

State of Arkansas

Call Item 8

85th General Assembly

A Bill

First Extraordinary Session, 2006

HOUSE BILL 1013

By: Representative Cook

By: Education Committee - Senate

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE CONTINUED EXISTENCE OF
THE COMMISSION FOR PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO PROVIDE FOR THE CONTINUED
EXISTENCE OF THE COMMISSION FOR PUBLIC
SCHOOL ACADEMIC FACILITIES AND
TRANSPORTATION.

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

SECTION 1. Arkansas Code § 6-11-131 is amended to read as follows:

6-11-131. Divisions of the Department of Education.

(a)(1) Effective July 1, 2005, the Department of Education shall
consist of a central administration and the following divisions:

(A) The Division of Fiscal and Administrative Services;

(B) The Division of Human Resources;

(C) The Division of Learning Services; and

(D) The Division of Research and Technology.

(2) ~~Effective July 1, 2007~~ As of the effective date of this act,
~~the following divisions shall also be under the department:~~

~~(A) The Division of Public School Academic Facilities and~~
Transportation, established under § 6-21-112, and, shall be under the
department.



1 ~~(B)(3)~~ Effective July 1, 2007, The the Division of Public
 2 School Accountability, established under § 6-15-102, shall be under the
 3 department.

4 (b)(1) The Division of Public School Accountability ~~and the Division~~
 5 ~~of Research and Technology~~ shall have such duties as provided by law.

6 (2) The Division of Public School Academic Facilities and
 7 Transportation shall have duties as provided by law and such responsibility
 8 and programs as may be assigned by the Commission for Arkansas Public School
 9 Academic Facilities and Transportation.

10 ~~(2)(3)~~ The remaining divisions shall have such responsibility
 11 and programs as may be assigned to them by the Commissioner of Education.

12 (c)(1) ~~Each~~ Except as provided in subdivision (c)(2) of this section,
 13 each division of the department shall be under the direction, control, and
 14 supervision of the commissioner.

15 (2) The Division of Public School Academic Facilities and
 16 Transportation shall be under the direction, control, and supervision of the
 17 Commission for Arkansas Public School Academic Facilities and Transportation.

18
 19 SECTION 2. Arkansas Code § 6-21-114 is amended to read as follows:

20 6-21-114. Commission for Arkansas Public School Academic Facilities
 21 and Transportation - Created.

22 (a) There is created the Commission for Arkansas Public School
 23 Academic Facilities and Transportation. The commission shall consist of the
 24 following:

25 (1) The Director of the Department of Finance and
 26 Administration;

27 (2) The Commissioner of Education; and

28 (3) The President of the Arkansas Development Finance Authority.

29 (b)(1) The members of the commission shall meet and organize
 30 immediately after March 29, 2005. The Commissioner of Education shall be the
 31 chair of the commission.

32 (2)(A) The commission shall meet at least quarterly and upon the
 33 call of the chair.

34 (B)(i) The secretary of the commission shall be an
 35 employee of the Division of Public School Academic Facilities and
 36 Transportation assigned to the commission by the chair of the commission.

(ii) The secretary shall give members advance notice of the agenda of each meeting.

(3)(A) Two (2) members of the commission shall constitute a quorum for the purpose of transacting business.

(B) A quorum is required for any action of the commission.

(4) Members of the commission shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-902.

(c) Staff support shall be provided by appropriate personnel of the Department of Finance and Administration, the Department of Education, the Arkansas Development Finance Authority, and the division.

(d) The commission shall oversee the operations of the division.

(e) The commission may:

(1) Perform any act and provide for the performance of any function necessary or desirable to carry out the purposes of the Arkansas Public School Academic Facilities Program and any other related program;

(2)~~(A)~~ Adopt, amend, and rescind rules as necessary or desirable for the administration of the Arkansas Public School Academic Facilities Program and any other related program; and

~~(B) No later than October 1, 2005, the commission shall submit to the Legislative Council for review proposed rules necessary to administer the Arkansas Public School Academic Facilities Program.~~

~~(C) The effective date of rules developed by the commission to administer the Arkansas Public School Academic Facilities Program shall be no later than December 1, 2005; and~~

(3) Contract with, retain the services of, or designate and fix the compensation of consultants, advisors, architects, engineers, and other independent contractors as may be necessary or desirable to carry out the Arkansas Public School Academic Facilities Program or any related program.

(f) The commission shall report annually on its activities to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, the House Interim Committee on Education, the Senate Interim Committee on Education, the State Board of Education, and the Academic Facilities Oversight Committee.

~~(g)(1) Effective July 1, 2007, the commission shall expire, and all powers, authorities, duties, and responsibilities of the commission with regard to oversight of the Division of Public School Academic Facilities and~~

Transportation shall transfer to the State Board of Education.

(2) After the transfer in subdivision (g)(1) of this section occurs, the Arkansas Code Revision Commission shall correct references to the "Commission for Arkansas Public School Academic Facilities and Transportation" or "commission" to "State Board of Education" or "state board" throughout the Arkansas Code Annotated where the intended reference is manifest.

SECTION 3. Arkansas Code § 6-21-115 is amended to read as follows:

6-21-115. Name of division - Operation - Director. ~~{Effective July 1, 2007.}~~

(1)(a) The division established under § 6-21-112 shall be known as the Division of Public School Academic Facilities and Transportation of the Department of Education.

(2)(b)(1) The division shall operate under the ~~direct~~ direction, control, and supervision of the Commissioner of Education Commission for Arkansas Public School Academic Facilities and Transportation; and.

(2) The division shall not operate under the direction, control, and supervision of the State Board of Education.

(3)(c) The director of the division shall be selected by the ~~commissioner~~ commission and shall serve at the pleasure of the ~~commissioner~~ commission.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court declared the public school funding system to be inadequate and that the public schools are operating under a constitutional infirmity which must be corrected immediately; that to correct the constitutional infirmity the General Assembly must guarantee the provision of adequate academic facilities; and that the continued existence of the Commission for Arkansas Public School Academic Facilities and Transportation will assist the state in its efforts to guarantee adequate academic facilities for students throughout the state. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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