

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1701

4
5 By: Representatives Anderson, Chesterfield, Jeffrey, Kenney, Mathis, Walters

For An Act To Be Entitled

9 AN ACT TO REPEAL COUNTY BOARDS OF EDUCATION; AND
10 FOR OTHER PURPOSES.

Subtitle

13 AN ACT TO REPEAL COUNTY BOARDS OF
14 EDUCATION.

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

19 SECTION 1. Effective July 1, 2006, Arkansas Code § 6-10-102,
20 concerning compliance with school laws, is amended to read as follows:

21 6-10-102. Penalty.

22 Any officer or employee of the State Board of Education, ~~county board~~
23 ~~of education~~, or school district board of directors who shall willfully fail
24 or refuse to comply with any provisions of the School Law for which no
25 punishment is otherwise provided by law shall be deemed guilty of a
26 misdemeanor and shall be fined in any sum not less than ten dollars (\$10.00)
27 nor more than five hundred dollars (\$500).

29 SECTION 2. Arkansas Code § 6-11-118(c)(3)(C), concerning the Office of
30 Rural Services, is amended to read as follows:

31 (C) Develop and conduct in-service education programs for
32 rural teachers, and administrators, ~~and county board of education members;~~
33

34 SECTION 3. Arkansas Code § 6-12-112 is amended to read as follows:

35 6-12-112. Audit of district fiscal affairs.

36 (a) Any school district is authorized to provide for an audit of its



1 fiscal affairs by a competent accountant.

2 (b) Authority is given to the Division of Legislative Audit to audit
 3 the books of any district in the state upon the request of a ~~county board~~
 4 ~~member~~, fiscal officer, or district, county, or state school official.

5 (c) In cases of undue demands upon the Division of Legislative Audit
 6 for these audits, the office will be considered justified in charging a fee
 7 for the service rendered, the fee not to be in excess of payments made for
 8 help employed in the audit in addition to the legally provided personnel of
 9 the office.

10
 11 SECTION 4. Arkansas Code § 6-12-114 is amended to read as follows.
 12 ~~6-12-114. Implementation.~~

13 ~~(a)(1) Except as set forth in subdivision (a)(2) of this subsection,~~
 14 By June 30, 2005 all county boards of education ~~in existence prior to July 1,~~
 15 ~~2000,~~ shall transfer all records, written or electronic, to either the
 16 respective county clerk, the respective county quorum court, the State Board
 17 of Workforce Education and Career Opportunities, the Department of Workforce
 18 Education, the State Board of Education, or the Department of Education,
 19 whichever may be appropriate.

20 ~~(2)(A) If a county had a full time county school supervisor or~~
 21 ~~county board of education designee on January 1, 1999, who was not employed~~
 22 ~~more than fifty percent (50%) of the time in other employment or duties other~~
 23 ~~than as county school supervisor or county board designee, then that~~
 24 ~~individual may continue acting as county school supervisor or county board~~
 25 ~~designee with all the duties, responsibilities, and rights appertaining~~
 26 ~~until:~~

27 (i) ~~The county board abolishes itself;~~

28 (ii) ~~The county school supervisor or county board~~
 29 ~~designee is terminated by the board; or~~

30 (iii) ~~The county school supervisor or county board~~
 31 ~~designee leaves the position.~~

32 (B) ~~If subdivision (a)(2)(A) of this section controls,~~
 33 ~~then the county board shall also exist until such time that the office is~~
 34 ~~dissolved under subdivision (a)(2)(A) of this section.~~

35 (C) ~~If subdivision (a)(2)(A) of this section controls, it~~
 36 ~~is the intent of the General Assembly that the funding of the county board,~~

1 ~~as it existed on or before January 1, 1999, shall continue until such time~~
 2 ~~that the office is dissolved under subdivision (a)(2)(A) of this section.~~

3 (b)(1) Any and all funds received via an award or grant under the
 4 control of the county board abolished under subsection (a) of this section,
 5 the county board designee, or the county school supervisor whose position was
 6 abolished under subsection (a) of this section, the use of which is
 7 restricted by the terms of the award or grant under which the moneys were
 8 received, shall revert to the agency that awarded the funds unless otherwise
 9 specified in the terms of the award or grant.

10 (2) Any and all funds under the control of any county board
 11 abolished under subsection (a) of this section, county board designee, or
 12 county school supervisor whose position was abolished under subsection (a) of
 13 this section shall first be used to satisfy all legal debts and obligations
 14 of the county board, and all remaining funds shall revert to the common or
 15 general school fund of the respective county for redistribution to the school
 16 districts domiciled in that county in accordance with existing law.

17 (c)(1) Any and all real and personal property belonging to the county
 18 board abolished under subsection (a) of this section shall first be sold at
 19 public auction if after the implementation of subsection (b) of this section
 20 there are still legal debts and obligations. If any excess moneys from such
 21 an auction exist after the payments of legal debts and obligations, those
 22 excess moneys shall be distributed according to subdivision (b)(2) of this
 23 section.

24 (2) If no legal debts or obligations exist after the
 25 implementation of subsection (b) of this section, any and all real and
 26 personal property of the county board shall become the property of the local
 27 school district that contains the county seat of government until such time
 28 that all school districts domiciled in the county have entered into a written
 29 agreement as to the disposition of the real and personal property of the
 30 county board. The written agreement must be finalized within twelve (12)
 31 months after ~~July 1, 2000~~ July 1, 2005.

32 (d) The provisions in ~~subdivision (a)(1)~~, subsection (b), and
 33 subsection (c) of this section shall not include or apply to any funds,
 34 written or electronic records, or real or personal property, or both real and
 35 personal property, belonging to or purchased with funding for adult education
 36 programs or general educational development testing centers supported through

1 state or federal adult education funds, or both state and federal adult
 2 education funds. All such funds, written or electronic records, or real or
 3 personal property, or both real and personal property, including applicable
 4 real estate titles, will be transferred to the State Board of Workforce
 5 Education and Career Opportunities or any eligible entity approved by the
 6 board.

7
 8 SECTION 5. Arkansas Code § 6-12-116 is amended to read as follows:
 9 6-12-116. Limitation on civil actions.

10 (a) Any civil action brought against any abolished county board of
 11 education or its members, school supervisor, designee, or employee in his or
 12 her official capacity must be commenced within one (1) year after the
 13 abolishment of the county board of education or one (1) year after the cause
 14 of action accrues, whichever occurs first. A cause of action accrues on the
 15 date of occurrence of the violation regardless of the aggrieved party's lack
 16 of knowledge of the violation.

17 (b)(1) Beginning on the effective date of this subsection (b),
 18 notwithstanding any other provision of law, no county board of education or
 19 county supervisor shall enter into or renew any personal, professional,
 20 employment, or other service contract or any other contract without the prior
 21 written approval of the State Board of Education or the Director of the
 22 Department of Education.

23 (2) Any personal, professional, employment, or other service
 24 contract or any other contract entered into by a county board of education or
 25 county supervisor on behalf of the county board on or after the effective
 26 date of this subsection shall be void unless such contract or contractual
 27 obligation was approved in writing by the Director of the Department of
 28 Education.

29
 30 SECTION 6. Arkansas Code § 6-12-301 is repealed effective July 1,
 31 2005.

32 ~~6-12-301. Creation—Members generally.~~

33 ~~(a) If a county has a county school supervisor or county board of~~
 34 ~~education designee as set forth in § 6-12-201 (repealed), the county shall~~
 35 ~~also have a county board of education composed of five (5) members.~~

36 ~~(b) The members of county boards of education shall be qualified~~

1 electors who are known for their good moral character, honesty, industry,
 2 public spirit, and interest in education and who do not hold any salaried or
 3 fee office of the state or any political subdivision thereof.

4 (c) ~~The term of office for a member of the county board shall be five~~
 5 ~~(5) years, provided that any member of the county board shall hold office~~
 6 ~~until a successor has been elected or appointed and qualified.~~

7 (d) ~~A member may succeed himself or herself.~~

8 (e) ~~The county board of election commissioners shall notify each~~
 9 ~~person elected or appointed as a member of the county board in accordance~~
 10 ~~with the provisions of this chapter.~~

11 (f) ~~A change of residence from the county zone shall automatically~~
 12 ~~disqualify the member from serving out the term for which the member was~~
 13 ~~elected.~~

14 (g)(1)(A) ~~If a vacancy occurs on the county board, the vacancy shall~~
 15 ~~be filled by a vote of a majority of the remaining members.~~

16 (B) ~~If the remaining members fail to fill a vacancy within~~
 17 ~~sixty (60) days after the date of vacancy, the vacancy shall be filled by~~
 18 ~~appointment by the county judge.~~

19 (C) ~~If, as a result of several vacancies, only a minority~~
 20 ~~of the county board remains, then the county judge shall fill all the~~
 21 ~~vacancies by appointment.~~

22 (2) ~~Appointed members shall have the same qualifications as~~
 23 ~~elected members, and each shall serve a full five year term.~~

24 (h) ~~The members of the county board shall serve without compensation~~
 25 ~~but shall be allowed actual expenses incurred in traveling to official~~
 26 ~~meetings of the county board and in the performance of the official business~~
 27 ~~of the county board. The amount of one hundred dollars (\$100), or so much~~
 28 ~~thereof as is needed, shall be allowed annually from the county general~~
 29 ~~school fund for this purpose. If, in the judgment of the county judge and the~~
 30 ~~unanimous opinion of the members of the county board, additional funds are~~
 31 ~~necessary, an additional one hundred dollars (\$100) may be allowed annually.~~

32 (i) ~~Any person elected or appointed to serve as a member of the county~~
 33 ~~board on or before July 1, 2000, may complete the term for which the person~~
 34 ~~was elected and shall hold office until a successor has been appointed and~~
 35 ~~qualified.~~

1 SECTION 7. Arkansas Code § 6-12-302 is repealed effective July 1,
2 2005.

3 ~~6-12-302. Members—Counties with only one school district.~~
4 ~~(a) In counties having only one (1) school district, the board of~~
5 ~~directors of that district shall act as the county board of education.~~

6 ~~(b)(1) Each county board of education may hire the staff it deems~~
7 ~~necessary and establish the salaries for that staff.~~

8 ~~(2) The county board shall not hire a county school supervisor~~
9 ~~or county board designee after the termination of employment of the county~~
10 ~~school supervisor or county board designee employed after December 31, 1998.~~

11
12 SECTION 8. Arkansas Code § 6-12-303 is repealed effective July 1,
13 2005.

14 ~~6-12-303. Oath.~~

15 ~~(a) Within fifteen (15) days after the election or appointment, each~~
16 ~~elected or appointed member of the county board of education shall subscribe~~
17 ~~in writing to the following oath:~~

18
19 ~~"I _____, do hereby solemnly swear or affirm that I will support~~
20 ~~the Constitution of the United States and the Constitution of the State of~~
21 ~~Arkansas, and that I will not be financially interested, directly or~~
22 ~~indirectly, in any contract made by the county board of which I am a member,~~
23 ~~or by any board of school directors of the county, except for contracts for~~
24 ~~materials bought on open competitive bid and let to the lowest bidder~~
25 ~~conforming to specifications; and that I will faithfully discharge the duties~~
26 ~~of a member of the county board of education, upon which I am about to~~
27 ~~enter."~~

28 ~~(b) The county clerk, upon receipt of the oaths for the county board~~
29 ~~members, shall immediately commission these persons, and they shall enter at~~
30 ~~once upon their duties as members of the county board.~~

31
32 SECTION 9. Arkansas Code § 6-12-304 is repealed effective July 1,
33 2005.

34 ~~6-12-304. Meetings.~~

35 ~~(a) The county board of education shall meet on the fourth Tuesday of~~
36 ~~March, June, September, and December of each year and at other times as~~

1 meetings may be adjourned to or on call of the chairman, the county school
2 supervisor or county board designee, or any three (3) members of the county
3 board.

4 (b) ~~Notice of called meetings must be given in writing to each member~~
5 ~~of the county board.~~

6
7 SECTION 10. Arkansas Code § 6-12-305 is repealed effective July 1,
8 2005.

9 ~~6-12-305. Organization.~~

10 ~~During the meeting on the fourth Tuesday of September, the members of~~
11 ~~the county board of education shall elect one (1) of its members as chair,~~
12 ~~and the county board shall designate an ex officio secretary of the board.~~

13
14 SECTION 11. Arkansas Code § 6-12-306 is repealed effective July 1,
15 2005.

16 ~~6-12-306. Powers and duties.~~

17 (a) ~~It shall be the duty of the county board of education to supervise~~
18 ~~and direct all of its employees in the performance of their duties.~~

19 (b) ~~The county board's duties shall also include, but shall not be~~
20 ~~limited to, the following:~~

21 (1) ~~To cause to be set aside from funds in the county general~~
22 ~~school fund amounts necessary for the expenses of the county board and of any~~
23 ~~designee;~~

24 (2) ~~To appoint new members when a vacancy occurs on the county~~
25 ~~board;~~

26 (3) ~~To terminate the position of the county supervisor or county~~
27 ~~board designee;~~

28 (4) ~~To abolish the county board upon the termination of the~~
29 ~~county supervisor or county board designee; and~~

30 (5) ~~To transfer to the respective county clerk, the respective~~
31 ~~county quorum court, the State Board of Workforce Education and Career~~
32 ~~Opportunities, the Department of Workforce Education, the State Board of~~
33 ~~Education, or the Department of Education, whichever may be appropriate, all~~
34 ~~records of the county board upon abolishment.~~

35 (c) ~~In any county in which a county board is still in existence, the~~
36 ~~county board may enter into a written agreement with other county officials~~

1 that would allow the county board or its employees to undertake any or all
2 duties of county officials as they pertain to education or school districts
3 administered in the county.

4
5 SECTION 12. Arkansas Code § 6-12-307 is repealed effective July 1,
6 2005.

7 ~~6-12-307. Appeal—Bond.~~

8 ~~(a) Any person being a party to the record or proceeding in a matter~~
9 ~~brought before any county board of education who feels aggrieved by any final~~
10 ~~order or decision of the county board may prosecute an appeal from any final~~
11 ~~order or decision, provided the person shall within thirty (30) days from the~~
12 ~~date of the final order or decision complained of.~~

13 ~~(1) Make an affidavit that the appeal taken from the final order~~
14 ~~or decision of the county board is not taken for the purpose of delay; and~~

15 ~~(2) Enter into a bond with good and sufficient surety thereon in~~
16 ~~the sum as shall be ordered by the county board, not to exceed twice the~~
17 ~~amount involved in the appeal. Where no money or property is involved in the~~
18 ~~proceeding from which the appeal is prosecuted, the appeal bond should be~~
19 ~~given by the appellant in a sum that will protect the appellee and the county~~
20 ~~board from payment of cost, which amount shall be endorsed by the secretary~~
21 ~~of the county board on the affidavit of the appellant in a sum to be fixed by~~
22 ~~the county board.~~

23 ~~(b) The appeal herein provided shall be to the circuit court of the~~
24 ~~district or division in which the county board shall be sitting at the time~~
25 ~~of the final decision or order complained of.~~

26
27 SECTION 13. Arkansas Code § 6-12-308 is repealed effective July 1,
28 2005.

29 ~~6-12-308. Credentials.~~

30 ~~(a)(1) If a county had a full time county school supervisor or county~~
31 ~~board of education designee on January 1, 1999, who was not employed more~~
32 ~~than fifty percent (50%) of the time in other employment or duties other than~~
33 ~~as county school supervisor or county board of education designee, the county~~
34 ~~board may continue to employ that person to be county school supervisor or~~
35 ~~county board designee; and~~

36 ~~(2)(A) The county board may contract with that person for~~

1 ~~service for a term of one (1) or two (2) years, subject to reemployment,~~
 2 ~~provided that no spouse of a member of the county board nor any person~~
 3 ~~related within the fourth degree of consanguinity or affinity to any member~~
 4 ~~of the county board shall be eligible for employment.~~

5 ~~(B) Any employment contract between the county and a~~
 6 ~~county school supervisor or county board designee shall contain a provision~~
 7 ~~to allow termination of the contract without penalty if the position is~~
 8 ~~terminated because the county board is abolished.~~

9 ~~(b) The county boards of education shall have the power and authority~~
 10 ~~to abolish the office of the county school supervisor or county board~~
 11 ~~designee in their respective counties.~~

12 ~~(c) Upon the termination of employment of the county school supervisor~~
 13 ~~or county board designee whose employment was continued pursuant to the~~
 14 ~~conditions set forth in subsection (a) of this section or upon the~~
 15 ~~abolishment of the office of the county school supervisor or county board~~
 16 ~~designee in their respective counties, the county board shall not replace the~~
 17 ~~county school supervisor or county board designee, and the county board of~~
 18 ~~education shall be abolished.~~

19
 20 SECTION 14. Arkansas Code § 6-12-309 is repealed effective July 1,
 21 2005.

22 ~~6-12-309. Duties of county school supervisor or county board of~~
 23 ~~education designee.~~

24 ~~The county school supervisor or county board of education designee~~
 25 ~~shall devote his or her entire time to the position of county school~~
 26 ~~supervisor or county board designee, which position includes the faithful~~
 27 ~~performance of the following duties and other duties as may be properly~~
 28 ~~delegated to the supervisor or designee.~~

29 ~~(1) The county school supervisor or county board designee shall~~
 30 ~~be the executive officer of the county board and shall, if possible, attend~~
 31 ~~all meetings of the county board but shall not have the right to vote;~~

32 ~~(2) As ex officio secretary of the county board, the county~~
 33 ~~school supervisor or county board designee shall.~~

34 ~~(A) Keep a record of all meetings and of all business~~
 35 ~~transactions of the county board and shall, together with the chair of the~~
 36 ~~board, sign the record at the close of each business meeting;~~

1 ~~(B)(i) Keep a permanent copy of the record of the county~~
 2 ~~board meetings and prepare a copy to be filed with the county clerk and kept~~
 3 ~~by the county clerk in the same manner in which the county school supervisor~~
 4 ~~or county board designee is required to keep the permanent records of the~~
 5 ~~county.~~

6 ~~(ii) The clerk shall be entitled to no fee for the~~
 7 ~~filing or keeping of the record; and~~

8 ~~(C) Keep a permanent file of all necessary papers and~~
 9 ~~legal transactions of the county board and, when called upon to do so, shall~~
 10 ~~furnish anyone entitled thereto a certified copy of the file;~~

11 ~~(3) The county school supervisor or county board designee shall~~
 12 ~~record the certificates of teachers as required by law;~~

13 ~~(4) The county school supervisor or county board designee shall~~
 14 ~~be a representative of the State Board of Education and shall perform duties~~
 15 ~~as may be required by the state board;~~

16 ~~(5) The county school supervisor or county board designee shall~~
 17 ~~keep a record of the contracts made with teachers;~~

18 ~~(6) The county school supervisor or county board designee shall~~
 19 ~~cooperate with the Department of Education in carrying out the budgetary~~
 20 ~~regulations and procedures pertaining to county boards of education as are~~
 21 ~~now, or may hereafter be, prescribed by the state board or by law; and~~

22 ~~(7) The county school supervisor or county board designee may~~
 23 ~~keep in the county school supervisor's or county board designee's office and~~
 24 ~~file with the Board of Trustees of the Arkansas Teacher Retirement System and~~
 25 ~~the State Board of Education not later than October 15 of each year a list of~~
 26 ~~all teachers employed in the county for the ensuing year, setting forth the~~
 27 ~~type of certificate held by each teacher, the teacher's monthly contract~~
 28 ~~salary, whether the teacher is a member of the system, and other information~~
 29 ~~as the state board may deem necessary.~~

30
 31 SECTION 15. Arkansas Code § 6-12-310 is repealed effective July 1,
 32 2005.

33 ~~6-12-310. Failure to perform duties.~~

34 ~~The failure of the county school supervisor or county board of~~
 35 ~~education designee to perform any duties provided by law or any which may be~~
 36 ~~imposed upon the county school supervisor or county board designee by the~~

1 ~~county board shall be sufficient cause for the county school supervisor's or~~
2 ~~county board designee's discharge and the termination of the county school~~
3 ~~supervisor's or county board designee's contract.~~

4
5 SECTION 16. Arkansas Code § 6-12-311 is repealed effective July 1,
6 2005.

7 ~~6-12-311. Salary.~~

8 ~~(a) Each county board of education is authorized to determine, at its~~
9 ~~discretion, the salary of the county school supervisor or county board of~~
10 ~~education designee and allowances for travel, clerical, office, and other~~
11 ~~expenses.~~

12 ~~(b) For this purpose, the chair shall call a meeting in June each year~~
13 ~~for the consideration of these matters.~~

14 ~~(c) All allowances for office expense, travel, and clerical help shall~~
15 ~~be based upon detailed budgets submitted by the county school supervisor or~~
16 ~~county board designee and approved by the county board.~~

17 ~~(d) With the approval of the county board, the county school~~
18 ~~supervisor or county board designee is authorized to select clerical and~~
19 ~~other assistants as are necessary.~~

20 ~~(e) The allowances to the county school supervisor or county board~~
21 ~~designee and members of the county board for travel expense, meals, and~~
22 ~~hotels shall not be in excess of the allowance for state employees.~~

23 ~~(f) All funds provided in this section shall be set aside from the~~
24 ~~unapportioned county general school fund to a special fund by the county~~
25 ~~treasurer. Payments from this special fund shall be made only upon~~
26 ~~presentation of invoice statements, itemized expense accounts, and payrolls~~
27 ~~upon vouchers signed by the county school supervisor or county board designee~~
28 ~~and the chairman of the county board when vouchers properly executed are~~
29 ~~presented to the county clerk and approved by the county school supervisor or~~
30 ~~county board designee and the chairman of the county board.~~

31
32 SECTION 17. Arkansas Code § 6-12-312 is repealed effective July 1,
33 2005.

34 ~~6-12-312. Spouse as employee.~~

35 ~~No spouse of any member of the county board of education or of the~~
36 ~~county school supervisor or county board designee nor any person related~~

1 ~~within the fourth degree of consanguinity or affinity to any member of the~~
2 ~~county board or to the county school supervisor or county board designee~~
3 ~~shall be eligible for employment as clerical help in the office of the county~~
4 ~~school supervisor or county board designee.~~

5
6 SECTION 18. Arkansas Code § 6-12-313 is repealed effective July 1,
7 2005.

8 ~~6-12-313. Candidacy for public office.~~

9 ~~The county school supervisor or county board of education designee~~
10 ~~shall not be a candidate for public office during the term of the county~~
11 ~~school supervisor's or county board designee's contract and shall not be~~
12 ~~granted leave of absence for that purpose.~~

13
14 SECTION 19. Arkansas Code § 6-12-314 is repealed effective July 1,
15 2005.

16 ~~6-12-314. Office at county seat.~~

17 ~~The quorum court shall supply the county school supervisor or county~~
18 ~~board of education designee with a suitably equipped office at the county~~
19 ~~seat.~~

20
21 SECTION 20. Arkansas Code Title 6, Chapter 12, Subchapter 3 is amended
22 to add an additional section to read as follows:

23 6-12-315. Abolished.

24 All county boards of education, and any personnel positions associated
25 therewith, are abolished effective July 1, 2005.

26
27 SECTION 21. Effective July 1, 2005, Arkansas Code § 21-1-602(5),
28 concerning definitions related to public employees, is amended to read as
29 follows:

30 (5) "Public employer" means any of the following:

31 (A) An agency, department, board, commission, division,
32 office, bureau, council, authority, or other instrumentality of the State of
33 Arkansas, including the offices of the various Arkansas elected
34 constitutional officers and the General Assembly and its agencies, bureaus,
35 and divisions;

36 (B) A state-supported college, university, technical

1 college, community college or other institution of higher education, or
2 department, division, or agency of a state institution of higher education;

3 (C) The Supreme Court, Court of Appeals, the
4 Administrative Office of the Courts, the circuit courts, and prosecuting
5 attorneys' offices;

6 (D) An office, department, commission, council, agency,
7 board, bureau, committee, corporation, or other instrumentality of a county
8 government or a municipality, or a district court, a county subordinate
9 service district, a municipally owned utility, or a regional or joint
10 governing body of one (1) or more counties or municipalities; or

11 (E) A ~~county board of education or a public school~~
12 district, school, or an office or department of a public school district in
13 Arkansas;

14
15 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly of the State of Arkansas that the services of the county
17 boards of education are no longer needed by the school districts; that there
18 will be no funding available for the operation of the county boards of
19 education; and that this act is immediately necessary because county boards
20 of education need sufficient authority to transfer functions, duties, and
21 records prior the end of the fiscal year. Therefore, an emergency is declared
22 to exist and this act being immediately necessary for the preservation of the
23 public peace, health, and safety shall become effective on:

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

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

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

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