

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representative Cunningham**

# A Bill

**ACT 1131 OF 1995**  
**HOUSE BILL 1992**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 6-14-102 TO AUTHORIZE AN  
9 ANNUAL SCHOOL ELECTION AS AND WHEN NECESSARY ON ACCOUNT OF  
10 ERROR IN THE CONTENT OR TIMING OF THE PUBLISHED SCHOOL  
11 DISTRICT BUDGET; DECLARING AN EMERGENCY; AND FOR OTHER  
12 PURPOSES."

## Subtitle

15 "TO AUTHORIZE AN ANNUAL SCHOOL ELECTION  
16 AS AND WHEN NECESSARY ON ACCOUNT OF  
17 ERROR IN THE CONTENT OR TIMING OF THE  
18 PUBLISHED SCHOOL DISTRICT BUDGET."

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

21

22 SECTION 1. Arkansas Code 6-14-102 is hereby amended to read as follows:

23 "6-14-102. Annual school election date.

24 (a) The annual school election shall be held in each school district of  
25 the state on the third Tuesday in September.

26 (b) The board of directors of any school district shall have the  
27 authority to hold the annual school election on a date prior to that fixed by  
28 law, provided that:

29 (i) the proposed budget of expenditures for the previous year,  
30 as published, incorrectly stated a proposed expenditure or rate of tax levy,  
31 as set forth in a certificate or certificates signed by each member of the  
32 Board of Directors, or was not published within the time required by law;

33 (ii) all constitutional requirements for the annual school  
34 election are met; and

35 (iii) the date of the election is approved by the Director of

1 General Education.

2           (c) (i) The Board of Directors of any school district shall have the  
3 authority to change the date of an annual school election that has been set  
4 when the district suffers damage to its physical facilities in an amount  
5 exceeding one hundred twenty-five thousand dollars (\$125,000) as a result of  
6 fire or other natural disaster, provided that all constitutional requirements  
7 are met.

8           (ii) If the board of directors of the school district determines that  
9 the proceeds of insurance on those facilities will be insufficient to restore  
10 or replace the facilities, the board of directors may, by resolution duly  
11 adopted and with the approval of the Director of General Education, postpone  
12 the date of the annual school election in that school district for such year  
13 from the third Tuesday in September to the second Tuesday in December.

14           (iii) Certified copies of the resolution shall be delivered not later  
15 than the Monday next preceding the third Tuesday in September to the Director  
16 of General Education, and to the county supervisor, or secretary of the county  
17 board of education if there is no county school supervisor, and chairman of  
18 the county board of election commissioners of each county in which any of the  
19 territory of the school district is located.

20           (d) *The board of directors of any school district that will lose state*  
21 *aid because of a court decision or legislation enacted by the General Assembly*  
22 *shall have authority, no less than sixty (60) days after the court's decision*  
23 *or effective date of the legislation, to change the date of the annual school*  
24 *election to consider a millage increase."*

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

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30           SECTION 3. If any provision of this act or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not affect  
32 other provisions or applications of the act which can be given effect without  
33 the invalid provision or application, and to this end the provisions of this  
34 act are declared to be severable.

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

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4 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
5 Assembly that an error in the content or date of publication of a school  
6 district budget may, under present law, result in severe impairment of  
7 district operations for the then ensuing school year. Therefore, an emergency  
8 is hereby declared to exist, and this act being immediately necessary for the  
9 preservation of the public peace, health, and safety shall be in full force  
10 and effect from and after its passage and approval.

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*/s/Rep. Cunningham*

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APPROVED: 4-10-95

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***As Engrossed: 3/17/95 4/5/95***

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