hereby found and determined by the General Assembly that the Arkansas Supreme Court held by a 4 to 3 decision in *Martin, et al v. Frazier, et al*, 291 Ark. 120, 722 S.W. 2d 835(1987), that Arkansas Statute 80-450 (now Arkansas Code 6-13-306 and 6-13-309) provides that upon the consolidation of two or more public school districts the boards of directors of the former districts may elect the original members of the board of the new consolidated district instead of the electors of the new school

districts electing the new school board at the next regular school election following the creation of the new district; it is further determined by the General Assembly that the dissenting opinion in this case correctly reflects the legislative intent that the new school board for the consolidated district is to be elected by the electors of the new district at the next regular school election following the creation of the new district; that this Act is designed to clarify the law to assure that at the next regular school election occurring after the creation of a new school district resulting from consolidation of two or more existing school districts the new board be chosen by the electors; and that this Act should go into effect immediately in order to eliminate the confusion as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 7, 1989

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