

State of Arkansas

77th General Assembly

Regular Session, 1989

HOUSE BILL 1957

By: Representative McJunkin

"AN ACT TO AMEND ARKANSAS CODE 6-13-213 PERTAINING TO CHANGES
IN THE BOUNDARIES OF SCHOOL DISTRICTS; AND FOR OTHER
PURPOSES."

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

SECTION 1. Arkansas Code 6-13-213 is hereby amended to read as follows:

"6-13-213. Boundary change by board of directors.

(a) Upon petition by real property owners 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 petitioners and no portion of the school district lies outside the corporate limits, to release the lands from the school district in which they currently are located for the purpose of being annexed to the school district situated entirely within the corporate limits of the town in which the lands are located, the school district board of directors concerned shall approve the petition if:

(1) The area of the lands petitioned to be released and annexed:

(A) Shall be contiguous to the school district situated entirely within the corporate limits of the town in which the lands are located;

(B) 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 the release; and

(2) The school district being petitioned for the annexation contains a greater percentage of minority-race students than the school district being petitioned for the release; and

(3) The property is zoned residential or used as residential

property, or the property's highest use is residential.

(b) No property owner may petition under this section more than one (1) time during any calendar year, and the school districts shall accept up to ten (10) petitions during any calendar year.

(c) 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 the territory.

(d) (1) The school district board of directors concerned, within ten (10) days following receipt of a petition alleging the requirements stated in subdivisions (a)(1), (2), and (3) of this section shall, cause notice of the petition to be published one (1) time a week for two (2) weeks in a newspaper having a general circulation in the county in which the school districts concerned are located. The notice shall give the date for hearings on the petition which shall be the date of the next regularly scheduled meeting of the school districts concerned;

(2) At the hearings, upon proof of the requirements stated in subdivisions (a)(1), (2), and (3) of this section, the petition for release and annexation shall be granted;

(3) 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.

(e) 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 the intention of this section to provide an alternative to the procedure for the alteration of existing school district boundaries as set forth in § 6-13-201 so long as such procedure is limited to situations involving voluntary petitions of landowners seeking to become annexed to school districts situated entirely within the corporate limits of an incorporated town and which otherwise satisfy the provisions set forth in this section."

SECTION 2. All provisions of this Act of a general and permanent nature

are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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