

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

Subtitle of Senate Concurrent Resolution No. 34

"TO PROVIDE FOR AN EXTENSION OF THE REGULAR SESSION OF THE EIGHTY-
FOURTH GENERAL ASSEMBLY UNTIL MAY 9, 2003; TO PROVIDE THAT THE
GENERAL ASSEMBLY MAY BE CONVENED ON OR BEFORE MAY 9 FOR LIMITED
PURPOSES."

Amendment No. 1 to Senate Concurrent Resolution No. 34.

Amend Senate Concurrent Resolution No. 34 as originally introduced:

Page 1, delete lines 9 through 15 and substitute the following:

"TO PROVIDE FOR AN EXTENSION OF THE REGULAR
SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY
UNTIL SEPTEMBER 26, 2003; TO PROVIDE THAT THE
GENERAL ASSEMBLY SHALL ENTER INTO RECESS ON APRIL
19, 2003, OR AT SUCH OTHER TIME AS AGREED UPON BY
THE SENATE AND HOUSE OF REPRESENTATIVES; TO
PROVIDE THAT THE EIGHTY-FOURTH GENERAL ASSEMBLY
MAY BE CONVENED ON OR BEFORE MAY 12 TO CONSIDER
VETOES, ERRORS, AND OMISSIONS AND TO COMPLETE ITS
WORK ON CONSTITUTIONAL AMENDMENTS; TO PROVIDE
THAT THE EIGHTY-FOURTH GENERAL ASSEMBLY SHALL BE
CONVENED AT 12 NOON, SEPTEMBER 8, 2003, FOR THE
PURPOSE OF CONSIDERING BILLS, RESOLUTIONS
PROPOSING CONSTITUTIONAL AMENDMENTS RELATING TO
THE PUBLIC SCHOOLS, THE ESTABLISHMENT AND FUNDING
OF PUBLIC EDUCATION PROGRAMS AND THE SUPPORT OF
STATE AGENCIES HAVING AUTHORITY OR
RESPONSIBILITIES RELATING TO PUBLIC EDUCATION,
AND BILLS RELATING TO THE CLASSIFICATION AND
ALLOCATION OF REVENUES OF THE STATE; TO PROVIDE
THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY
BY JOINT PROCLAMATION ADJOURN THE REGULAR SESSION
OF THE EIGHTY-FOURTH GENERAL ASSEMBLY AT ANY TIME
BETWEEN APRIL 19 AND SEPTEMBER 26, 2003, UPON
CERTIFICATION BY THE GOVERNOR THAT AN EMERGENCY
EXISTS REQUIRING A SPECIAL SESSION OF THE GENERAL
ASSEMBLY."



AND

Page 1, delete lines 18 through 23 and substitute the following:
"TO PROVIDE FOR AN EXTENSION OF THE REGULAR SESSION OF THE EIGHTY-FOURTH
GENERAL ASSEMBLY."

AND

Page 1, delete lines 29 through 36

AND

Page 2, delete lines 1 through 12 and substitute the following:

"WHEREAS, in November 2002, the Supreme Court of Arkansas rendered a decision in the case of Lake View School District No. 25 of Phillips County, et al., vs. Huckabee, et al., relating to the requirement of Arkansas Constitution, Article 14, Section 1, that the state provide a system of free public schools; and

WHEREAS, in the Lake View decision the court ruled that the Arkansas Constitution requires the state to maintain a "general, suitable, and efficient system of free public schools"; that the Constitution places on the state an absolute duty to ensure that an adequate education is available to all school children of Arkansas; that the state's school funding system fails to meet the constitutional requirement, and is both inadequate and inequitable; that the state's failure in this duty places the entire system of public education in legal jeopardy; and that the state should first determine what constitutes an adequate education in Arkansas, and then ensure that opportunity for an adequate education is afforded to the school children of the state; and

WHEREAS, the court has stayed the issuance of its mandate in the Lake View case until January 1, 2004, in order that "the General Assembly and the State Department of Education should have time to correct this constitutional deficiency in public school funding and time to chart a new course for public education in Arkansas"; and

WHEREAS, in the Lake View case, the Arkansas Supreme Court directed the state to perform a study to assist it in determining what constitutes an "adequate" education for Arkansas children; and

WHEREAS, the results of the adequacy study ordered by the Supreme Court in the Lake View case are necessary to enable the General Assembly to determine appropriate action that must be taken to comply with the Arkansas Constitution, as interpreted by the Supreme Court in the Lake View case; and

WHEREAS, the Eighty-Fourth session of the Arkansas General Assembly has enacted legislation and appropriated funds necessary to commission an adequacy study, and the state has contracted for the completion of an adequacy study; and

WHEREAS, the adequacy study is not yet completed and cannot be completed before September 1, 2003; and

WHEREAS, important work remains to be done by the Eighty-Fourth General Assembly, including work presently pending in the form of bills, resolutions, and proposed constitutional amendments relating to the governance, operation, and funding of public schools, and designed to make the state's system of public schools comply with the provisions of the state constitution and the decision of the Supreme Court in the Lake View case; and

WHEREAS, the raising and allocation of additional revenue for education and any changes in the structure and governance of public schools that may be required to meet the standards set out by the court in the Lake View case may necessitate the referral to the voters of one or more proposed constitutional amendments including, but not limited to, amendments pertaining to the rate and method of collection and the allocation of ad valorem property taxes; and

WHEREAS, proposed amendments to the Arkansas Constitution may only be referred in a regular session of the General Assembly, making a special session of the General Assembly inadequate and inappropriate to satisfactorily deal with the task before the General Assembly, which task is to effectively restructure and adequately finance the public school system of this state in order to ensure compliance with Article 14, Section 1 of the Arkansas Constitution as interpreted by the Arkansas Supreme Court in the Lake View case,

NOW THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. The regular session of the Eighty-Fourth General Assembly of Arkansas is hereby extended until the close of business on September 26, 2003, at which time it shall be adjourned sine die unless extended further by a vote of two-thirds of the members of each house.

SECTION 2. The General Assembly shall enter into recess at the close of business on Saturday, April 19, 2003, or at such other time as shall be agreed upon by the Senate and House of Representatives.

SECTION 3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives may, by joint proclamation, reconvene the General Assembly at any time on or before May 12, 2003, for the purpose of considering vetoes, correcting errors, oversights, and omissions and completing its work on proposed constitutional amendments, including but not limited to any constitutional amendment or amendments dealing with public school finance which may be needed or required as a result of the Lake View case.

SECTION 4. If the General Assembly is reconvened pursuant to section 3, it shall stand in recess upon completion of the tasks for which it was

reconvened.

SECTION 5. The regular session of the Eighty-Fourth General Assembly shall reconvene at 12 noon on September 8, 2003, for the following purposes only:

(a) Consideration and adoption of joint resolutions proposing amendments to the Arkansas Constitution relating to the governance, operation, and funding of public schools, including but not limited to proposed amendments pertaining to the levy, rate, and method of collection and the allocation of ad valorem property taxes; and

(b) Consideration and passage of bills relating to the governance, operation, and funding of public schools, including but not limited to bills relating to public school teacher salaries, educational standards, student testing and evaluation, and public school and school district accountability, bills relating to the establishment and funding of programs relating to public education, and bills relating to the support of state agencies having authority or responsibilities relating to public education.

SECTION 6. Notwithstanding the above, the President Pro Tempore of the Senate and the Speaker of the House of Representatives may, at any time between April 19 and September 26, adjourn the Regular Session of the Eighty-Fourth General Assembly sine die upon certification by the Governor that an emergency exists requiring a special session of the General Assembly."

The Amendment was read _____
By: Representative Mahony
KLT/JMB - 041420031058
JMB601

Chief Clerk