

ADE DAILY NEWS CLIPS

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Several New Arkansas Laws Face Likely Legal Challenges (Southwest Times Record, Fort Smith)

LITTLE ROCK — State lawmakers said creating jobs was one of their goals for this year's legislative session, and although it's too soon to say how well they achieved that goal, it's safe to say they did create a good deal of work for lawyers.

A number of measures passed over opponents' objections that they were legally suspect, including three that Gov. Mike Beebe vetoed because of concerns about their constitutionality. Lawmakers overrode those vetoes. A few new laws are already in court.

The American Civil Liberties Union and the Center for Reproductive Rights have already filed a federal lawsuit challenging Act 301, which bans abortions at 12 weeks or later into a pregnancy, with exceptions for rape, incest, medical emergencies endangering the life of the mother and fetal anomalies that would not allow the child to live after birth.

The suit alleges that the law — one of the measures Beebe vetoed — violates established case law. The U.S. Supreme Court has said states cannot ban abortions before a fetus becomes viable, or able to survive outside the womb, which doctors generally consider to occur about 23 or 24 weeks into a pregnancy.

Holly Dickson, legal director for the Arkansas chapter of the ACLU, said the organization also expects to file a lawsuit challenging Act 595, which requires voters to show photo ID at the polls. Act 595 is another measure that Beebe vetoed.

"It does require more of the voter we see at the polls than it does of the voter we never see," Dickson said. "The voter who registers by mail, votes by mail, can send in a Xerox copy of a utility bill, but the voter who comes to the polls in person doesn't have the same alternatives."

Also enacted this session was Act 171, which bans abortions at 20 weeks except in cases of rape, incest and pregnancies that endanger the mother's life or could cause irreversible physical impairment. Dickson said the ACLU will challenge the act, another that Beebe vetoed, unless the outcome of pending challenges to 20-week bans in other states makes a lawsuit in Arkansas unnecessary.

Dickson said other bills that are likely to be challenged, not necessarily by the ACLU, include Act 1490, which allows people under 18 to be sentenced to life in prison with the possibility of parole for a capital offense. The law is a response to a U.S. Supreme Court ruling that said mandatory sentences of

life without parole are unconstitutional when applied to juveniles, but whether the new law would satisfy the high court is unknown.

Also likely to end up in court, Dickson said, is Senate Joint Resolution 16, which the Legislature has referred to the November 2014 general election ballot. If approved by voters, the measure would amend the state constitution to require that a group collecting signatures for a ballot initiative submit a number of valid signatures equal to 75 percent of the total number of signatures required in order to qualify for an extra 30 days to collect more signatures.

Critics say the proposed amendment would put an undue burden on the public's right to petition the government.

Glen Hooks, associate regional director for the Sierra Club, said the environmental organization is considering filing lawsuits challenging two new laws that loosen standards for air and water quality.

Act 1302 prohibits the state Department of Environmental Quality from conducting its own computerized modeling to determine the air quality impact of a new factory or plant. Under the new law, ADEQ must rely solely on air pollution monitoring stations across the state. There are 15 such stations in Arkansas.

Act 954 removes the presumption that any Arkansas waterway that is not being used as a drinking water source is a potential drinking water source, loosening the regulations protecting that type of waterway from pollution.

"It's a pretty safe bet that they're going to be challenged, because they're clear violations of the of the Clean Air Act and the Clean Water Act," Hooks said.

Arkansas was already in court on the issue of school choice when lawmakers enacted Act 1227, which removes race as a factor in student transfers between districts. The law is a response to a federal judge's ruling that struck down the old school choice law because it made race a factor in transfers, but that ruling has been appealed to the 8th U.S. Circuit Court of Appeals in St. Louis. The appeals court has not yet issued a ruling but has asked lawyers in the case to provide it with information about Act 1227.

Six death-row inmates have filed a lawsuit challenging Act 139, which permits the state Department of Correction to use an anti-anxiety drug and phenobarbital, a slow-acting barbiturate, in executions. The law is a response to a state Supreme Court ruling that struck down the old lethal-injection law because it gave the department too much discretion in execution procedures. The inmates allege that under the new law executions would be unnecessarily slow and painful.

Act 746, which allows a person to carry a handgun while on a journey, defined as travel outside of one's home county, has been interpreted in different ways, with some saying it effectively makes Arkansas an open-carry state and some saying it merely clarifies an old law that allowed handguns to be taken on journeys but did not define what a journey was. A test case likely will be needed to determine which interpretation is correct.

Then there is the most hotly contested piece of legislation to come out of the session, the private option for extending health insurance to about 250,000 of Arkansas' working poor, using federal Medicaid money made available through the federal Affordable Care Act. The legislation is contained in Acts 1496, 1497 and 1498.

A court challenge is certainly possible, but the first challenge to the private option may be at the polls: A group called Arkansans Against Big Government is seeking to place a referendum on the health care expansion on the November 2014 ballot.

Hooks said he believed several of the new laws enacted this year were the result of legislators being more interested in scoring points with the voters back home than in passing legislation that would meet constitutional muster.

"The voters back home might not be so pleased when they see the amount of money it's going to cost the state to defend these ridiculous laws," he said.

Senate President Pro Tem Michael Lamoureux, R-Russellville, said he believed legislators took constitutional issues seriously during the session. He also said lawmakers know that people often complain that a bill they dislike is unconstitutional.

"In the 10 years I've been in the Legislature I've heard a lot more people say that bills were unconstitutional than I have seen (bills) declared unconstitutional," he said. "I don't think there's anything unusual about this session."

Jacksonville Closer to Becoming Own School District (KARK, Channel 4)

Video Available at http://arkansasmatters.com/fulltext?nxd_id=662312

JACKSONVILLE, AR -- Jacksonville is now closer to becoming it's own school district, but are still concerned about a decision from federal court.

Attorney Patrick Wilson presented an update to the Arkansas State Board of Education Monday morning, where he told members they've had a feasibility study completed and maps drawn.

The hurdle the district feels will be its biggest challenge is the federal court.

"It's an unknown what the federal court may do in response to the state board asking, 'judge, we want the Jacksonville area to be able to detach, and they've taken the steps necessary to do that.' And it's just uncertain how the federal court might respond to that," Wilson says.

A petition has garnered 1,270 names, including 1,000 of those that are verified, but the district needs 1,500.

An advisory panel will also make sure Jacksonville will stay within desegregation rules.

State Board of Education Extends Term of Fiscal Distress for PCSSD (KARK, Channel 4)

LITTLE ROCK, AR --- The State Board of Education is extending the term on the fiscal distress classification for Pulaski County Special School District (PCSSD).

The district has been given an additional year to get its financial situation in order.

On-site evaluations have been conducted and its financial status has been reviewed, and while PCSSD has made progress, not all issues are resolved.

"We believe we've made considerable progress in these two years," says PCSSD Superintendent Dr. Jerry Guess. "We believe we need additional time to be sure that, that progress made is part of the culture in the district."

Dr. Guess says this ensures the district can make additional changes next school year while continuing to provide great services, but do it as efficiently as possible.

District seeking tax bump (Arkansas Democrat-Gazette)

PINE BLUFF - Voters in the Watson Chapel School District will decide Tuesday whether to increase their millage rate by 2.3 mills to build a new elementary school.

The district's current millage rate is 31.8. A person with a home in the district valued at \$50,000 pays \$318 in school taxes per year. With a 2.3-mill increase, he would pay an additional \$23 annually.

Even with the 2.3-mill increase, Watson Chapel would have the lowest millage rate in Jefferson County.

The highest millage rate in the county is in the Pine Bluff School District, where residents pay 41.7 mills, according to the Jefferson County clerk's office.

Residents in the Dollarway School District pay 40.8 mills, and those in White Hall School District pay 39.2 mills.

A mill is one-tenth of a cent and generates \$1 in property taxes for every \$1,000 of assessed value. A county assesses property at 20 percent of its appraised value, and the assessment is multiplied by the millage rate to determine the taxes owed.

Watson Chapel voters denied a 5-mill increase in April 2012 and have not approved additional mills in nearly 40 years, said Danny Hazelwood, superintendent of the district.

If Tuesday's increase passes, Hazelwood said the funds will be used to replace the aging Edgewood Elementary School.

Built in 1959, the school has wiring problems as well as outside-access doors to all classrooms, which Hazelwood said is a security concern.

A new school is expected to cost \$10 million, with the district kicking in about \$4 million, Hazelwood said. The rest of the funds would come from state and federal sources.

“What we are planning is a state-of-the-art kindergarten through first-grade building,” the superintendent said. “This will be something we can be very proud of in Pine Bluff.”

Hazelwood said he realizes that many voters don’t want to see a tax increase, but “we are in a position where we need new construction. And the only way to make that happen is to have some help from the public.”

Although there is no organized effort against the millage increase, there are residents who aren’t supporting it.

Lloyd Matthews, who lives in the Watson Chapel School District, said right now he and his family “just can’t afford any kind of tax increase. We are taxed to death as it is.”

Matthews said he isn’t against a new school building, but he’s against taxes.

Edgewood Elementary Principal Jennifer Barbaree said she feels the majority of voters will approve the millage proposal.

“It’s something we desperately need for our kids,” Barbaree said.

“But the biggest thing is safety for those who are entering and exiting campus.

“People can easily walk onto campus because there is no specific way in or out, and all of our doors have to be accessed from the outside.

“A new building will fix that, along with offering us the best technology. I have the overwhelming feeling that voters will see that and vote for the increase. That’s my hope.”

Arkansas launches mobile site with 'Gov2Go' feature (Arkansas Democrat-Gazette)

The state of Arkansas has launched a new mobile website to provide more information to people on the go.

The state's says the site offers a new "ArkansasGov2Go" feature that provides information via text messages. The service allows people to get answers to questions sent via text message. For example, a person could text the question "Who is my representative?" and the Gov2Go service will respond with the name and contact information of the state representative.

Users can also text the name of a government agency, employee or service and instantly receive contact information.

The service also includes information about polling locations and voter registration deadlines, according to the state's website.

England students launch package to edge of space (Arkansas Democrat-Gazette)

When Andy Beck, a high school band director for the England School District in Lonoke County, heard of a friend's unsuccessful attempt to launch a weather balloon to the edge of space, he didn't let it burst his creative bubble.

Instead, Beck contacted Gifted and Talented Program Coordinator Wendy Kittler in fall 2012 to float the idea of a class project. With the help of Michael Love, a science teacher at England High School, the three educators embarked on a mission to involve Kittler's third-through-sixth-grade students in a science experiment.

On Thursday, 22 students along with Beck, Kittler and Love successfully launched their payload — a styrofoam package containing a video camera, Kittler's iPhone and several guitar picks (light-weight mementos for the kids) — attached to a weather balloon and a parachute.

The flight, Kittler said, was recorded to have reached 88,280 feet, or 16.6 miles, above the earth and took two hours and eight minutes to complete. The package, which began in England High School's football field, was retrieved about 60 miles away near Rondo, Ark.

The students earned money to fund the project — about \$700 — by operating a school supply store, Kittler said. This week, the students will analyze and plot the data from the flight computer for a presentation to the England School Board on May 20.