

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

As Engrossed: S1/20/04 S1/23/04

Call Item 4

A Bill

HOUSE BILL 1090

5 By: Representative Cleveland
6 By: Senator Broadway
7

For An Act To Be Entitled

10 AN ACT TO CREATE THE EDUCATIONAL ADEQUACY FUND;
11 AND FOR OTHER PURPOSES.

Subtitle

14 AN ACT TO CREATE THE EDUCATIONAL
15 ADEQUACY FUND
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Educational Adequacy Fund.

21 (a) There is created on the books of the Treasurer of State, the
22 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
23 known as the Educational Adequacy Fund.

24 (b) The fund shall consist of all net revenues collected due to
25 enactments of the 84th General Assembly meeting in Second Extraordinary
26 Session after the Treasurer of State has made the deduction from the revenues
27 under Arkansas Code § 19-5-203(b)(2)(A).

28 (c)(1) The Chief Fiscal Officer of the State will determine, from time
29 to time, the amount of funds required from the Educational Adequacy Fund
30 which, when added to other resources available to the Department of Education
31 Public School Fund Account and the Department of Education Fund Account, is
32 needed to fulfill the financial obligation of the state to provide an
33 adequate educational system as enacted by the Second Extraordinary Session of
34 the 84th General Assembly and shall certify the amounts to the Treasurer of
35 State.

36 (2) At the end of each month, the Treasurer of State shall



1 transfer all monies available from the Educational Adequacy Fund to the
2 Department of Education Public School Fund Account established in Arkansas
3 Code § 19-5-305 and to the Department of Education Fund Account, until the
4 sum of all transfers from the Educational Adequacy Fund equal the amounts
5 determined in subdivision (1) of this subsection, there to be used as
6 determined by law.

7 (d) In the event the Chief Fiscal Officer of the State determines that
8 the transfers from the Education Adequacy Fund, when added to the other
9 resources available to the Department of Education Public School Fund Account
10 are not sufficient to meet the state's financial obligation to provide an
11 adequate educational system as enacted by the Second Extraordinary Session of
12 the 84th General Assembly, the additional amount required shall be transferred
13 from the other funds and fund accounts within Arkansas Code 19-5-402(a) and
14 19-5-404(a) based upon the proportion that each of the remaining fund and
15 fund accounts bears to the total of the remaining funds and fund accounts in
16 Arkansas Code 19-5-402(a) and 19-5-404(a).

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18 SECTION 2. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
19 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. For the fiscal year ending
20 June 30, 2005, the Chief Fiscal Officer of the State shall transfer the sum
21 of eighty nine thousand nine hundred forty nine dollars (\$89,949) from the
22 Education Adequacy Fund to the Department of Higher Education Fund Account in
23 order to finance the personal services costs of the Higher Education
24 Recruitment Coordinator.

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26 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the 84th
27 General Assembly of the State of Arkansas, meeting in Second Extraordinary
28 Session, that this act is necessary due to the November 2002 Arkansas Supreme
29 Court decision declaring the Arkansas public school system financially
30 inadequate. Therefore, an emergency is declared to exist and this act being
31 immediately necessary for the preservation of the public peace, health, and
32 safety shall become effective on:

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

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

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

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4 */s/ Cleveland*
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