

1 State of Arkansas

2 85th General Assembly

3 Regular Session, 2005

HJR 1024

4
5 By: Representative Mahony
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8 **HOUSE JOINT RESOLUTION**

9 PROPOSING A CONSTITUTIONAL AMENDMENT TO ESTABLISH
10 UNIFIED SCHOOL DISTRICT NO. 1 TO CONSIST OF
11 SCHOOL DISTRICTS IN ACADEMIC, FINANCIAL, AND
12 FACILITIES DISTRESS AND TO AUTHORIZE THE GENERAL
13 ASSEMBLY TO RAISE AD VALOREM PROPERTY TAXES IN
14 THE AREAS WITHIN UNIFIED SCHOOL DISTRICT NO. 1
15 FOR THE SUPPORT OF THE PUBLIC SCHOOLS IN THE
16 DISTRICT.
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18 **Subtitle**

19 PROPOSING A CONSTITUTIONAL AMENDMENT TO
20 ESTABLISH UNIFIED SCHOOL DISTRICT NO. 1
21 TO CONSIST OF SCHOOL DISTRICTS IN
22 ACADEMIC, FINANCIAL, AND FACILITIES
23 DISTRESS.
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26 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE
27 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
28 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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30 THAT the following is proposed as an amendment to the Constitution of
31 the State of Arkansas, and upon being submitted to the electors of the state
32 for approval or rejection at the next general election for Senators and
33 Representatives, if a majority of the electors voting thereon at the election
34 adopt the amendment, the amendment shall become a part of the Constitution of
35 the State of Arkansas, to wit:
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1 SECTION 1. (a)(1) There is created a State of Arkansas school
2 district to be known as "Unified School District No. 1".

3 (2) Unified School District No. 1 shall consist of all school
4 districts classified by the State Board of Education as in academic distress,
5 financial distress, or facilities distress as those conditions are defined by
6 the General Assembly.

7 (b) The State Board of Education shall keep records showing a
8 description of Unified School District No. 1 and a map showing the boundary
9 lines of Unified School District No. 1. The state board shall make changes
10 to the records and map as necessary to properly show the boundary lines.

11 (c) The Board of Directors of Unified School District No. 1 shall
12 consist of the individuals who are members of the House Committee on
13 Education and the Senate Committee on Education.

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15 SECTION 2. (a) The first regular meeting of the Board of Directors of
16 Unified School District No. 1 shall be held on or before January 15 following
17 each statewide general election.

18 (b) At the first regular meeting, the board of directors shall
19 organize by electing:

20 (1) One (1) of its number president;

21 (2) One (1) of its number vice president; and

22 (3) A secretary who may be, but need not be, a member of the
23 board.

24 (c)(1) By resolution adopted by majority vote, the board shall
25 designate one (1) of its members who shall serve as the primary board
26 disbursing officer of the district.

27 (2) In addition, the board may designate one (1) or more board
28 members as an alternate board disbursing officer or officers in the absence
29 of the designated primary board disbursing officer.

30 (3) The resolution must be filed with the Treasurer of State and
31 the Director of the Department of Finance and Administration.

32 (d) By resolution adopted by majority vote, the board shall designate
33 a superintendent of the school district who is not a member of the board.

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35 SECTION 3. (a)(1) The Board of Directors of Unified School District
36 No. 1 shall hold regular monthly meetings during the school term and shall

1 meet on call of the president, secretary, or any three (3) members of the
2 board, or when petitioned to do so, by a petition in writing signed by fifty
3 (50) individuals residing within the district.

4 (2) Regular meetings of the board of directors and all
5 committees of the board of directors, and special meetings of the board of
6 directors and committees of the board of directors that deal with personnel
7 or personnel policies, shall, except in emergency situations, be held after
8 5:00 p.m.

9 (b)(1) Minutes of regular and special meetings of the board of
10 directors shall be kept by the secretary of the board and filed by the
11 secretary in a permanent record.

12 (2) This record shall also contain a copy of all budgets of the
13 district and all reports of the board treasurer on the financial affairs of
14 the district.

15 (c)(1)(A) A majority of a quorum voting affirmatively shall be
16 required for the passage of any motion or resolution.

17 (B) Any member who abstains from voting shall be counted
18 as having voted against the motion or resolution.

19 (C) If a member announces a conflict of interest with
20 regard to the issue, the member may leave the meeting until the voting on the
21 issue is concluded and the member who abstains from voting thereby shall not
22 be counted as having voted.

23 (2) For the purposes of this section, a quorum shall be a
24 majority of the membership of the board.

25 (d)(1) Any member of the board who misses three (3) regular and
26 consecutive board meetings during a school year for any reason other than
27 military service of the member or illness of the member verified by a written
28 sworn statement of the member's attending physician may be removed from
29 office by a majority vote of the remaining board members, but only after an
30 opportunity for a hearing before the board upon fifteen (15) days' notice
31 received by personal delivery or by certified mail with the return receipt
32 signed by the addressee.

33 (2) If the board takes action to remove the member from office,
34 the remaining members shall then appoint another legislator to serve until
35 the first meeting after the next statewide general election.

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1 SECTION 4. (a)(1) The Board of Directors of Unified School District
2 No. 1 shall have the same powers and duties as any other school district
3 board of directors in the state.

4 (2)(A) In addition, the board of directors may develop and
5 implement a transition plan for the administration of a school district
6 affected by the provisions of this amendment.

7 (B) A transition plan may include any provisions,
8 including provisions related to the assumption of debt and interests in
9 property, determined by the board as necessary for the orderly and efficient
10 operation of the affected school districts and Unified School District No. 1.

11 (3) Unified School District No. 1 shall become the successor in
12 interest to the property of an affected district and shall become liable for
13 the contracts and debts of the district in accordance with the transition
14 plan developed by the board for the affected school district.

15 (b) The Bureau of Legislative Research shall provide staff assistance
16 to the board of directors as requested by the board to carry out its powers
17 and duties.

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19 SECTION 5. (a) Notwithstanding the provisions of Section 1 of
20 Amendment 47 of the Constitution of the State of Arkansas, the General
21 Assembly may raise, upon the recommendation of the Board of Directors of
22 Unified School District No. 1, the ad valorem property taxes for the
23 geographic areas contained within Unified School District No. 1 to be used
24 for maintenance and operations of the public schools within the district.

25 (b) The General Assembly shall certify to each county contained within
26 Unified School District No. 1 an increase in the ad valorem property taxes.
27 Each county shall assess, collect, and remit the taxes according to
28 procedures established by the General Assembly.

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30 SECTION 6. This amendment shall be effective January 1, 2007.
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