

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

SENATE BILL 307

5 By: Senators Broadway, Argue, Bryles, Gullett, J. Jeffress, Wilkins, Bisbee
6 By: Representatives C. Johnson, Cleveland, Mahony
7

For An Act To Be Entitled

10 AN ACT TO CREATE THE JOINT COMMITTEE ON
11 EDUCATIONAL FACILITIES; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO CREATE THE JOINT COMMITTEE ON
15 EDUCATIONAL FACILITIES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. The 84th General Assembly recognizes the need to have a
21 school facility study. The General Assembly further recognizes that, while
22 any study performed is an integral component toward satisfying the
23 requirements imposed by the Supreme Court's decision in Lake View, the
24 General Assembly is ultimately responsible for making the final determination
25 of what constitutes an adequate facility and how to provide substantially
26 equal school facilities throughout the state.
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28 SECTION 2. (a) There is created a legislative committee to be known
29 as the "Joint Committee on Educational Facilities".

30 (b) The committee shall consist of eleven (11) members as follows:

31 (1) Five (5) members of the Senate as follows:

32 (A) One (1) member who shall be the Chair of the Senate
33 Committee on Education or his or her designee;

34 (B) Two (2) members of the Senate Committee on Education
35 to be appointed by the Chair of the Senate Committee on Education; and

36 (C) Two (2) members of the Senate to be appointed by the



1 President Pro Tempore of the Senate;

2 (2) Five (5) members of the House of Representatives as follows:

3 (A) One (1) member who shall be the Chair of the House
4 Committee on Education or his or her designee;

5 (B) Two (2) members of the House Committee on Education to
6 be appointed by the Chair of the House Committee on Education; and

7 (C) Two (2) members of the House of Representatives to be
8 appointed by the Speaker of the House of Representatives; and

9 (3) The Director of the Department of Education who shall serve
10 as a nonvoting ex officio member.

11 (c) The Chair of the Senate Committee on Education or his or her
12 designee and the Chair of the House Committee on Education or his or her
13 designee shall serve as cochairs of the committee.

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

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

18 (2) Six (6) members of the committee shall constitute a quorum
19 for the purpose of transacting business.

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

21 (f) The committee shall:

22 (1) Review the opinion of the Arkansas Supreme Court in the
23 matter of Lake View School District No. 25 of Phillips County, Arkansas, et
24 al., vs. Governor Mike Huckabee, et al. issued on November 21, 2002, and use
25 the opinion and other legal precedent cited by the court in the committee's
26 deliberations;

27 (2) Recommend what constitutes an adequate school facility,
28 including all necessary components, for:

29 (A) Elementary education;

30 (B) Middle school education; and

31 (C) High school education;

32 (3) Recommend a method of providing substantially equal
33 facilities and equipment for all schools in Arkansas as necessary to ensure
34 equal opportunity for an adequate education;

35 (4) Establish a process to conduct a review and assessment of
36 all school facilities in the state to determine which are in compliance with

1 the recommendations of subdivision (f)(2) of this subsection;

2 (5) Recommend policies and criteria for use in determining
 3 renovation, replacement, or discontinuation of inadequate buildings and
 4 facilities based upon statewide adequacy standards and other requirements
 5 necessary to ensure adequate and substantially equal school buildings and
 6 facilities;

7 (6) Recommend the cost of an adequate school facility in
 8 Arkansas;

9 (7) Recommend a method of funding the cost of adequate and
 10 substantially equal school facilities; and

11 (8) Recommend a system or method to assess, evaluate, and
 12 monitor the school facilities across the state to ensure that adequate
 13 facilities and substantially equal facilities are, and will continue to be
 14 provided for Arkansas' school children.

15 (g)(1)(A) The committee shall report its findings and recommendations
 16 to the President Pro Tempore of the Senate, the Speaker of the House of
 17 Representatives, and the Governor no later than December 31, 2003.

18 (B) Upon motion of the committee and approval by a quorum
 19 of the committee, the December 31, 2003 report date may be extended for a
 20 period to be determined by the committee.

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

24 (3) Where feasible, all plans, measures, and initiatives shall
 25 be proposed as recommendations for legislation or regulation.

26 (h) The Department of Education, the Department of Workforce
 27 Education, and the Department of Higher Education shall provide the committee
 28 with assistance as requested by the committee.

29 (i) The Attorney General is requested to provide assistance to the
 30 committee as needed.

31 (j)(1) The committee may hire or contract with individuals or
 32 entities, both within the state or from out-of-state, for the purpose of
 33 obtaining staff, or otherwise performing the duties of the committee to the
 34 extent funding is appropriated and available for that purpose.

35 (2) The committee may create advisory groups of experts on a
 36 voluntary basis or for compensation to provide professional advice to the

1 committee, including:

2 (A) Building and facilities engineers;

3 (B) Architects;

4 (C) Building contractors;

5 (D) School facilities planning and management experts; and

6 (E) Other areas of expertise as determined by the

7 committee.

8 (3) The Bureau of Legislative Research of the Legislative
9 Council shall furnish reasonable staff assistance to the committee as may be
10 requested by the committee.

11 (k)(1) The committee may function during the interim between regular
12 or special sessions of the General Assembly, while the General Assembly is in
13 session, and while the General Assembly is in recess.

14 (2) If the committee meets at a time when the General Assembly
15 is not in session, the legislative members of the committee shall be entitled
16 to per diem and mileage reimbursement at the rate as for attending meetings
17 of the Legislative Council and the per diem or mileage reimbursement shall be
18 paid from funds appropriated for the payment of per diem and mileage for
19 attendance at meetings of interim committees of the General Assembly.

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21 SECTION 3. This act shall expire on December 31, 2004.

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23 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly of the State of Arkansas that the Arkansas Supreme Court has
25 ruled that the current system of education in Arkansas is inadequate and
26 inequitable, and has instructed the General Assembly to define what is
27 necessary to provide an adequate and equitable education for the children of
28 Arkansas-forthwith. A committee must be formed to determine what constitutes
29 adequate educational facilities in Arkansas in sufficient time for the
30 General Assembly to take action before the termination of the court's stay.
31 Therefore, an emergency is declared to exist and this act being immediately
32 necessary for the preservation of the public peace, health, and safety shall
33 become effective on:

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

35 (2) If the bill is neither approved nor vetoed by the Governor,
36 the expiration of the period of time during which the Governor may veto the

1 bill; or

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

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