

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

# A Bill

SENATE BILL 730

## For An Act To Be Entitled

8 "AN ACT TO PROVIDE QUALIFYING SCHOOL DISTRICTS WHICH WERE  
9 CONSOLIDATED WITH THE OPTION TO CALL A SPECIAL ELECTION ON  
10 THE ISSUE OF DISSOLVING THE CONSOLIDATED SCHOOL DISTRICT  
11 AND TO PROVIDE FOR SEPARATION OF THE CONSOLIDATED SCHOOL  
12 DISTRICT AND PARTITION OF ITS PROPERTY; AND FOR OTHER  
13 PURPOSES."

## Subtitle

16 "TO PROVIDE QUALIFYING CONSOLIDATED  
17 SCHOOL DISTRICTS MAY CALL A SPECIAL  
18 ELECTION ON THE ISSUE OF DISSOLVING THE  
19 DISTRICT AND TO PROVIDE FOR PARTITION OF  
20 THE SCHOOL PROPERTY."

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

24 SECTION 1. (a) As used in this act, "qualifying school district"  
25 means a school district which was consolidated with another district by  
26 agreement between the two districts based on Act 125 of 1961, Arkansas Code  
27 §§ 6-20-301 et seq. (repealed), where the agreement provided that the new,  
28 consolidated district was to be governed by a school board consisting of an  
29 equal number of positions from the two previous districts and where the  
30 agreement provision for equal representation on the consolidated board was  
31 invalidated due to court orders or because of an election pursuant to Act 294  
32 of 1993.

33 (b) Any qualifying school district, as it was identified before  
34 consolidation, shall, upon petition of fifteen percent (15%) of the qualified  
35 electors voting in the last school election before consolidation of the

1 districts, be entitled to call a special election on the question of  
2 dissolution of the consolidated district and, upon a majority of those voting  
3 on the question voting in favor of dissolving the consolidated district at  
4 the special election provided for under this act, shall have the consolidated  
5 district dissolved.

6 (c) Upon a petition being filed with the county board of election  
7 commissioners of the county in which a qualifying school district is located,  
8 the election commission shall call a special election to determine the issue.  
9 The consolidation dissolution election shall be held within sixty (60) days  
10 of the filing of the petition. Only those electors from within the  
11 boundaries of the qualifying school district prior to consolidation shall be  
12 entitled to vote on the question of dissolution of the consolidated district.  
13

14 SECTION 2. (a) At the special election, the consolidation dissolution  
15 issue shall be printed on the ballot in substantially the following form:

16 "For the former ..... School District to remain a part of the  
17 consolidated school district. ...."

18 "Against the former ..... School District to remain a part of the  
19 consolidated school district. ...."

20 (b) If at the dissolution election a majority of the qualified electors  
21 voting on the issue vote for the consolidated school district to continue,  
22 then the district shall continue as a consolidated school and no further  
23 dissolution elections shall be held until after a passage of at least five  
24 (5) years.

25 (c) If at the dissolution election a majority of the qualified  
26 electors voting on the issue vote against the continuation of the  
27 consolidated school district, then the dissolution of the consolidated  
28 district shall be effective on July 1 of the year following the next regular  
29 school board elections after the vote for dissolution.  
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31 SECTION 3. At the next school election after the vote for dissolution  
32 of a consolidated school district, the county board of election commissioners  
33 shall establish and hold separate school elections for the separated school  
34 districts. The number of members of the school boards of each of the  
35 separated districts shall be the same in number as prior to the

1 consolidation. Candidates for the school board shall be qualified and the  
2 school election shall be held in the separate districts as is otherwise  
3 provided by law.

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5 SECTION 4. On July 1 of the year following the school election for the  
6 separate school district boards, the school boards of each district shall, in  
7 any manner suitable to them, partition the property owned by the consolidated  
8 district. In the event the two school boards do not reach an agreement  
9 concerning the partition of the property of the consolidated district within  
10 ninety (90) days after the new school board members are sworn into office,  
11 then either of the school boards or any voter in either district shall have  
12 standing to sue to force partition of the property. The property shall be  
13 partitioned with consideration to the following: (1) the relative  
14 populations of the two or more districts; (2) the amount of assets and  
15 liabilities contributed by each district to the consolidated district;  
16 (3) the amount of property acquired during the period that the districts were  
17 consolidated; (4) the length of time of the consolidation; and (5) other  
18 factors considered relevant by the courts.

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20 SECTION 5. All provisions of this act of general and permanent nature  
21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
22 Revision Commission shall incorporate the same in the Code.

23  
24 SECTION 6. If any provisions of this act or the application thereof to  
25 any person or circumstance is held invalid, the invalidity shall not affect  
26 other provisions or applications of the act which can be given effect without  
27 the invalid provisions or application, and to this end the provisions of this  
28 act are declared to be severable.

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30 SECTION 7. All laws and parts of laws in conflict with this act are  
31 hereby repealed.

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33 */s/Everett*

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