

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  
4

# A Bill

SENATE BILL 591

5 By: Senators Broadway, Bisbee  
6 By: Representatives Mahony, Elliott  
7  
8

## For An Act To Be Entitled

10 AN ACT TO CREATE THE ACADEMIC FACILITIES  
11 OVERSIGHT COMMITTEE; TO CREATE THE ADVISORY  
12 COMMITTEE ON PUBLIC SCHOOL ACADEMIC FACILITIES;  
13 AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO CREATE THE ACADEMIC FACILITIES  
16 OVERSIGHT COMMITTEE AND THE ADVISORY  
17 COMMITTEE ON PUBLIC SCHOOL ACADEMIC  
18 FACILITIES.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 10, Chapter 3 is amended to add an  
25 additional subchapter to read as follows:

26 10-3-2201. Academic Facilities Oversight Committee.

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

29 (b) The committee shall consist of fifteen (15) members as follows:

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

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

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

35 (C) Four (4) members of the Senate appointed by the  
36 President Pro Tempore of the Senate;



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

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

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

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

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

12           (c) The Chair of the Senate Committee on Education or the chair's  
 13 designee and the Chair of the House Committee on Education or the chair's  
 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 the 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.

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 23           10-3-2202. Powers and duties.

24           (a) The Academic Facilities Oversight Committee shall:

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

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

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

36           (4) Oversee local and state expenditures related to providing

1 constitutionally appropriate public school academic facilities and related  
2 equipment;

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

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

9 (7) Use the opinions of the Arkansas Supreme Court in the matter  
10 of Lake View School District No. 25 of Phillips County, Arkansas, et al., v.  
11 Governor Mike Huckabee, et al. and other legal precedent relevant to public  
12 school academic facilities.

13 (b)(1)(A) The committee shall report its findings and recommendations  
14 to the President Pro Tempore of the Senate, the Speaker of the House of  
15 Representatives, the Governor, and the House and Senate Committees on  
16 Education no later than October 1 before each regular session of the General  
17 Assembly.

18 (B) Upon motion of the committee and approval by a quorum  
19 of the committee, the October 1 report deadline may be extended for a period  
20 to be determined by the committee.

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

24 (3) Where feasible, the committee shall propose plans, measures,  
25 and initiatives as recommendations for legislation or regulation.

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27 10-3-2203. Committee assistance.

28 (a) The Department of Education, the Department of Workforce  
29 Education, the Department of Higher Education, the Division of Public School  
30 Academic Facilities and Transportation, and the Division of Public School  
31 Accountability shall provide the Academic Facilities Oversight Committee with  
32 assistance as requested by the committee.

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

1 (c) The Bureau of Legislative Research of the Legislative Council  
2 shall furnish reasonable staff assistance to the committee as may be  
3 requested by the committee.

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5 10-3-2204. Meetings – Reimbursement of expenses.

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

10 (b) If the committee meets at a time when the General Assembly is not  
11 in session, the legislative members of the committee are entitled to per diem  
12 and mileage reimbursement at the rate as for attending meetings of the  
13 Legislative Council. The per diem or mileage reimbursement shall be paid  
14 from funds appropriated for the payment of per diem and mileage for  
15 attendance at meetings of interim committees of the General Assembly.

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17 SECTION 2. Arkansas Code Title 6, Chapter 21, Subchapter 1 is amended  
18 to add the following additional sections:

19 6-21-113. Advisory Committee on Public School Academic Facilities.

20 (a) To assist the Division of Public School Academic Facilities and  
21 Transportation, there is established the Advisory Committee on Public School  
22 Academic Facilities to be composed of the following members who must be  
23 willing to devote adequate time to the work of the committee:

24 (1) The Director of the Division of Public School Academic  
25 Facilities, or the director’s designee, who shall also serve as secretary to  
26 the advisory committee;

27 (2) Two (2) persons who are licensed building contractors with  
28 at least five (5) years of experience in public school construction;

29 (3) One (1) person who is a registered architect with at least  
30 five (5) years of experience in public school design;

31 (4) One (1) person who is a licensed or registered engineer with  
32 at least five (5) years of experience in public school construction;

33 (5) One (1) person who is knowledgeable in educational  
34 technology applications and strategies;

35 (6) Two (2) persons selected from a list of six (6) names  
36 submitted by the Arkansas Association of Educational Administrators;

1           (7) One (1) person selected from a list of three (3) names  
2 submitted by the Arkansas Education Association; and

3           (8) One (1) person selected from a list of three (3) names  
4 submitted by the Arkansas School Boards Association.

5           (b) All members shall serve four-year terms. All terms shall expire  
6 on April 1. Membership is limited to two (2) terms.

7           (c) Nonstate employee committee members shall serve without  
8 compensation, but may receive expense reimbursement in accordance with § 25-  
9 16-902.

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11           SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
12 General Assembly of the State of Arkansas that the Arkansas Supreme Court has  
13 determined that current public school academic facilities in the State of  
14 Arkansas are inadequate and inequitable; that the General Assembly  
15 established the Joint Committee on Educational Facilities to inventory the  
16 current condition of school facilities and recommend methods for bringing  
17 those facilities into conformity with the court's constitutional  
18 expectations; that one of the recommendations of the joint committee is to  
19 authorize the Division of Public School Academic Facilities to begin work  
20 immediately as a viable state agency; that the new division immediately  
21 needs, and will continue to need, the advice of an advisory committee  
22 comprised of members with expertise in public school design and construction  
23 and with issues particular to providing adequate and equitable public school  
24 academic facilities; that an advisory committee with the necessary expertise  
25 does not currently exist; that in response to the work of the joint  
26 committee, the General Assembly is in the process of developing and enacting  
27 legislation designed to establish a comprehensive program for overseeing the  
28 provision of adequate and substantially equal public school academic  
29 facilities across the state; that the General Assembly immediately needs, and  
30 will continue to need, the advice of an organized legislative committee  
31 comprised of members with expertise in issues particular to providing  
32 adequate and equitable public school academic facilities; and that an  
33 organized legislative committee with the necessary expertise does not  
34 currently exist. Therefore, an emergency is declared to exist and this act  
35 being immediately necessary for the preservation of the public peace, health,  
36 and safety shall become effective on:

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(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.