2 85th General Assembly A Bill 3 First Extraordinary Session, 2006 HOUSE BILL 1030 4 9 By: Representatives Cook, Medley 6 By: Senator Broadway 7 7 7 7 8 9 For An Act To Be Entitled 10 AN ACT TO ESTABLISH THE EXTRAORDINARY 7 11 CIRCUMSTANCES PROGRAM FOR PUBLIC SCHOOL ACADEMIC 12 FACILITIES; AND FOR OTHER PURPOSES 13 1 14 Subtitle 15 TO ESTABLISH THE EXTRAORDINARY 16 CIRCUMSTANCES PROGRAM FOR PUBLIC SCHOOL 17 ACADEMIC FACILITIES 18 0 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 21 SECTION 1. Arkansas Code Title 6, Chapter 21, Subchapter 25 is amended 22 SECTION 1. Arkansas Code Title 7, Chapter 21, Subchapter 25 is amended 23 school academic facilities funding program to respond to extraordinary 24 circumstances: 6 25 (1) In Lake View School District v.	1	State of Arkansas	As Engrossed: H4/5/06 S4/6/06	Call Iten	n 17
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1	2005 Arkansas Supreme Court decision in the Lake View matter, no school		
2	district came forward to testify that the district will be unable to		
3	adequately repair, renovate, or construct school buildings;		
4	(3) The contention in subdivision (a)(1) of this section, while		
5	not without merit as a theory, has not been substantiated. Therefore, the		
6	implementation and funding of a program to provide additional state financial		
7	assistance to school districts with limited resources is premature; and		
8	(4) While implementation and funding may be premature, the		
9	development of a program to provide state financial assistance to eligible		
10	school districts that do not have sufficient means to contribute an amount of		
11	local resources necessary to qualify for state financial participation should		
12	be initiated immediately.		
13	(b)(1) The Commission for Public School Academic Facilities and		
14	Transportation division shall develop by rule the Academic Facilities		
15	Extraordinary Circumstances Program under which the Division of Public School		
16	Academic Facilities and Transportation shall provide state financial		
17	assistance to eligible school districts that do not have sufficient means to		
18	contribute an amount of local resources necessary to qualify for state		
19	financial participation under the Academic Facilities Partnership Program, §		
20	6-20-2507, or the Academic Facilities Catastrophic Program, § 6-20-2508.		
21	(2) At a minimum, eligibility criteria for the program shall		
22	address:		
23	(A) School districts with declining enrollment;		
24	(B) School districts with rapid enrollment growth;		
25	(C) School districts with insufficient bonding capacity;		
26	(D) School districts with low assessed property		
27	valuations;		
28	(E) School districts at or above the ninety-fifth		
29	percentile on the academic facilities wealth index; and		
30	(F) Any other circumstance deemed extraordinary by the		
31	division.		
32	(3) At a minimum, the application process for the program shall		
33	require a school district to provide the division with evidence of:		
34	(A) The estimated cost of the project;		
35	(B) The amount of local resources available to contribute		
36	to the project;		

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1	(C) The amount and availability of funds from school			
2	district fund balances;			
3	(D) The amount and availability of other public or private			
4	assistance;			
5	(E) Effort made by the school district and the local			
6	community to develop and provide local resources;			
7	(F) How state financial participation, if granted, will			
8	support the prudent and resourceful expenditure of state funds and improve			
9	the school district's ability to deliver an adequate and equitable education			
10	to public school students in the district.			
11	(c) The division shall report to the General Assembly by January 15,			
12	2007, on the development of the program and obtain formal legislative			
13	approval before implementing the program.			
14				
15	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the			
16	General Assembly of the State of Arkansas that the Arkansas Supreme Court			
17	found that the public school funding system continues to be inadequate and			
18	the public schools are operating under a constitutional infirmity which must			
19	be corrected immediately; that some school districts may be unable to raise			
20	local resources necessary to qualify for state financial participation under			
21	the Arkansas Public School Academic Facilities Funding Act, § 6-21-2501 et			
22	seq., and may not receive any state financial assistance for academic			
23	facilities as a result; and that this act is immediately necessary to begin			
24	the development of a program to address the potential financial needs of			
25	school districts in extraordinary financial circumstances. Therefore, an			
26	emergency is declared to exist and this act being necessary for the			
27	preservation of the public peace, health, and safety shall become effective			
28	<u>on:</u>			
29	(1) The date of its approval by the Governor;			
30	(2) If the bill is neither approved nor vetoed by the Governor,			
31	the expiration of the period of time during which the Governor may veto the			
32	bill; or			
33	(3) If the bill is vetoed by the Governor and the veto is			
34	overridden, the date the last house overrides the veto.			
35				
36	/s/ Cook			

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