

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 423 OF 1993
SENATE BILL 288

4 **By: *Senators Gordon and Luef***

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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 ESTABLISHMENT OF A TECHNICAL COLLEGE DISTRICT AND THE LEVY
11 OF PROPERTY TAXES TO SUPPORT THE DISTRICT; AND FOR OTHER
12 PURPOSES."

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Subtitle

15 "TO AUTHORIZE THE ESTABLISHMENT OF TECHNICAL COLLEGE
16 DISTRICTS FOR THE PURPOSE OF LEVYING PROPERTY TAXES."

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

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

22 "6-53-601. Pursuant to the authority granted by Amendment No. 52 to the
23 Constitution of the State of Arkansas, it is the intent of the General
24 Assembly by this act to authorize the establishment of technical college
25 districts and the levy of a property tax in such districts not to exceed ten
26 (10) mills on each dollar of assessed value of the taxable real and personal
27 property of a district, with the revenues therefrom to be used for *site*
28 *acquisition*, construction, *equipping*, operation, and maintenance of technical
29 colleges.

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31 6-53-602. (a) Upon request of the local board of a technical college,
32 *or the State Board of Higher Education acting as the local board of a*
33 *technical college*, the College Panel shall determine whether formation of a
34 proposed technical college district, the boundaries of which shall be
35 determined by the local board, *or the State Board of Higher education acting*
36 *as the local board*, is feasible according to criteria established by the State

1 Board for the formation of a technical college district.

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

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

22 (d) If the establishment of a proposed technical college district fails
23 and the majority of votes cast in one (1) or more counties or cities in a
24 proposed district were against the establishment of the district, the local
25 board or *acting local board* may notify the county board(s) of election
26 commissioners that an election will be held on the issue of forming a proposed
27 district that does not include the county, city, counties, or cities in which
28 the issue failed. The local board or *acting local board* shall set a date for
29 the election to be held no *less* than thirty (30) calendar days after the local
30 board notifies the county board(s). The procedures for an election to form a
31 proposed reconstituted district shall be identical to the procedures for an
32 election to establish a technical college district.

33 (e) If the local board or *acting local board* of a technical college
34 determines that the question of a tax levy in the technical college district
35 should be submitted to the electors after the district is formed, it shall

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

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

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

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

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8 SECTION 2. Arkansas Code § 6-61-603(b) is hereby amended to read as
9 follows:

10 "(b) Capital outlay expenses shall be paid from gifts, grants, profits
11 from auxiliary enterprises, tuition, fees, local millages, and other local
12 funds and may be paid from state funds appropriated for such purposes."

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14 SECTION 3. Arkansas Code § 6-53-207(d) is hereby amended to read as
15 follows:

16 "(d) Capital outlay expenses shall be paid from gifts, grants, profits
17 from auxiliary enterprises, tuition, fees, local millages, and other local
18 funds and may be paid from state funds appropriated for such purposes."

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20 SECTION 4. Arkansas Code § 6-53-301(b) is hereby amended to read as
21 follows:

22 "(b) A technical college may be expanded to offer courses of
23 instruction in technical, vocational, and adult education programs and college
24 transfer programs and may, upon a vote of the electorate, create a community
25 college district and, if necessary, impose a millage to convert to a community
26 college."

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28 SECTION 5. Arkansas Code § 6-53-403(a) (2) is hereby amended to read as
29 follows:

30 "(a) (2) Any postsecondary vocational-technical school which converts to
31 a technical college under the provisions of this chapter or any two-year
32 branch campus whose board of trustees petitions the state board under this
33 chapter shall be exempt from § 6-61-509(c) limiting the maximum number of
34 community college districts in this state to eight (8) and may hereafter
35 convert to become a community college with the approval of the State Board of

1 Higher Education."

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3 SECTION 6. Arkansas Code § 6-53-403(e)(1) is hereby amended to read as
4 follows:

5 "(e)(1) Following the conversion of a technical college to a community
6 college, the members of the local board of the technical college shall become
7 members of the community college board with two (2) additional board members
8 to be appointed by the governor. The board shall then draw lots with three
9 (3) lots for two (2) year terms, three (3) lots for four (4) year terms, and
10 three (3) lots for six (6) year terms. All records, personnel, property,
11 unexpended balances of appropriations, allocations, or other funds of the
12 technical college shall be transferred to the local board of the community
13 college."

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

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19 SECTION 8. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 9. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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/s/ Senator Gordon

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APPROVED: 03/10/93

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