

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/7/97

A Bill

HOUSE BILL 1821

4
5 By: Representative Flanagin
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-61-529 TO
10 PROVIDE FOR THE ELECTION OF COMMUNITY COLLEGE BOARDS FOR
11 BOARDS OPTING IN 1995 TO HAVE MEMBERS APPOINTED BY THE
12 GOVERNOR; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES."

Subtitle

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15 "TO PROVIDE FOR THE ELECTION OF
16 COMMUNITY COLLEGE BOARDS FOR BOARDS
17 OPTING IN 1995 TO HAVE MEMBERS APPOINTED
18 BY THE GOVERNOR."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code Annotated § 6-61-529 is amended to read as
24 follows:

25 "6-61-529. Local boards - Appointment or election of members.

26 (a)(1) Within sixty (60) days after April 19, 1995, the local board of
27 each community college shall, by resolution, choose:

28 (A) To continue as a board whose members are elected; or

29 (B) To become a newly constituted board whose members are
30 appointed by the Governor under the provisions of this section.

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

33 (b)(1)(A) If the local community college board chooses to become an
34 appointed board, positions on the board shall become vacant as current terms
35 expire, and persons who are residents and qualified electors of the community
36 college district shall be appointed by the Governor for terms of six (6)

1 years.

2 (B) To the extent possible, the Governor shall assure
3 equitable representation on the board with regard to race and geographic
4 distribution from throughout the district.

5 (2)(A) Vacancies on the appointed board due to death,
6 resignation, or other causes shall be filled by appointment of the Governor to
7 serve the remainder of an unexpired term.

8 (B) A person so appointed is eligible for appointment to a
9 subsequent full term on the board.

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

17 (A) At least ninety (90) days before the election, the
18 local board shall, with approval of the county board of election commissioners
19 of any county in which the community college is located, divide the district
20 into nine (9) zones, or the local board may, by resolution, utilize existing
21 quorum court districts. Zones shall have substantially equal population, with
22 boundaries based on the most recent available federal decennial census
23 information;

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

26 (2)(A) A board member shall serve a six-year term.

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

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

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

4 (d)(1) As applied to any community college district where the local
5 community college board, by resolution adopted on or after June 1, 1995, chose
6 to become an appointed board, the qualified electors of a community college
7 district may, by petition, have placed on the ballot of a special election
8 called for such purpose the issue of whether to elect the members of the local
9 community college board from single member zones utilizing existing quorum
10 court districts.

11 (2) The petitions calling for such issue to be placed on the
12 ballot shall be signed by not less than ten percent (10%) of the qualified
13 electors of the district, based upon the total number of registered voters in
14 the district.

15 (3) The petitions shall be filed with the county election
16 commission of the county in which the largest portion of the community college
17 district lies.

18 (4) Within ten (10) days of the receipt and verification of the
19 sufficiency of the petitions, the county election commission shall notify the
20 community college board that the issue shall be placed on the ballot of a
21 special election called for such purpose and shall specify the wording of the
22 ballot.

23 (e)(1) If a majority of the qualified electors of the community college
24 district shall vote for the election of the members of the community college
25 board from single member zones utilizing existing quorum court districts, the
26 terms of those members currently serving on the board shall be reduced so that
27 all positions shall be up for election at the next general election, or at the
28 next annual school election, as follows, and as otherwise provided by law:

29 (A) A candidate for election from a quorum court district
30 must be a qualified elector and a resident of the district;

31 (B) A board member shall serve a six-year term;

32 (C) A term shall commence after the county court declares
33 the results of the election by an order entered of record and on January 1
34 next following the date of the election; and

35 (D) At the first meeting of the new board, the members
36 shall establish initial terms by lot so that, to the extent possible, an equal

1 number of positions are filled every two (2) years and not more than five (5)
2 members' terms expire every two (2) years.

3 (2) Provided, however, any member of the board shall hold office
4 until his successor has been elected and qualified.

5 (3) A member of the board who is qualified to serve the quorum
6 court district he represents may be eligible to succeed himself.

7 (f) The provisions of subsections (d) and (e) of this section shall not
8 apply to any community college that has merged or consolidated with a four-
9 year institution of higher education."

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

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15 SECTION 3. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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

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24 SECTION 5. EMERGENCY. It is found and determined by the General
25 Assembly of the State of Arkansas that any delay in the effective date of this
26 act could work irreparable harm to the continuity of the 1997-98 academic year
27 and, consequently, to students enrolled in certain community colleges
28 throughout the State of Arkansas. Therefore, an emergency is declared to
29 exist and this act being immediately necessary for the preservation of the
30 public peace, health and safety shall become effective on the date of its
31 approval by the Governor. If the bill is neither approved nor vetoed by the
32 Governor, it shall become effective on the expiration of the period of time
33 during which the Governor may veto the bill. If the bill is vetoed by the
34 Governor and the veto is overridden, it shall become effective on the date the
35 last house overrides the veto.

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/s/Rep. Flanagan