

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1424 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

As Engrossed: S3/8/05 H3/23/05

A Bill

SENATE BILL 591

4
5 By: Senators Broadway, Bisbee
6 By: Representatives Mahony, Elliott

For An Act To Be Entitled

10 AN ACT TO CREATE THE ACADEMIC FACILITIES
11 OVERSIGHT COMMITTEE; TO CREATE THE ADVISORY
12 COMMITTEE ON PUBLIC SCHOOL ACADEMIC FACILITIES;
13 AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT TO CREATE THE ACADEMIC FACILITIES
17 OVERSIGHT COMMITTEE AND THE ADVISORY
18 COMMITTEE ON PUBLIC SCHOOL ACADEMIC
19 FACILITIES.

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

24 SECTION 1. Arkansas Code Title 10, Chapter 3 is amended to add an
25 additional subchapter to read as follows:

26 10-3-2201. Academic Facilities Oversight Committee.

27 (a) There is created a legislative committee to be known as the
28 “Academic Facilities Oversight Committee”.

29 (b) The committee shall consist of fifteen (15) members as follows:

30 (1)(A) Seven (7) members of the Senate as follows:

31 (i) One (1) member who is the Chair of the Senate
32 Committee on Education or his or her designee;

33 (ii) Two (2) members of the Senate Committee on
34 Education appointed by the Chair of the Senate Committee on Education; and

35 (iii) Four (4) members of the Senate appointed by



1 the President Pro Tempore of the Senate.

2 (B) In the event that the Chair of the Senate Committee on
3 Education and the President Pro Tempore of the Senate are the same person,
4 the Vice Chair of the Senate Committee on Education shall make the
5 appointments under subdivision (b)(1)(A)(ii) of this section;

6 (2)(A) Seven (7) members of the House of Representatives as
7 follows:

8 (i) One (1) member who is the Chair of the House
9 Committee on Education or his or her designee;

10 (ii) Two (2) members of the House Committee on
11 Education to be appointed by the Chair of the House Committee on Education;
12 and

13 (iii) Four (4) members of the House of
14 Representatives to be appointed by the Speaker of the House of
15 Representatives.

16 (B) In the event that the Chair of the House Committee on
17 Education and the Speaker of the House of Representatives are the same
18 person, the Vice Chair of the House Committee on Education shall make the
19 appointments under subdivision (b)(2)(A)(ii) of this section; and

20 (3) The Director of the Division of Public School Academic
21 Facilities and Transportation who shall serve as a nonvoting ex officio
22 member.

23 (c) The Chair of the Senate Committee on Education or the chair's
24 designee and the Chair of the House Committee on Education or the chair's
25 designee shall serve as cochairs of the committee.

26 (d) If a vacancy occurs in an appointed position for any reason, the
27 vacancy shall be filled in the same manner as the original appointment.

28 (e)(1) The committee shall meet upon the call of either or both of the
29 cochairs of the committee.

30 (2) Eight (8) members of the committee shall constitute a quorum
31 for the purpose of transacting business.

32 (3) A quorum is required for any action of the committee.

33
34 10-3-2202. Powers and duties.

35 (a) The Academic Facilities Oversight Committee shall:

36 (1) Oversee development and implementation of state statutory

1 requirements with regard to providing constitutionally appropriate public
2 school academic facilities and related equipment for all public schools in
3 the State of Arkansas as necessary to provide an equal opportunity for an
4 adequate education for all public school students in Arkansas;

5 (2) Appoint members of the Advisory Committee on Public School
6 Academic Facilities established to assist the Division of Public School
7 Academic Facilities and Transportation;

8 (3) Review and recommend policies and criteria for the repair,
9 maintenance, renovation, remodeling, replacement, and construction of public
10 school academic facilities;

11 (4) Oversee local and state expenditures related to providing
12 constitutionally appropriate public school academic facilities and related
13 equipment;

14 (5) Review the effectiveness of methods used to fund the cost of
15 constitutionally appropriate public school academic facilities and equipment;

16 (6) Review the ongoing assessment, evaluation, and inspection of
17 public school academic facilities to provide that constitutionally
18 appropriate public school academic facilities are, and will continue to be,
19 provided for public school students in Arkansas; and

20 (7) Use the opinions of the Arkansas Supreme Court in the matter
21 of Lake View School District No. 25 of Phillips County, Arkansas, et al., v.
22 Governor Mike Huckabee, et al. and other legal precedent relevant to public
23 school academic facilities.

24 (b)(1)(A) The committee shall report its findings and recommendations
25 to the President Pro Tempore of the Senate, the Speaker of the House of
26 Representatives, the Governor, and the House and Senate Committees on
27 Education no later than October 1 before each regular session of the General
28 Assembly.

29 (B) Upon motion of the committee and approval by a quorum
30 of the committee, the October 1 report deadline may be extended for a period
31 to be determined by the committee.

32 (2) The report shall include for each recommendation, proposed
33 implementation schedules with timelines, specific steps, agencies and persons
34 responsible, and resources needed.

35 (3) Where feasible, the committee shall propose plans, measures,
36 and initiatives as recommendations for legislation or regulation.

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2 10-3-2203. Committee assistance.

3 (a) The Department of Education, the Department of Workforce
4 Education, the Department of Higher Education, the Division of Public School
5 Academic Facilities and Transportation, and the Division of Public School
6 Accountability shall provide the Academic Facilities Oversight Committee with
7 assistance as requested by the committee.

8 (b) The committee may hire or contract with individuals or entities,
9 both within the state and from out-of-state, for the purpose of obtaining
10 staff or otherwise performing the duties of the committee to the extent
11 funding is appropriated and available for that purpose.

12 (c) The Bureau of Legislative Research of the Legislative Council
13 shall furnish reasonable staff assistance to the committee as may be
14 requested by the committee.

15
16 10-3-2204. Meetings – Reimbursement of expenses.

17 (a) The Academic Facilities Oversight Committee shall function during
18 the interim between regular or special sessions of the General Assembly,
19 while the General Assembly is in session, and while the General Assembly is
20 in recess.

21 (b) If the committee meets at a time when the General Assembly is not
22 in session, the legislative members of the committee are entitled to per diem
23 and mileage reimbursement at the rate as for attending meetings of the
24 Legislative Council. The per diem or mileage reimbursement shall be paid
25 from funds appropriated for the payment of per diem and mileage for
26 attendance at meetings of interim committees of the General Assembly.

27
28 SECTION 2. Arkansas Code Title 6, Chapter 21, Subchapter 1 is amended
29 to add the following additional sections:

30 6-21-113. Advisory Committee on Public School Academic Facilities.

31 (a) To assist the Division of Public School Academic Facilities and
32 Transportation, there is established the Advisory Committee on Public School
33 Academic Facilities to be composed of the following members who must be
34 willing to devote adequate time to the work of the committee:

35 (1) The Director of the Division of Public School Academic
36 Facilities, or the director's designee, who shall also serve as secretary to

1 the advisory committee;

2 (2) Two (2) persons who are licensed building contractors with
3 at least five (5) years of experience in public school construction;

4 (3) One (1) person who is a registered architect with at least
5 five (5) years of experience in public school design selected from a list of
6 no less than three (3) names of registered architects with at least five (5)
7 years of experience in public school design submitted by the Arkansas Chapter
8 of the American Institute of Architects;

9 (4) One (1) person who is a licensed or registered engineer with
10 at least five (5) years of experience in public school construction;

11 (5) One (1) person who is knowledgeable in educational
12 technology applications and strategies;

13 (6) Two (2) persons selected from a list of six (6) names
14 submitted by the Arkansas Association of Educational Administrators;

15 (7) One (1) person selected from a list of three (3) names
16 submitted by the Arkansas Education Association; and

17 (8) One (1) person selected from a list of three (3) names
18 submitted by the Arkansas School Boards Association.

19 (b) All members shall serve four-year terms. All terms shall expire
20 on April 1. Membership is limited to two (2) terms.

21 (c) Nonstate employee committee members shall serve without
22 compensation, but may receive expense reimbursement in accordance with § 25-
23 16-902.

24
25 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that the Arkansas Supreme Court has
27 determined that current public school academic facilities in the State of
28 Arkansas are inadequate and inequitable; that the General Assembly
29 established the Joint Committee on Educational Facilities to inventory the
30 current condition of school facilities and recommend methods for bringing
31 those facilities into conformity with the court's constitutional
32 expectations; that one of the recommendations of the joint committee is to
33 authorize the Division of Public School Academic Facilities to begin work
34 immediately as a viable state agency; that the new division immediately
35 needs, and will continue to need, the advice of an advisory committee
36 comprised of members with expertise in public school design and construction

1 and with issues particular to providing adequate and equitable public school
2 academic facilities; that an advisory committee with the necessary expertise
3 does not currently exist; that in response to the work of the joint
4 committee, the General Assembly is in the process of developing and enacting
5 legislation designed to establish a comprehensive program for overseeing the
6 provision of adequate and substantially equal public school academic
7 facilities across the state; that the General Assembly immediately needs, and
8 will continue to need, the advice of an organized legislative committee
9 comprised of members with expertise in issues particular to providing
10 adequate and equitable public school academic facilities; and that an
11 organized legislative committee with the necessary expertise does not
12 currently exist. Therefore, an emergency is declared to exist and this act
13 being immediately necessary for the preservation of the public peace, health,
14 and safety shall become effective on:

15 (1) The date of its approval by the Governor;

16 (2) If the bill is neither approved nor vetoed by the Governor,
17 the expiration of the period of time during which the Governor may veto the
18 bill; or

19 (3) If the bill is vetoed by the Governor and the veto is
20 overridden, the date the last house overrides the veto.

21
22 */s/ Broadway, et al*

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25 *APPROVED: 3/30/2005*

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