

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

As Engrossed: S3/8/05 H3/23/05

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.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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

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

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

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



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

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

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

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

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

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

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

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

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

27 (e)(1) The committee shall meet upon the call of either or both of the
28 cochaIRS of the committee.

29 (2) Eight (8) members of the committee shall constitute a quorum
30 for the purpose of transacting business.

31 (3) A quorum is required for any action of the committee.

32
33 10-3-2202. Powers and duties.

34 (a) The Academic Facilities Oversight Committee shall:

35 (1) Oversee development and implementation of state statutory
36 requirements with regard to providing constitutionally appropriate public

1 school academic facilities and related equipment for all public schools in
2 the State of Arkansas as necessary to provide an equal opportunity for an
3 adequate education for all public school students in Arkansas;

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

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

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

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

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

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

23 (b)(1)(A) The committee shall report its findings and recommendations
24 to the President Pro Tempore of the Senate, the Speaker of the House of
25 Representatives, the Governor, and the House and Senate Committees on
26 Education no later than October 1 before each regular session of the General
27 Assembly.

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

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

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

36

1 10-3-2203. Committee assistance.

2 (a) The Department of Education, the Department of Workforce
3 Education, the Department of Higher Education, the Division of Public School
4 Academic Facilities and Transportation, and the Division of Public School
5 Accountability shall provide the Academic Facilities Oversight Committee with
6 assistance as requested by the committee.

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

11 (c) The Bureau of Legislative Research of the Legislative Council
12 shall furnish reasonable staff assistance to the committee as may be
13 requested by the committee.

14
15 10-3-2204. Meetings – Reimbursement of expenses.

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

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

26
27 SECTION 2. Arkansas Code Title 6, Chapter 21, Subchapter 1 is amended
28 to add the following additional sections:

29 6-21-113. Advisory Committee on Public School Academic Facilities.

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

34 (1) The Director of the Division of Public School Academic
35 Facilities, or the director's designee, who shall also serve as secretary to
36 the advisory committee;

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

3 (3) One (1) person who is a registered architect with at least
4 five (5) years of experience in public school design selected from a list of
5 no less than three (3) names of registered architects with at least five (5)
6 years of experience in public school design submitted by the Arkansas Chapter
7 of the American Institute of Architects;

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

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

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

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

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

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

20 (c) Nonstate employee committee members shall serve without
21 compensation, but may receive expense reimbursement in accordance with § 25-
22 16-902.

23
24 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that the Arkansas Supreme Court has
26 determined that current public school academic facilities in the State of
27 Arkansas are inadequate and inequitable; that the General Assembly
28 established the Joint Committee on Educational Facilities to inventory the
29 current condition of school facilities and recommend methods for bringing
30 those facilities into conformity with the court's constitutional
31 expectations; that one of the recommendations of the joint committee is to
32 authorize the Division of Public School Academic Facilities to begin work
33 immediately as a viable state agency; that the new division immediately
34 needs, and will continue to need, the advice of an advisory committee
35 comprised of members with expertise in public school design and construction
36 and with issues particular to providing adequate and equitable public school

1 academic facilities; that an advisory committee with the necessary expertise
2 does not currently exist; that in response to the work of the joint
3 committee, the General Assembly is in the process of developing and enacting
4 legislation designed to establish a comprehensive program for overseeing the
5 provision of adequate and substantially equal public school academic
6 facilities across the state; that the General Assembly immediately needs, and
7 will continue to need, the advice of an organized legislative committee
8 comprised of members with expertise in issues particular to providing
9 adequate and equitable public school academic facilities; and that an
10 organized legislative committee with the necessary expertise does not
11 currently exist. Therefore, an emergency is declared to exist and this act
12 being immediately necessary for the preservation of the public peace, health,
13 and safety shall become effective on:

- 14 (1) The date of its approval by the Governor;
15 (2) If the bill is neither approved nor vetoed by the Governor,
16 the expiration of the period of time during which the Governor may veto the
17 bill; or
18 (3) If the bill is vetoed by the Governor and the veto is
19 overridden, the date the last house overrides the veto.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Broadway, et al