

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

As Engrossed: H3/13/03

# A Bill

Act 1181 of 2003  
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.

### 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 fifteen (15) members as follows:

31 (1) Seven (7) 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) Four (4) members of the Senate to be appointed by the

1 President Pro Tempore of the Senate;

2 (2) Seven (7) members of the House of Representatives as  
3 follows:

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

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

8 (C) Four (4) members of the House of Representatives to be  
9 appointed by the Speaker of the House of Representatives; and

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

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

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

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

19 (2) Eight (8) members of the committee shall constitute a quorum  
20 for the purpose of transacting business.

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

22 (f) The committee shall:

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

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

30 (A) Elementary education;

31 (B) Middle school education; and

32 (C) High school education;

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

36 (4) Establish a process to conduct a review and assessment of

1 all school facilities in the state to determine which are in compliance with  
2 the recommendations of subdivision (f)(2) of this subsection;

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

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

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

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

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

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

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

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

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

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

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

36 (2) The committee may create advisory groups of experts on a

1 voluntary basis or for compensation to provide professional advice to the  
2 committee, including:

3 (A) Building and facilities engineers;

4 (B) Architects;

5 (C) Building contractors;

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

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

8 committee.

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

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

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

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

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

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

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the  
2 bill; or

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

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*/s/ Broadway, et al*

**APPROVED: 4/9/2003**