

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Luelf**

A Bill

SENATE BILL 293

For An Act To Be Entitled

8 "AN ACT TO AMEND CHAPTER 53 OF TITLE 6 OF THE ARKANSAS
9 CODE ANNOTATED BY ADDING A NEW SUBCHAPTER TO AUTHORIZE THE
10 FORMATION AND RECONSTITUTION OF TECHNICAL COLLEGE
11 DISTRICTS; TO AUTHORIZE THE VOTERS OF THE TECHNICAL
12 COLLEGE DISTRICTS TO LEVY AD VALOREM TAXES TO SUPPORT THE
13 DISTRICTS; AND FOR OTHER PURPOSES."

Subtitle

16 "TO AUTHORIZE FORMATION AND RECONSTITUTION OF TECHNICAL
17 COLLEGE DISTRICTS AND TO AUTHORIZE VOTERS TO LEVY AD
18 VALOREM TAXES TO SUPPORT THE DISTRICTS."

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

22 SECTION 1. Chapter 53 of Title 6 of the Arkansas Code is amended by
23 adding a new subchapter 6 to read as follows:

24 "Subchapter 6 - Technical College Districts

25 6-53-601. It is the intent and purpose of this act to authorize the
26 formation of technical college districts and the levy of ad valorem taxes in
27 such districts not to exceed ten (10) mills on each dollar of assessed value
28 of the taxable real and personal property of a district, with the revenues
29 therefrom to be used for site acquisition, construction, equipping and
30 operation of technical colleges, as authorized in Amendment #52 to the
31 Arkansas Constitution.

32 6-53-602. (a) Upon request of the local board of a technical college,
33 or the State Board of Higher Education acting as a local board of a technical
34 college, the College Panel shall determine whether formation of a proposed
35 technical college district, the boundaries of which are to be determined by

1 the local board or the State Board acting as the local board, is feasible
2 according to criteria established by the State Board for the formation of a
3 technical college district.

4 (b) If the College Panel determines that the formation of a proposed
5 district is feasible, the local board or the State Board acting as the local
6 board may notify the county board of election commissioners in each county of
7 which any portion is in the proposed technical college district that an
8 election will be held to determine whether the district shall be formed and/or
9 whether an ad valorem tax shall be levied on property in the district to fund
10 site acquisition, construction, equipping and operation of the college. The
11 local board or acting local board shall set a date for the election to be held
12 at a time not less than thirty (30) calendar days after the local board or
13 acting local board notifies the county boards. The local board or acting
14 local board shall specify the wording of the ballot to be used for such
15 elections, utilizing appropriate language similar to that found in § 6-61-
16 513(b), and county boards of election commissioners shall conduct the election
17 in the manner provided by law for special elections.

18 (c) If the formation of a proposed technical college district fails and
19 the majority of votes cast in one or more counties or cities in a proposed
20 district were against the formation of the district, the local board or acting
21 local board may notify the county boards of election commissioners that an
22 election will be held on the issue of forming a proposed district that does
23 not include the county, city, counties, or cities in which the issue failed.
24 The local board or acting local board shall set a date for the election to be
25 held no less than thirty (30) calendar days after the local board or acting
26 local board notifies the county boards. The procedures for an election to
27 form a proposed reconstituted district shall be identical to the procedures
28 for an election to establish a technical college district.

29 (d) If a district is formed but no tax is levied and the local board or
30 acting local board of a technical college subsequently determines that the
31 question of a tax levy in the technical college district should be submitted
32 to the electors, or if a tax is levied and the local board or acting local
33 board subsequently determines that the question of increasing the tax should
34 be submitted to the electors, it shall certify the millage requested to the
35 county board of election commissioners of each county of which any portion is

1 in the technical college district. The county boards shall place the question
2 of the levy on the ballot at the next general election if the date of the
3 general election is not less than thirty (30) calendar days after the county
4 boards receive certification from the local board or acting local board. In
5 the alternative, the local board or acting local board may set a date for a
6 special election at a time not less than thirty (30) calendar days after the
7 local board or acting local board notifies the county boards. The special
8 election shall be conducted in the manner provided by law for other special
9 elections.

10 (e) A tax levied under this subchapter shall be a continuing levy
11 unless otherwise provided by law. It may be reduced or repealed, with the
12 exception of the amount of tax required to service any outstanding bonds, or
13 the tax may be increased, upon approval thereof by a majority of the qualified
14 electors of the district voting on the issue at an election called by the
15 local board or acting local board to be held at least thirty (30) calendar
16 days after the local board or acting local board notifies the county boards of
17 election commissioners. The tax shall be collected in the manner now provided
18 by law for the collection of county general taxes and promptly remitted by the
19 county treasurer to the district. Revenues derived from a tax levied pursuant
20 to this act may be used for site acquisition, construction, equipping, or
21 operation of a technical college or for any of such purposes. If a technical
22 college for which a tax is levied thereafter becomes a branch of an existing
23 institution of higher education, the tax levied hereunder shall continue to be
24 levied and collected for the use and benefit of the branch unless reduced or
25 repealed as authorized in this section.

26 6-53-603. (a) *A technical college district may be dissolved or the*
27 *millage tax voted reduced or repealed, with the exception of the amount of tax*
28 *required to service any outstanding bonds, upon approval by a majority of the*
29 *qualified electors of the district voting on the issue at an election called*
30 *for such purpose by the county board(s) of election commissioners upon*
31 *submission of petitions signed by not less than ten percent (10%) of the*
32 *qualified electors of the district based upon the total number of votes as*
33 *cast therein for all candidates for the office of the Governor in the last*
34 *general election.*

35 (b) *The petition shall be filed with the Secretary of State of*

1 Arkansas, who within ten (10) days of the receipt and verification by the
2 Secretary of State of the sufficiency of the petitions shall notify the county
3 board(s) of election commissioners that an election shall be held at a time
4 not less than thirty (30) nor more than one hundred and eighty (180) days from
5 the date of notification."

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16 SECTION 4. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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/s/ Senator Luelf

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