

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 730

4
5 By: Senator Elliott

For An Act To Be Entitled

8 AN ACT TO REQUIRE AN EDUCATIONAL ADEQUACY IMPACT
9 STATEMENT FOR PROPOSED BILLS THAT AFFECT THE STATE'S
10 ABILITY TO FULFILL ITS CONSTITUTIONAL OBLIGATION TO
11 PROVIDE AN EQUITABLE OPPORTUNITY FOR AN ADEQUATE
12 EDUCATION IN THE PUBLIC SCHOOL SYSTEM; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

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17 TO REQUIRE AN EDUCATIONAL ADEQUACY IMPACT
18 STATEMENT FOR PROPOSED BILLS THAT AFFECT
19 THE STATE'S ABILITY TO PROVIDE AN
20 EQUITABLE OPPORTUNITY FOR AN ADEQUATE
21 EDUCATION IN THE PUBLIC SCHOOLS; AND TO
22 DECLARE AN EMERGENCY.

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

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27 SECTION 1. Arkansas Code Title 10, Chapter 21 is amended to add an
28 additional section to read as follows:

29 10-21-2105. Educational adequacy impact statement.

30 (a) A bill filed in the House of Representatives or Senate that will
31 impact the manner in which Arkansas fulfills its constitutional obligation to
32 maintain a general, suitable, and efficient system of free public schools
33 that affords an equitable opportunity for an adequate education shall have an
34 educational adequacy impact statement attached to it prepared and filed with
35 the chair of the committee to which the bill is referred.

36 (b) Upon the request of the sponsor of the bill, the Department of



1 Education shall prepare the educational adequacy impact statement.

2 (c) The educational adequacy impact statement shall address how the
3 proposed legislation will affect the state’s system of public school funding
4 in light of the:

5 (1) Opinion of the Supreme Court in the matter of Lake View Sch.
6 Dist. No. 25 v. Huckabee, 370 Ark. 139, 257 S.W.3d 879 (2007), and other
7 legal precedent; and

8 (2) Most recent report and recommendations of the House Interim
9 Committee on Education and the Senate Interim Committee on Education under §
10 10-21-2104.

11 (d) The educational adequacy impact statement shall be filed with the
12 chair of the committee:

13 (1) At least three (3) days before the bill may be called
14 up for final action in the committee during a regular session of the General
15 Assembly;

16 (2) At least three (3) days before the bill may be called
17 up for final action in the committee during a fiscal session of the General
18 Assembly; and

19 (3) At least one (1) day before the bill may be called up
20 for final action in the committee during an extraordinary session of the
21 General Assembly.

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23 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly of the State of Arkansas that the state’s obligation to
25 maintain a constitutional system of public education includes an absolute
26 duty to provide an equal opportunity for an adequate education; that the
27 Arkansas Supreme Court has declared that a "continuous financial and
28 standards review" by the General Assembly is essential to maintaining
29 constitutional compliance; that this act is necessary for accomplishing that
30 goal; and that this act is immediately necessary to avoid unintended
31 consequences that affect the state financial support needed to fund
32 educational adequacy for public schools. Therefore, an emergency is declared
33 to exist and this act being immediately necessary for the preservation of the
34 public peace, health, and safety shall 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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