

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

\*\*\*\*\*

**Subtitle of House Bill No. 1539**

"AN ACT TO PROHIBIT LOCAL SCHOOL BOARDS OF EDUCATION FROM ENTERING  
INTO CONTRACTS, EXCEPT UNDER CERTAIN CONDITIONS, UNTIL JULY 1, 2004;  
AND FOR OTHER PURPOSES."

\*\*\*\*\*

**Amendment No. 1 to House Bill No. 1539.**

Amend House Bill No. 1539 as originally introduced:

Page 4, delete lines 21 through 28, and substitute the following:

"(b) Beginning on the effective date of this subsection (b) through July 1, 2004, notwithstanding any other provision of law except for currently binding contractual obligations, enforceable court-ordered mandates, or contracts entered into in connection with a bond issuance or a project financed with an issuance of bonds, no school board of directors of any public school, or any governing body of a charter school or an education cooperative shall enter into any contractual obligation exceeding seventy-five thousand dollars (\$75,000) for the purchase, sale, construction, improvement, repair, or equipment for facilities, motor vehicles, buildings, or real property sites without the prior written approval of the State Board of Education or the Director of the Department of Education as allowed in emergency situations."

AND

Page 4, line 33, delete "contract" and substitute "contracts"

AND

Page 4, delete line 35, and substitute the following:

"without the prior written approval of the State Board of Education or the director of the Department of Education as allowed in emergency situations."

AND

Page 5, delete line 17, and substitute the following:

"prior written approval of the State Board of Education or the Director of the Department of Education as allowed in emergency situations."



AND

Page 5, delete line 19, and substitute the following:

“entered on or after the effective date of this subsection (d) through July 1, 2004, may have a combined total increase in”

AND

Page 5, delete line 24, and substitute the following:

“mandated by the Arkansas General Assembly, specifically including but not limited to, pay increases under the Educator’s Compensations Act of 2001.”

AND

Page 6, delete line 32, and substitute the following:

“of this subdivision (b) through July 1, 2004, without the prior written approval of the State Board of Education or the Director of the Department of Education as allowed in emergency situations.”

AND

Page 6, delete lines 34 through 36, and substitute the following:

SECTION 5. (a) Any school district, local board of directors or other person seeking prior written approval from the State Board of Education or the Director of the Department of Education under Arkansas Code § 6-17-301(c) and (d), § 6-13-620(15) and (16), and § 6-20-1201, shall send a written petition to the Director of the Department of Education, no less than fifteen (15) days prior to the next regularly scheduled State Board of Education meeting, requesting that the matter be placed on the agenda of the State Board of Education at next regularly scheduled State Board of Education meeting and include in the petition:

- (1) The names and addresses of the requestor and of all parties to the contract;
- (2) A statement explaining the purpose of the contract or project;
- (3) The total expected contract price or project amount; and
- (4) A copy of the proposed contract or project proposal.

(b)(1) The State Board of Education shall hear all petitions filed under subsection (a), and based on the State Board of Education’s determination of whether the petition would be in the best interest of the state’s system of education, shall:

- (A)(i) Approve the petition, in whole or any part thereof;
  - (ii) Deny the petition, in whole or any part thereof; or
  - (iii) Request additional information with respect to any part of the petition or additional time to consider the petition; and
- (B) Send a written notice of the board’s action to the requestor no less than five (5) days following the meeting.

(2) The State Board of Education may deny any petition because of the failure to provide sufficient information as requested by the State Board of Education or required under subsection (a) of this section.

(c) When and if a school district superintendent declares in a written

petition to the Director of the Department of Education that a school district must take immediate action to address a need of the district, and the necessary action is of nature and circumstance that the local school district would be unduly harmed to wait until the next regularly scheduled State Board of Education meeting for approval, the director is may, in his sole discretion, declare that an emergency exists and approve in whole or in part the requested contract, obligation, expenditure or condition of the school district.

(d) For purposes of this section, "project" means any contract or combined contractual obligation related to a specific purchase, sale, construction, improvement, repair, or equipment for facilities, motor vehicles, buildings, or real property sites."

AND

Page 7, delete lines 1 and 2 entirely

AND

Page 7, delete line 11, and substitute the following:

"misdemeanor and subject to a fine in the amount of one thousand dollars (\$1,000)."

The Amendment was read \_\_\_\_\_  
By: Representative Mahony  
KAS/VJF - 022120031139  
VJF470

\_\_\_\_\_  
Chief Clerk