

Act 71 of the Third Special Session of 1989.

Act 71

HB1041

By: Representatives Mahony and Thicksten

For An Act To Be Entitled
"AN ACT TO ESTABLISH THE DESEGREGATION LITIGATION OVERSIGHT
SUBCOMMITTEE; TO PRESCRIBE ITS FUNCTIONS AND DUTIES; AND FOR
OTHER PURPOSES."

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

SECTION 1. There is hereby established the Desegregation Litigation Oversight Subcommittee of the General Assembly which shall have the authority and duty to monitor the implementation of the Pulaski County Desegregation Case Settlement Agreement and to monitor the state's participation in any future desegregation case in which the Department of Education or the State Board of Education is a defendant, or both.

SECTION 2. (a) The Subcommittee shall consist of four members from the Senate appointed by the President Pro Tempore; four members of the House of Representatives appointed by the Speaker of the House; and three persons appointed by the Governor.

(b)(1) The members appointed by the Governor shall be representative of the educational community in Arkansas.

(2) At least one member from the Senate and at least one member from the House shall be a lawyer.

(3) At least one member of the subcommittee shall be a woman and at least one additional member shall be black.

(c) All per diem and mileage for legislative members shall be paid from the joint interim committee funds for the Joint Interim Committee on Education. Non-legislative members shall be paid from funds available through the Department of Education at the same rate as legislative members.

SECTION 3. (a) The Department of Education and the Attorney General shall report regularly to the Oversight Subcommittee on implementation of the Settlement Agreement and on any future desegregation litigation involving the state of Arkansas.

(b) Neither the Department of Education nor the Attorney General shall enter into a final settlement of any future desegregation litigation without seeking the advice of the Oversight Subcommittee.

(c) The Arkansas Department of Education will provide reports to the Joint Interim Committee on Education regarding the implementation of the Pulaski County School Desegregation Case Settlement Agreement on a quarterly basis and at such other times as may be necessary to keep the Committee fully advised on these matters.

SECTION 4. The Oversight Subcommittee shall examine possible methods to reduce the potential for the State being liable in future desegregation litigation and make recommendations for legislation to the Governor and to the General Assembly.

SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 7. EMERGENCY. It is hereby found and determined by the General Assembly that the State of Arkansas has recently expended huge amounts of state revenues for costs involved in desegregation litigation; that it is in the best interests of all taxpayers of this state that an oversight subcommittee representative of the interests of the state be established to advise the Governor and the General Assembly in settlements of litigation involving desegregation and to develop possitive means to avoid future litigation in the area; that the establishment of this subcommittee through legislation is necessitated by a recent opinion issued by the Attorney General. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: November 16, 1989
