

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

# A Bill

SENATE BILL 565

4  
5 By: Senator Ross  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-14-102 TO  
10 AUTHORIZE THE BOARD OF DIRECTORS OF A LOCAL SCHOOL  
11 DISTRICT TO CHANGE THE DATE OF THE ANNUAL SCHOOL ELECTION  
12 UNDER CERTAIN CONDITIONS AND TO CALL A SPECIAL ELECTION  
13 FOR THE PURPOSE OF VOTING ON ADDITIONAL MILLAGES FOR  
14 MAINTENANCE AND OPERATIONS OR DEBT SERVICE AS AUTHORIZED  
15 BY AMENDMENT 74 TO THE ARKANSAS CONSTITUTION; TO DECLARE  
16 AN EMERGENCY; AND FOR OTHER PURPOSES."

## Subtitle

17  
18  
19 "AUTHORIZING LOCAL SCHOOL BOARDS TO  
20 CHANGE THE DATE OF THE ANNUAL SCHOOL  
21 ELECTION AND TO CALL SPECIAL ELECTIONS  
22 TO CONSIDER ADDITIONAL MILLAGES FOR  
23 MAINTENANCE AND OPERATIONS OR DEBT  
24 SERVICE AS AUTHORIZED BY AMENDMENT 74."  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code Annotated § 6-14-102 is amended to read as  
29 follows:

30 "6-14-102. Annual school election date -- Special school election.

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

33 (b) The board of directors of any school district shall have the  
34 authority to hold the annual school election on a date ~~prior to~~ other than  
35 that fixed by law, provided that:

36 (1) The proposed budget of expenditures for the previous year, as

1 published, incorrectly stated a proposed expenditure or rate of tax levy, as  
 2 set forth in a certificate or certificates signed by each member of the board  
 3 of directors, or was not published within the time required by law; or

4 (2) The district has suffered damage to its physical facilities  
 5 in an amount exceeding one hundred twenty-five thousand dollars (\$125,000) as  
 6 a result of fire or other natural disaster and the board of directors has  
 7 determined that the proceeds of insurance on those facilities will be  
 8 insufficient to restore or replace the facilities; or

9 (3) The district will lose state aid because of a court decision  
 10 or legislation enacted by the General Assembly and the board of directors  
 11 takes action to change the date of the annual school election to consider a  
 12 millage increase no less than sixty (60) days after the court's decision or  
 13 effective date of the legislation; and

14 ~~(2)(4)~~ (4) All constitutional and statutory requirements for the  
 15 annual school election are met; and

16 ~~—————(3)(5)~~ (5) The date of the election is approved by the Director of  
 17 General Education.

18 (c) In an even-numbered year, if no more than one (1) candidate for  
 19 school district director or member of the county board of education presents a  
 20 petition or notice in writing to the county board of election commissioners as  
 21 required by § 6-14-111, and there are no other ballot issues to be submitted  
 22 to district electors for consideration, the board of directors of any school  
 23 district may, by resolution duly adopted, request the county board of election  
 24 commissioners to change the date of the annual school election to coincide  
 25 with that of the general election.

26 ~~————(d)(1) The board of directors of any school district shall have the~~  
 27 ~~authority to change the date of an annual school election that has been set~~  
 28 ~~when the district suffers damage to its physical facilities in an amount~~  
 29 ~~exceeding one hundred twenty-five thousand dollars (\$125,000) as a result of~~  
 30 ~~fire or other natural disaster, provided that all constitutional requirements~~  
 31 ~~are met.~~

32 ~~————(2) If the board of directors of the school district determines that the~~  
 33 ~~proceeds of insurance on those facilities will be insufficient to restore or~~  
 34 ~~replace the facilities, the board of directors may, by resolution duly adopted~~  
 35 ~~and with the approval of the Director of General Education, postpone the date~~  
 36 ~~of the annual school election in that school district for such year from the~~

1 ~~third Tuesday in September to the second Tuesday in December.~~

2 ~~— (3) Certified copies of the resolution shall be delivered not later than~~  
 3 ~~the Monday next preceding the third Tuesday in September to the Director of~~  
 4 ~~General Education, and to the county supervisor, or secretary of the county~~  
 5 ~~board of education if there is no county school supervisor, and the chairman~~  
 6 ~~of the county board of election commissioners of each county in which any of~~  
 7 ~~the territory of the school district is located.~~

8 ~~— (e) The board of directors of any school district that will lose state~~  
 9 ~~aid because of a court decision or legislation enacted by the General Assembly~~  
 10 ~~shall have authority, no less than sixty (60) days after the court's decision~~  
 11 ~~or effective date of the legislation, to change the date of the annual school~~  
 12 ~~election to consider a millage increase.~~

13 (d) The board of directors of any school district shall have the  
 14 authority to request the county board of education to call a special election  
 15 for the purpose of considering a rate of tax for additional millages for  
 16 maintenance and operations or debt service as authorized by Amendment 74 to  
 17 the Arkansas Constitution, provided that:

18 (1) All constitutional and statutory requirements for a special  
 19 school election are met; and

20 (2) The date of the election is approved by the Director of  
 21 General Education."

22

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

26

27 SECTION 3. If any provision of this act or the application thereof to  
 28 any person or circumstance is held invalid, such invalidity shall not affect  
 29 other provisions or applications of the act which can be given effect without  
 30 the invalid provision or application, and to this end the provisions of this  
 31 act are declared to be severable.

32

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

35

36 SECTION 5. EMERGENCY. It is found and determined by the General

1 Assembly of the State of Arkansas that some school districts in this state  
2 have incurred substantial damages to their physical facilities from fires or  
3 other natural disasters and find, subsequent to the annual school election,  
4 that insurance proceeds are insufficient to restore the facilities; that  
5 current law does not permit local school districts to change the date of the  
6 annual election in such circumstances. It is further found and determined  
7 that Amendment 74 to the Arkansas Constitution authorizes the General Assembly  
8 to enact laws providing for special school elections to consider millages  
9 supplemental to the uniform rate of tax required by the Constitution and that  
10 such special election could be utilized by school districts in unforeseen  
11 emergency situations. Therefore an emergency is declared to exist and this  
12 act being immediately necessary for the preservation of the public peace,  
13 health and safety shall become effective on the date of its approval by the  
14 Governor. If the bill is neither approved nor vetoed by the Governor, it  
15 shall become effective on the expiration of the period of time during which  
16 the Governor may veto the bill. If the bill is vetoed by the Governor and the  
17 veto is overridden, it shall become effective on the date the last house  
18 overrides the veto.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35