

Subchapter 15

— Desegregation Litigation — Legislative Oversight

- 10-3-1501. Established — Powers and duties.
- 10-3-1502. Members — Compensation.
- 10-3-1503. Reduction of future litigation liability.
- 10-3-1504. Reports — Settlements.
- 10-3-1505. [Repealed.]
- 10-3-1506. Arkansas Public School Desegregation Lawsuit Resolution Task Force —
Establishment — Members — Duties.

Effective Dates. Acts 1989 (3rd Ex. Sess.), No. 71, § 7; Nov. 16, 1989. Emergency clause provided: "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 positive 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."

Acts 1997, No. 112, § 40: Feb. 7, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the Joint Interim Committee on Education and in its place established the House Interim Committee and Senate Interim Committee on Education; that various sections of the Arkansas Code refer to the Joint Interim Committee on Education and should be corrected to refer to the House and Senate Interim Committees on education; that this act so provides; and that this act should go into effect immediately in order to make the laws compatible as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effect on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 1354, § 51: Apr. 14, 1997. Emergency clause provided: "It is found and determined by

the General Assembly of the State of Arkansas that this act affects the method of selection of alternate members of the Legislative Council and Legislative Joint Auditing Committee and that this act is immediately necessary for proper continuity and efficiency in State government. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1999, No. 1508, § 19: Apr. 15, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that this act makes various technical corrections in the Arkansas Code; that this act further clarifies the law to provide that the Arkansas Code Revision Commission may correct errors resulting from enactments of prior sessions; and that this act should go into effect immediately in order to be applicable during the codification process of the enactments of this regular session. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden it shall become effective on the date the last the house overrides the veto."

10-3-1501. Established — Powers and duties.

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 School 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.

History. Acts 1989 (3rd Ex. Sess.), No. 71, § 1.

A.C.R.C. Notes. In November, 1982, the Little Rock School District filed suit against the Pulaski County Special School District, the North Little Rock School District, the State of Arkansas, and the State Board of Education alleging actions by officials resulting in the segregation of schools in the Little Rock district. Little Rock School District v. Pulaski County School District No. 1, et. al., Docket No. LR-C-82-866. In December, 1989, the United States District Court for the Eastern District of Arkansas, Henry Woods, J., rejected the settlement plan submitted (726 F. Supp. 1544 (E.D. Ark. 1989)). The court of appeals reversed, holding the settlement plan should have been approved (921 F.2d 1371 (8th Cir. 1990)). On remand (769 F. Supp. 1483 (E.D. Ark. 1991)) the agreement was again rejected and the appeal therefrom vacated (949 F.2d 253 (8th Cir. Ark. 1991)).

10-3-1502. Members — Compensation.

(a) The Desegregation Litigation Oversight Subcommittee shall consist of four (4) members from the Senate appointed by the President Pro Tempore of the Senate, four (4) members of the

House of Representatives appointed by the Speaker of the House of Representatives, and three (3) 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 (1) member from the Senate and at least one (1) member from the House of Representatives shall be a lawyer.

(3) At least one (1) member of the subcommittee shall be a woman and at least one (1) additional member shall be black.

(c) All per diem and mileage for legislative members shall be paid from the interim committee funds for the House Committee on Education and the Senate Committee on Education. Nonlegislative members shall be paid from funds available through the Department of Education at the same rate as legislative members.

History. Acts 1989, (3rd Ex. Sess.), No. 71, § 2; 1997, No. 112, § 26; 1997, No. 250, § 56; 1997, No. 1354, § 26; 1999, No. 1508, § 7.

10-3-1503. Reduction of future litigation liability.

The Desegregation Litigation Oversight Subcommittee shall examine possible methods to reduce the potential for the state's being liable in future desegregation litigation and make recommendations for legislation to the Governor and to the General Assembly.

History. Acts 1989 (3rd Ex. Sess.), No. 71, § 4.

10-3-1504. Reports — Settlements.

(a) The Department of Education and the Attorney General shall report regularly to the Desegregation Litigation Oversight Subcommittee on implementation of the Pulaski County School Desegregation Case Settlement Agreement and on any future desegregation litigation involving the State of Arkansas.

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

(c) The department will provide reports to the House Committee on Education and the Senate 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 House Committee on Education and the Senate Committee on Education

fully advised on these matters.

History. Acts 1989 (3rd Ex. Sess.), No. 71, § 3; 1997, No. 112, § 27.

10-3-1505. [Repealed.]

Publisher's Notes. This section, concerning comprehensive study, was repealed by Acts 2013, No. 1465, § 5. The section was derived from Acts 2005, No. 1940, § 1.

10-3-1506. Arkansas Public School Desegregation Lawsuit Resolution Task Force — Establishment — Members — Duties.

(a) There is established a legislative task force to be known as the “Arkansas Public School Desegregation Lawsuit Resolution Task Force” to serve with the members of the Desegregation Litigation Oversight Subcommittee.

(b) The task force shall consist of the members of the Desegregation Litigation Oversight Subcommittee and ten (10) members as follows:

(1) Five (5) members appointed by the President Pro Tempore of the Senate:

(A) One (1) member of the Senate from each of the four (4) congressional districts in the state; and

(B) One (1) member of the Senate who is a member of a minority political party;
and

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

(A) One (1) member of the House of Representatives from each of the four (4) congressional districts in the state; and

(B) One (1) member of the House who is a member of a minority political party.

(c) The task force shall:

(1) Study methods of bringing a final resolution to desegregation litigation and related matters involving the state;

(2) Hire and direct experts as may be necessary to facilitate a final resolution of desegregation litigation and related matters involving the state; and

(3) Make recommendations to the General Assembly regarding the resolution of

desegregation litigation and related matters involving the state.

(d)(1) The Department of Education, the Attorney General, and school districts shall provide the task force with assistance or information as requested by the task force.

(2) The Bureau of Legislative Research shall provide staff to the task force.

(e)(1) The task force may contract with individuals or entities to conduct the study of the task force.

(2) The expenses of the task force shall be paid by the Bureau of Legislative Research from the appropriation for interim task force study expenses or other available funds.

History. Acts 2005, No. 2286, § 1.