

As Engrossed: 4/2/93

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

A Bill

ACT 945 OF 1993
HOUSE BILL 1703

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
36 the local board or the State Board acting as the local board, is feasible

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1 according to criteria established by the State Board for the formation of a
2 technical college district.

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

18 (c) *Except as provided in subsection (d) of this section, if the*
19 *establishment of a proposed technical college district fails because of an*
20 *adverse vote by a majority of the qualified electors of the proposed district*
21 *voting thereon at the election, no new election for the establishment thereof*
22 *shall be held within a period of one (1) year after the date of the election.*

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

34 (e) *If the local board or acting local board of a technical college*
35 *determines that the question of a tax levy in the technical college district*

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

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

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

1 general election.

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

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

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

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

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/s/Vada Sheid

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APPROVED: 4/7/93

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