

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

# A Bill

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

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14 "TO AUTHORIZE AN ANNUAL SCHOOL ELECTION  
15 AS AND WHEN NECESSARY ON ACCOUNT OF  
16 ERROR IN THE CONTENT OR TIMING OF THE  
17 PUBLISHED SCHOOL DISTRICT BUDGET."  
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19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

24 "6-14-102. Annual school election date.

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

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

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

34 (ii) all constitutional requirements for the annual school

1 election are met; and

2 (iii) the date of the election is approved by the Director of  
3 General Education.

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

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

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

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

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

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

1 act are declared to be severable.

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

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

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14 */s/Rep. Cunningham*

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

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