

1 State of Arkansas  
2 85th General Assembly  
3 First Extraordinary Session, 2006  
4

*As Engrossed: S4/4/06*  
**A Bill**

Call Item 8

SENATE BILL 1

5 *By: Education Committee - Senate*  
6 *By: Representatives Cook, Elliott*  
7

**For An Act To Be Entitled**

10 AN ACT TO PROVIDE FOR THE CONTINUED EXISTENCE OF  
11 THE COMMISSION FOR PUBLIC SCHOOL ACADEMIC  
12 FACILITIES AND TRANSPORTATION; AND FOR OTHER  
13 PURPOSES.  
14

**Subtitle**

15 AN ACT TO PROVIDE FOR THE CONTINUED  
16 EXISTENCE OF THE COMMISSION FOR PUBLIC  
17 SCHOOL ACADEMIC FACILITIES AND  
18 TRANSPORTATION.  
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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 § 6-11-131 is amended to read as follows:  
25 6-11-131. Divisions of the Department of Education.

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

- 28 (A) The Division of Fiscal and Administrative Services;
- 29 (B) The Division of Human Resources;
- 30 (C) The Division of Learning Services; and
- 31 (D) The Division of Research and Technology.

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

34 ~~(A) The Division of Public School Academic Facilities and~~  
35 ~~Transportation, established under § 6-21-112; and,~~ shall be under the  
36 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.

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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.

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

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

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

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

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

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

12 (e) The commission may:

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

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

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

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

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

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

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

1 ~~Transportation shall transfer to the State Board of Education.~~

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

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

10 6-21-115. Name of division - Operation - Director. ~~{Effective July 1,~~  
 11 ~~2007.}~~

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

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

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

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

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

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

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(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.

*/s/ Argue*