1   State of Arkansas   Call Item 4

2   84th General Assembly   A Bill

3   Second Extraordinary Session, 2003   HOUSE BILL 1032

4

5   By: Representatives Cleveland, Bolin, P. Bookout, Chesterfield, Dangeau, Fite, J. Johnson, Moore,

6   Seawel, Thomas

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9   **For An Act To Be Entitled**

10   AN ACT TO AUTHORIZE VOLUNTARY REORGANIZATION OF

11   SCHOOL DISTRICTS; TO AUTHORIZE MILLAGE ELECTIONS

12   FOR REORGANIZED DISTRICTS; AND FOR OTHER

13   PURPOSES.

14

15   **Subtitle**

16   AN ACT TO AUTHORIZE VOLUNTARY

17   REORGANIZATION OF SCHOOL DISTRICTS AND

18   TO AUTHORIZE MILLAGE ELECTIONS FOR

19   REORGANIZED DISTRICTS.

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

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24   SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 12 is amended

25   to add an additional section to read as follows:

26   6-13-1211. Voluntary reorganization of school districts permitted.

27   (a)(1) Any two (2) or more school districts that voluntarily agree to

28   consolidate shall do so by:

29   (A) Adopting articles of consolidation approved by a

30   majority vote of each district's board of directors; and

31   (B) Submitting the articles of consolidation to the State

32   Board of Education for approval.

33   (2) Schools voluntarily consolidating under this section shall

34   not be required to comply with § 6-13-1404(a).

35   (b) The state board shall not deny the voluntary consolidation of any

36   two (2) or more school districts unless:

1   (1) The provisions contained in the articles of consolidation

2 would violate state or federal law; or

3   (2) The voluntary consolidation would not contribute to the

4 betterment of the education of students in the district.

5   (c) Upon approval of the articles of consolidation by the state board,

6 the Department of Education shall issue an order establishing the resulting

7 school district.

8   (d)(1) All districts involved in the consolidation shall pay the

9 current millage rate until the next school election.

10   (2)(A) The board of directors for the new district shall propose

11 a millage rate for the new district which shall be voted on in each of the

12 original districts.

13   (B) If the proposed millage rate passes in each of the

14 districts, it shall become the new millage rate for the new school district.

15   (C) If the proposed millage rate fails to pass in each of

16 the districts, the millage rate shall be the same as under § 26-80-111(b).

17   (e) All laws and parts of laws in conflict with this section are

18 repealed.

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20   SECTION 2. EMERGENCY CLAUSE. It is found and determined by the

21 General Assembly of the State of Arkansas that the Arkansas Supreme Court in

22 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the

23 present system of education to be unconstitutional because it is both

24 inequitable and inadequate; and the Arkansas Supreme Court set forth the test

25 for a constitutional system to be one in which the state has an "absolute

26 duty" to provide an "equal opportunity to an adequate education"; and the

27 Arkansas Supreme Court instructed the General Assembly to define and provide

28 what is necessary to provide an adequate and equitable education for the

29 children of Arkansas. Therefore, an emergency is declared to exist and this

30 act being immediately necessary for the preservation of the public peace,

31 health, and safety shall become effective on:

32   (1) The date of its approval by the Governor;

33   (2) If the bill is neither approved nor vetoed by the Governor,

34 the expiration of the period of time during which the Governor may veto the

35 bill; or

36   (3) If the bill is vetoed by the Governor and the veto is

1 <u>overridden, the date the last house overrides the veto.</u>

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