

## Subchapter 22 — Academic Facilities Oversight Committee

10-3-2201. Academic Facilities Oversight Committee.

10-3-2202. Powers and duties.

10-3-2203. Committee assistance.

10-3-2204. Meetings — Reimbursement of expenses.

Annotations

Effective Dates. Acts 2005, No. 1424, § 3: Mar. 30, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court has determined that current public school academic facilities in the State of Arkansas are inadequate and inequitable; that the General Assembly established the Joint Committee on Educational Facilities to inventory the current condition of school facilities and recommend methods for bringing those facilities into conformity with the court's constitutional expectations; that one of the recommendations of the joint committee is to authorize the Division of Public School Academic Facilities to begin work immediately as a viable state agency; that the new division immediately needs, and will continue to need, the advice of an advisory committee comprised of members with expertise in public school design and construction and with issues particular to providing adequate and equitable public school academic facilities; that an advisory committee with the necessary expertise does not currently exist; that in response to the work of the joint committee, the General Assembly is in the process of developing and enacting legislation designed to establish a comprehensive program for overseeing the provision of adequate and substantially equal public school academic facilities across the state; that the General Assembly immediately needs, and will continue to need, the advice of an organized legislative committee comprised of members with expertise in issues particular to providing adequate and equitable public school academic facilities; and that an organized legislative committee with the necessary expertise does not currently 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: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**10-3-2201. Academic Facilities Oversight Committee.**

Statute text

(a) There is created a legislative committee to be known as the Academic Facilities Oversight Committee.

(b) The Academic Facilities Oversight Committee shall consist of fifteen (15) members as follows:

(1)(A) Seven (7) members of the Senate as follows:

(i) One (1) member who is the Chair of the Senate Committee on Education or his or her designee;

(ii) Two (2) members of the Senate Committee on Education appointed by the Chair of the Senate Committee on Education; and

(iii) Four (4) members of the Senate appointed by the President Pro Tempore of the Senate.

(B) In the event that the Chair of the Senate Committee on Education and the President Pro Tempore of the Senate are the same person, the Vice Chair of the Senate Committee on Education shall make the appointments under subdivision (b)(1)(A)(ii) of this section;

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

(i) One (1) member who is the Chair of the House Committee on Education or his or her designee;

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

(iii) Four (4) members of the House to be appointed by the Speaker of the House of Representatives.

(B) In the event that the Chair of the House Committee on Education and the Speaker of the House of Representatives are the same person, the Vice Chair of the House Committee on Education shall make the appointments under subdivision (b)(2)(A)(ii) of this section; and

(3) The Director of the Division of Public School Academic Facilities and Transportation who shall serve as a nonvoting ex officio member.

(c) The Chair of the Senate Committee on Education or the chair's designee and the Chair of the House Committee on Education or the chair's designee shall serve as cochairs of the committee.

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

(e)(1) The Academic Facilities Oversight Committee shall meet upon the call of either or both of the cochairs of the Academic Facilities Oversight Committee.

(2) Eight (8) members of the Academic Facilities Oversight Committee shall constitute a quorum for the purpose of transacting business.

(3) A quorum is required for any action of the Academic Facilities Oversight Committee.

History

History. Acts 2005, No. 1424, § 1.

### **10-3-2202. Powers and duties.**

Statute text

(a) The Academic Facilities Oversight Committee shall:

(1) Oversee development and implementation of state statutory requirements with regard to providing constitutionally appropriate public school academic facilities and related equipment for all public schools in the State of Arkansas as necessary to provide an equal opportunity for an adequate education for all public school students in Arkansas;

(2) Appoint members of the Advisory Committee on Public School Academic Facilities established to assist the Division of Public School Academic Facilities and Transportation;

(3) Review and recommend policies and criteria for the repair, maintenance, renovation, remodeling, replacement, and construction of public school academic facilities;

(4) Oversee local and state expenditures related to providing constitutionally appropriate public school academic facilities and related equipment;

(5) Review the effectiveness of methods used to fund the cost of constitutionally appropriate public school academic facilities and equipment;

(6) Review the ongoing assessment, evaluation, and inspection of public school academic facilities to provide that constitutionally appropriate public school academic facilities are, and will continue to be, provided for public school students in Arkansas; and

(7) Use the opinions of the Supreme Court in the matter of Lake View School District No. 25 v. Huckabee, 351 Ark. 31, 91 S.W.3d 472 (2002) and other legal precedent relevant to public school academic facilities.

(b)(1)(A) The Academic Facilities Oversight Committee shall report its findings and recommendations to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, the House Committee on Education, and the Senate Committee on Education no later than October 1 before each regular session of the General Assembly.

(B) Upon motion of the Academic Facilities Oversight Committee and approval by a quorum of the committee, the October 1 report deadline may be extended for a period to be determined by the Academic Facilities Oversight Committee.

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

(3) When feasible, the Academic Facilities Oversight Committee shall propose plans, measures, and initiatives as recommendations for legislation or regulation.

History

History. Acts 2005, No. 1424, § 1.

#### **10-3-2203. Committee assistance.**

Statute text

(a) The Department of Education, the Department of Career Education, the Department of Higher Education, the Division of Public School Academic Facilities and Transportation, and the Division of Public School Accountability shall provide the Academic Facilities Oversight Committee with assistance as requested by the Academic Facilities Oversight Committee.

(b) The Academic Facilities Oversight Committee may hire or contract with individuals or entities, both within the state and from out of state, for the purpose of obtaining staff or otherwise performing the duties of the Academic Facilities Oversight Committee to the extent funding is appropriated and available for that purpose.

(c) The Bureau of Legislative Research shall furnish reasonable staff assistance to the Academic Facilities Oversight Committee as may be requested by the Academic Facilities Oversight Committee.

History

History. Acts 2005, No. 1424, § 1.

#### **10-3-2204. Meetings — Reimbursement of expenses.**

Statute text

(a) The Academic Facilities Oversight Committee shall function during the interim between regular session, fiscal sessions, or special sessions of the General Assembly, while the General Assembly is in session, and while the General Assembly is in recess.

(b) If the Academic Facilities Oversight Committee meets at a time when the General Assembly is not in session, the legislative members of the Academic Facilities Oversight Committee are entitled to per diem and mileage reimbursement at the rate for attending meetings of the Legislative Council. The per diem or mileage reimbursement shall be paid from funds

appropriated for the payment of per diem and mileage for attendance at meetings of interim committees of the General Assembly.

History

History. Acts 2005, No. 1424, § 1; 2009, No. 962, § 26.

Annotations

Amendments. The 2009 amendment inserted “session, fiscal sessions” following “regular” in (a).