

.As Engrossed: 4/7/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1349 OF 1995
HOUSE BILL 1811

4 **By: Representatives Wagner, McGee, McGinnis, Pollan, and Harris**

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For An Act To Be Entitled

8 "AN ACT TO CREATE AN OPTION FOR LOCAL COMMUNITY COLLEGE
9 BOARD MEMBERS TO BE APPOINTED BY THE GOVERNOR OR TO BE
10 *ELECTED UNDER THE PROVISIONS OF § 6-61-520 OR THIS ACT; TO*
11 *DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."*

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Subtitle

14 "TO CREATE AN OPTION FOR THE APPOINTMENT
15 OR ELECTION OF LOCAL COMMUNITY COLLEGE
16 BOARD MEMBERS."

17

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

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20 SECTION 1. (a) (1) Within sixty (60) days after the effective date of
21 this act, the local board of each community college shall, by resolution,
22 choose:

23 (A) To continue as a board whose members are elected; or
24 (B) To become a newly constituted board whose members are
25 appointed by the Governor under the provisions of this act.

26 (2) The board of the local community college shall immediately
27 thereafter notify the Governor of its decision.

28 (b) (1) *If the local community college board chooses to become an*
29 *appointed board, positions on the board shall become vacant as current terms*
30 *expire, and persons who are residents and qualified electors of the community*
31 *college district shall be appointed by the Governor for a term of six (6)*
32 *years. To the extent possible, the Governor shall assure equitable*
33 *representation on the board with regard to race and geographic distribution*
34 *from throughout the district.*

35 (2) *Vacancies on the appointed board due to death, resignation,*
36 *or other causes shall be filled by appointment of the Governor to serve the*

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1 remainder of an unexpired term. A person so appointed is eligible for
2 appointment to a subsequent full term on the board.

3 (c) If the local community college board chooses to remain an elected
4 board, beginning with the 1996 general election, the qualified electors of a
5 community college district having a ten percent (10%) or greater population in
6 any one (1) racial minority, as reported by the most recent federal decennial
7 census information, shall elect the members of the local board as follows,
8 utilizing selection procedures in compliance with the federal Voting Rights
9 Act of 1965, as amended:

10 (1) At least ninety (90) days before the election, the local
11 board shall, with approval of the county board of election commissioners of
12 any county in which the community college is located, divide the district into
13 nine (9) zones or the local board may, by resolution, utilize existing quorum
14 court districts.

15 (A) Zones shall have substantially equal population, with
16 boundaries based on the most recent available federal decennial census
17 information.

18 (B) A candidate for election from a zone or a quorum court
19 district must be a qualified elector and a resident of the zone or district.

20 (2) (A) Except as provided in subsection (d) of this section, a
21 board member shall serve a six (6) year term.

22 (B) A term shall commence after the county court declares
23 the results of the election by an order entered of record and on January 1
24 next following the date of the election.

25 (d) At the first meeting of a new local board, the members shall
26 establish initial terms by lot so that, to the extent possible, an equal
27 number of positions are filled every two (2) years and not more than five (5)
28 members' terms expire every two (2) years.

29 (e) (1) After each federal decennial census and at least ninety (90)
30 days before the general election, the local board shall, with approval of the
31 county board of election commissioners of any county in which the community
32 college is located, divide the district into nine (9) zones or the local board
33 may, by resolution, utilize quorum court districts. The zones or quorum court
34 districts shall be based on the most recent federal decennial census
35 information and substantially equal in population.

1 (2) At the general election following the rezoning, a new local
2 board shall be elected in accordance with procedures set forth in this act.

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

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

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

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17 SECTION 5. EMERGENCY. It is hereby found and determined by the General
18 Assembly of the State of Arkansas that any delay in the effective date of this
19 act could work irreparable harm to the continuity of the 1995-96 academic year
20 and, consequently, to students enrolled in community colleges throughout the
21 state of Arkansas. Therefore, an emergency is hereby declared to exist and
22 this act being necessary for the immediate preservation of the public peace,
23 health, and safety, shall be in full force and effect from and after its
24 passage and approval.

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/s/Rep. Wagner, et al

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27 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-19-95

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