

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Hoofman

SENATE BILL 461

As engrossed 3-2-87 As engrossed 3-25-87

"AN ACT TO AMEND SECTION 52 OF ACT NO. 169 OF 1931 [ARK. STAT. 80-412] TO CLARIFY LANGUAGE OF THE ORIGINAL ACT IN ORDER TO SATISFY OBJECTIONS RAISED BY THE ARKANSAS SUPREME COURT AND TO PROVIDE A REASONABLE MEANS BY WHICH LIMITED AREAS OF LAND LYING WITHIN THE BOUNDARIES OF AN INCORPORATED TOWN MAY BE VOLUNTARILY ANNEXED TO AN EXISTING SCHOOL DISTRICT LYING WITHIN THE BOUNDARIES OF SUCH INCORPORATED TOWN."

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

SECTION 1. Section 52 of Act No. 169 of 1931, the same being Arkansas Statutes 80-412, is hereby amended to read as follows:

"Section 52. A. Upon petition by real property owner(s) of land located wholly within the corporate limits of an incorporated town, which has a school district situated within its corporate limits with boundaries which do not encompass the lands of the petitioner(s), to release said lands from the school district in which they currently are located for the purpose of being annexed to the school district situated within the corporate limits of the town in which said lands are located, the school directors of the districts concerned shall approve such petition provided that:

(1) the area of the lands petitioned to be released and annexed shall be contiguous to the school district situated within the corporate limits of the town in which said lands are located and the area of the lands petitioned to be released and annexed shall not be greater than five thousandths of one percent (.005%) of the total area of the lands currently within the school district being petitioned for said release; and

(2) the school district being petitioned for said annexation contains a greater percentage of minority race students than the school district

being petitioned for said release; and

(3) the property is zoned residential or used as residential property, or the property's highest use is residential.

No property owner may petition under this Act more than one time during any calendar year, and the school districts shall accept up to ten petitions during any calendar year.

The petition shall include a map of the territory sought to be released and annexed and shall reflect a metes and bounds or lot and block description of said territory.

B. The school directors of the districts concerned, within ten days following receipt of such a petition alleging the requirements stated in subparagraphs A(a), A(2) and A(3); above, shall cause notice of such petition to be published once a week for two weeks in a newspaper having a general circulation in the county in which the school districts concerned are located giving the date for hearings on such petition, which shall be the date of the next regularly scheduled meetings of the school districts concerned, and at such hearings, upon proof of the requirements stated in subparagraphs A(1), A(2) and A(3) above, the petition for release and annexation shall be granted. After a subsequent hearing, at which the chairman of the county board of education shall preside, the county board of education shall issue an order changing the school district boundary lines between the districts concerned."

SECTION 2. The General Assembly of the State of Arkansas finds and determines that a substantial alteration in school district boundaries shall not have occurred provided that the lands petitioned to be released from one district and annexed to another in any one petition constitute less than five thousandths of one percent (.005%) of the total area of the lands currently within the school district being petitioned for said release. It is in the intention of this Act to provide an alternative to the procedure for the alteration of existing school district boundaries as set forth in Section 44 of Act No. 169 of 1931 (Arkansas Statutes 80-404) so long as such procedure is limited to situations involving voluntary petitions of land owners seeking to become annexed to school districts situated within the corporate limits of an incorporated town and which otherwise satisfy the provisions set forth in the preceding Section 1.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. It is the intention of this Act to amend or repeal only such sections or subsections of Act 169 of 1931, as are specifically mentioned herein, and the remainder of said Act 169 of 1931 shall remain in full force and effect as enacted until the same shall be further amended or repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that the laws of Arkansas pertaining to the alteration of existing school district boundaries by school directors as authorized by Act 169 of 1931 are inadequate and must be clarified and supplemented in order to permit such school districts to effectively and economically alter their boundaries in certain situations and that this inadequacy is causing hardships upon the land owners within school district boundaries different from the incorporated town in which the lands are located and this amendment of such laws is in the best interests of all such school districts, towns and land owners. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

/s/ Hoofman

