

Stricken language would be deleted from and underlined language would be added to present law.  
Act 540 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S2/27/17  
**A Bill**

SENATE BILL 341

By: Senators L. Eads, J. Cooper, Files, Flippo, T. Garner, J. Hendren, Hester, J. Hutchinson, D. Sanders,  
Standridge

By: Representatives G. Hodges, Boyd, Ballinger, Bentley, Dotson, C. Douglas, Eubanks, Lundstrum,  
Maddox, McCollum, Pilkington, Richmond, Rye, Sullivan, Vaught

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING APPOINTMENTS TO  
CERTAIN BOARDS, COMMISSIONS, COMMITTEES, AND OTHER  
ADMINISTRATIVE BODIES; TO AMEND THE LAW CONCERNING  
MEMBERSHIP ON CERTAIN BOARDS, COMMISSIONS,  
COMMITTEES, AND OTHER ADMINISTRATIVE BODIES; TO  
ELIMINATE CERTAIN BOARDS, COMMISSIONS, COMMITTEES,  
AND OTHER ADMINISTRATIVE BODIES; AND FOR OTHER  
PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING APPOINTMENTS  
TO CERTAIN BOARDS, COMMISSIONS,  
COMMITTEES, AND OTHER ADMINISTRATIVE  
BODIES.

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

SECTION 1. Arkansas Code Title 6, Chapter 1, Subchapter 3, is  
repealed.

~~Subchapter 3—Arkansas Commission for Coordination of Educational Efforts~~

~~6-1-301. Arkansas Commission for Coordination of Educational Efforts.~~



~~(a) There is created the "Arkansas Commission for Coordination of Educational Efforts".~~

~~(b) The Arkansas Commission for Coordination of Educational Efforts is composed of the following members:~~

- ~~(1) The Director of the Department of Higher Education;~~
- ~~(2) The Commissioner of Education;~~
- ~~(3) The Director of the Department of Career Education;~~
- ~~(4) The Director of the Division of Child Care and Early Childhood Education of the Department of Human Services or his or her designee;~~
- ~~(5) The Executive Director of the Arkansas Economic Development Commission or his or her designee;~~
- ~~(6) The Vice President for Agriculture of the University of Arkansas System;~~
- ~~(7) [Repealed.]~~
- ~~(8) The Director of the Department of Information Systems or his or her designee;~~
- ~~(9) The Governor or the Governor's designee;~~
- ~~(10) One (1) public school administrator appointed by the Governor;~~
- ~~(11) One (1) public school teacher appointed by the Governor;~~
- ~~(12) One (1) president or chancellor of a four-year university appointed by the Presidents Council;~~
- ~~(13) One (1) president or chancellor of a two-year college or two-year branch of a four-year university appointed by the council;~~
- ~~(14) One (1) member of the board of trustees of a four-year university or system of colleges and universities appointed by the council;~~
- ~~(15) One (1) member of the board of trustees of a two-year college or branch appointed by the council;~~
- ~~(16) One (1) member appointed by the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas Education Association;~~
- ~~(17) One (1) member appointed by the Speaker of the House of Representatives from a list of three (3) nominees submitted by the Executive Director of the Arkansas Association of Educational Administrators;~~
- ~~(18) One (1) member appointed jointly by the Speaker of the~~

~~House of Representatives and the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas School Boards Association;~~

~~(19) One (1) representative of a predominantly black college or university in Arkansas appointed by the Speaker of the House of Representatives;~~

~~(20) One (1) member appointed by the Speaker of the House of Representatives who is from the private sector and has an interest in science, technology, engineering, or math; and~~

~~(21) One (1) member appointed by the President Pro Tempore of the Senate who is from the private sector and has an interest in science, technology, engineering, or math.~~

~~(c)(1) Each member of the commission shall be a resident of the State of Arkansas throughout his or her term on the commission.~~

~~(2) None of the members appointed from the board of trustees of a college or university shall be from an institution from which the president or chancellor of the institution is serving on the commission.~~

~~(d) The appointed members of the commission shall serve staggered terms of four (4) years.~~

~~(e) If a vacancy occurs in an appointed position, the vacancy shall be filled for the unexpired term by an appointment made in the same manner as the original appointment.~~

#### ~~6-1-302. Organization and operation.~~

~~(a) The Arkansas Commission for Coordination of Educational Efforts shall annually elect a chair, a vice chair, and a secretary.~~

~~(b)(1)(A) The commission shall meet at least quarterly each year.~~

~~(B) Special meetings may be held at the call of the chair, as needed.~~

~~(2) The commission shall meet at such times and places that the chair deems necessary, but no meeting shall be held outside the State of Arkansas.~~

~~(c) A quorum for conducting business is eight (8) members of the commission.~~

~~(d) The Department of Higher Education shall provide staff support for the commission.~~

~~(e)(1) — The members of the commission may receive expense reimbursement in accordance with § 25-16-902.~~

~~(2) — The expense reimbursement shall be paid by the Department of Education from moneys available for that purpose.~~

~~6-1-303. Duties.~~

~~(a) — The Arkansas Commission for Coordination of Educational Efforts shall study and recommend policies related to the improvement of coordination among the levels of education from prekindergarten to the graduate level.~~

~~(b)(1) — The commission shall give priority to improvements benefiting students at all levels of education in Arkansas.~~

~~(2) — The commission shall work to benefit the State of Arkansas and improve the economy of the state by recommending a more efficient system of education.~~

~~(c) — The commission shall:~~

~~(1) — Recommend policies on concurrent enrollment of high school students in college courses;~~

~~(2) — Make recommendations related to a common calendar for all public schools and institutions of higher education;~~

~~(3) — Study the various delivery systems of distance learning and recommend ways to improve and make more efficient a delivery system for Arkansas;~~

~~(4) — Recommend ways that the public schools, the Department of Education, the Department of Higher Education, and the institutions of higher education can improve working relationships in order to improve the effectiveness of teaching for the public schools;~~

~~(5)(A) — Recommend ways of improving the transfer of credit from institution to institution for the benefit of the student.~~

~~(B) — The transfer of credit includes recommendations for improving the transfer from two-year institutions to four-year institutions as well as the transfer among two-year institutions and four-year institutions;~~

~~(6) — Make recommendations related to aligning the curriculum from kindergarten through the bachelor's degree level in colleges and universities;~~

~~(7) — Recommend ways of improving the link between educational~~

~~efforts and economic development for Arkansas;~~

~~(8) Recommend priorities for the funding of education;~~

~~(9) Review all current scholarship programs of the state and institutions of higher education and make recommendations for improving future scholarship programs;~~

~~(10) Make recommendations related to the future need for remediation of beginning college students;~~

~~(11) Make recommendations to improve science, technology, engineering, and mathematics education from kindergarten through the bachelor's degree level in higher education;~~

~~(12) Make recommendations to improve the use of educational technology; and~~

~~(13) Recommend any other improvements in education at any level to benefit students and the state.~~

~~6-1-304. Reporting requirements.~~

~~(a)(1) The Arkansas Commission for Coordination of Educational Efforts shall submit an annual report to the Governor, the Senate Committee on Education, the House Committee on Education, the State Board of Education, the Arkansas Higher Education Coordinating Board, and all boards of trustees of public institutions of higher education.~~

~~(2) Additional reports shall be given to committees of the General Assembly upon request of a committee.~~

~~(b) All state agencies, institutions of higher education, and public schools shall cooperate with the commission and supply data and information needed by the commission in a timely manner.~~

SECTION 2. Arkansas Code § 6-11-101(a)(1), concerning the members of the State Board of Education, is amended to read as follows:

(1) Two (2) members to be selected from each of the *congressional districts of the state as they exist ~~on the July 31, 2007~~ at the time of appointment*; and

SECTION 3. Arkansas Code § 6-11-101(f)(2), concerning the members of the State Board of Education, is amended to read as follows:

(2) Resignation, ~~removal from the district from which he or she~~

~~is appointed, disqualification, incapacitation from mental or physical disability or otherwise, or change in status from the eligibility requirements for membership on the state board shall automatically create a vacancy in the membership of the state board, and no such member shall thereafter exercise any of the functions of membership on the state board even though his or her successor has not been appointed.~~

SECTION 4. Arkansas Code § 6-47-305 is repealed.

~~6-47-305. Distance Learning Coordinating Council.~~

~~(a) There is created an advisory body to the Department of Education to be known as the "Distance Learning Coordinating Council".~~

~~(b) The purpose of the coordinating council is to evaluate distance learning activities for kindergarten through grade twelve (K-12) education across the State of Arkansas and to determine whether distance learning activities are being fully utilized through a collaborative process that maximizes the utilization of the state's technical and educational resources.~~

~~(c) The coordinating council shall consist of the following members:~~

~~(1) One (1) member who is an employee of the Department of Education appointed by the Commissioner of Education;~~

~~(2) One (1) member who is an employee of the Arkansas Educational Television Network appointed by the Director of the Educational Television Division of the Department of Education;~~

~~(3) One (1) member who is an employee of the Arkansas School for Mathematics, Sciences, and the Arts appointed by the Director of the Arkansas School for Mathematics, Sciences, and the Arts;~~

~~(4) One (1) member who is an employee of the Department of Information Systems appointed by the Director of the Department of Information Systems;~~

~~(5) One (1) member who is an employee of the Division of Science and Technology of the Arkansas Economic Development Commission appointed by the Executive Director of the Arkansas Economic Development Commission;~~

~~(6) One (1) member who is an employee of the Department of Career Education appointed by the Director of the Department of Career Education;~~

~~(7) One (1) member who is employed by the Department of Higher Education appointed by the Director of the Department of Higher Education;~~

~~(8) One (1) member who is an employee of the Arkansas State Library appointed by the State Librarian;~~

~~(9)(A) One (1) member who is an employee of an education service cooperative appointed by the Governor subject to confirmation of the Senate.~~

~~(B) The Governor shall consult the State Board of Education before making an appointment under this subdivision (c)(9);~~

~~(10) One (1) member who is actively engaged in distance learning activities for kindergarten through grade twelve (K-12) education appointed by the Governor from the state at large;~~

~~(11) Two (2) members who are employed by telecommunications companies that are members of the Arkansas Telecommunications Association and appointed as follows:~~

~~(A) One (1) member shall be employed by a telecommunications company with more than seventy-five thousand (75,000) access lines and shall be appointed by the Governor and appointed subject to confirmation of the Senate;~~

~~(B) One (1) member shall be employed by a telecommunications company with less than seventy-five thousand (75,000) access lines and shall be appointed by the Governor and appointed subject to confirmation of the Senate; and~~

~~(C) The Governor shall consult the Arkansas Telecommunications Association before making an appointment under this subdivision (c)(11); and~~

~~(12) Members added by the commissioner to the coordinating council to represent other entities that are associated with kindergarten through grade twelve (K-12) distance learning and that come into existence after September 1, 2005.~~

~~(d)(1) Members shall serve three-year terms and are eligible for reappointment.~~

~~(2) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled in the same manner as the original appointment.~~

~~(3) The members of the coordinating council shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the coordinating council.~~

~~(4) The coordinating council shall meet at least quarterly.~~

~~(5) Staff support shall be provided by appropriate personnel from the Department of Education, the Department of Career Education, the Department of Higher Education, the Division of Public School Academic Facilities and Transportation, the Division of Public School Accountability, and the state's public institutions of higher education with the assistance of any appropriate staff of the other agencies whose directors serve on the coordinating council.~~

~~(6) Nonstate employee members shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-902.~~

~~(c) The coordinating council shall make recommendations at least annually to the Department of Education, the Division of Public School Academic Facilities and Transportation, the Division of Public School Accountability, the House Committee on Education, and the Senate Committee on Education with regard to the following:~~

- ~~(1) Distance learning standards and rules;~~
- ~~(2) Online distance learning curriculum;~~
- ~~(3) Supplemental distance learning course material;~~
- ~~(4) Coordination of distance learning services;~~
- ~~(5) Methods for fostering collaborative processes by which distance learning content can be shared more effectively with and delivered to public schools;~~
- ~~(6) Strategies for reducing the occurrences of isolated distance learning activities;~~
- ~~(7) Options for spreading distance learning costs and increasing the value of shared distance learning services; and~~
- ~~(8) Improving utilization of distance learning resources.~~

SECTION 5. Arkansas Code § 6-52-204(a), concerning the State Apprenticeship Coordination Steering Committee, is amended to read as follows:

(a)(1) The Governor shall appoint an apprenticeship and training advisory committee composed of members with the following qualifications:

(A) ~~Five (5) Two (2) persons~~ members representing employers of members of apprenticeable trades;

(B) ~~Five (5) Two (2) persons~~ members representing bargaining agents for members of apprenticeable trades;

(C) ~~Five (5)~~ Two (2) ~~persons~~ members representing the minority and female workforce who have knowledge of apprenticeship and are familiar with the needs of vocational and technical education; and

(D) ~~Five (5)~~ Two (2) ~~persons~~ members who teach or immediately supervise preparatory instruction, supplementary instruction, or related instruction courses.

(2) Members of the coordination committee shall serve terms of four (4) years.

(3) Vacancies shall be filled for the unexpired portion of a term vacated.

(4) The Governor shall consult the Department of Career Education ~~and the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship,~~ before making an appointment under this subsection.

(5) Appointments made by the Governor under this subsection shall be subject to confirmation by the Senate.

SECTION 6. Arkansas Code § 6-64-302(b) and (c), concerning the Board of Visitors for the University of Arkansas at Monticello, are amended to read as follows:

(b)(1) There is established the Board of Visitors for the University of Arkansas at Monticello, which shall consist of ~~twelve (12)~~ seven (7) members appointed by the Governor subject to confirmation by the Senate.

~~(2)(A) First, the Governor shall make seven (7) appointments from a list of no fewer than twenty (20) names jointly prepared by the members of the House of Representatives representing the eighth, ninth, tenth, and twelfth house districts and the Senator representing the twenty-fourth senate district.~~

~~(B) The seven (7) appointments shall include one (1) each from Ashley, Bradley, Chicot, Cleveland, Desha, Drew, and Lincoln counties.~~

~~(3)(A)(2)(A) Second, the~~ The Governor shall appoint ~~two (2)~~ members one (1) member from:

(i) The Board of Directors of ~~Forest Echoes Technical Institute, which after July 1, 2003, shall be known as the~~ University of Arkansas at Monticello College of Technology-Crossett; and

(ii) The Board of Directors of ~~Great Rivers~~

~~Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-McGehee.~~

(B) The Board of Directors of Forest Echoes Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-Crossett, and Great Rivers Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-McGehee, shall be appointed by the Board of Trustees of the University of Arkansas.

~~(4) The remaining member of the board of visitors shall be appointed by the Governor.~~

(c)(1)(A) Appointments shall be bipartisan and be for terms of ~~three~~ five (5) years.

(B) The Governor shall endeavor to make appointments to the ~~initial~~ board of visitors ~~and thereafter as terms expire and vacancies occur for any reason,~~ so that at least ~~seven (7)~~ four (4) members of the board of visitors will be alumni of the University of Arkansas at Monticello.

(C) After the expiration of the terms of the members initially appointed under subsection (b) of this section, the members appointed by the Governor in 2006 shall draw lots for staggered terms ~~with the terms of four (4) members expiring in 2007, the terms of four (4) members expiring in 2008, and the terms of four (4) members expiring in 2009.~~

(D) Appointments after 2006 shall be for terms of ~~three~~ five (5) years.

(2) Members may serve no more than two (2) consecutive terms but shall otherwise be eligible for reappointment to the board of visitors.

(3) When there is a vacancy in an unexpired term, the appointee shall serve for the remaining portion of the term.

SECTION 7. Arkansas Code § 6-64-304(c), concerning the Board of Visitors for the University of Arkansas at Pine Bluff, is amended to read as follows:

(c) Appointments shall be for terms of ~~seven (7)~~ five (5) years each except where there is an unexpired term, which shall be filled for the remaining portion of the term.

SECTION 8. Arkansas Code § 9-28-1101(b), concerning the Arkansas

Coalition for Juvenile Justice Board, is amended to read as follows:

(b)(1) The board shall consist of a minimum of fifteen (15) members and a maximum of thirty-three (33) members appointed by the Governor.

~~(2) There shall be no more than five (5) members of the board who are state employees.~~

~~(3)(A) There shall be no more than two (2) members of the board who are employees of the Division of Youth Services of the Department of Human Services who are appointed by the Director of the Department of Human Services.~~

~~(B) An employee of the division shall serve as a non-voting board member.~~

(2) Members of the board shall have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency.

(3) Membership of the board shall include:

(A) At least one (1) locally elected official representing local government;

(B) Representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

(C) Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

(D) Representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

(E) Volunteers who work with delinquents or potential delinquents;

(F) Youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

(G) Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives

to suspension and expulsion; and

(H) Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.

(4) A majority of the board membership shall not be full-time employees of the Federal, State, or local government.

(5) At least one-fifth of the members shall be under twenty-four (24) years of age at the time of appointment.

(6) At least three (3) members shall have been or shall currently be under the jurisdiction of the juvenile justice system.

SECTION 9. Arkansas Code § 11-10-305 is repealed.

~~11-10-305. State Employment Security Advisory Council—Creation.~~

~~(a) The Governor shall appoint a State Employment Security Advisory Council, composed of men and women, including an equal number of employer representatives and employee representatives, who may be fairly regarded as representative because of their vocation, employment, or affiliations, and of such members representing the general public as the Governor may designate.~~

~~(b) The advisory council shall aid the Director of the Department of Workforce Services in reviewing the unemployment insurance and the employment service programs as to their content, adequacy, and effectiveness and in making recommendations for their improvement.~~

~~(c) The advisory council shall meet at least once each calendar quarter and, in addition, as frequently as the director deems necessary.~~

~~(d)(1) The advisory council shall make reports of its meetings which shall include a record of its discussions and its recommendations.~~

~~(2) The director shall make the reports available to any interested persons or groups.~~

~~(e) The members of the advisory council may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

SECTION 10. Arkansas Code § 11-10-311 is amended to read as follows:

11-10-311. Employment stabilization.

The Director of the Department of Workforce Services, ~~with the advice and aid of the State Employment Security Advisory Council,~~ shall take all appropriate steps to reduce and prevent unemployment, to encourage and assist

in the adoption of practical methods of vocational training, retraining, and vocational guidance, to investigate, recommend, advise, and assist in the establishment and operation by municipalities, counties, planning districts, school districts, and the state of programs for public works to be used in times and places of economic downturn and high unemployment for the purpose of promoting the employment of unemployed and underemployed workers throughout the state, and to these ends, to carry on research and such investigations as he or she shall deem necessary and to publish the results thereof.

SECTION 11. Arkansas Code § 11-10-706(f)(3), concerning future rates and stabilization tax for contributions concerning the Department of Workforce Services, is amended to read as follows:

(3) The director shall report to ~~the State Employment Security Advisory Council and~~ the Legislative Council on a quarterly basis as to any and all uses of the Department of Workforce Services Training Trust Fund and the Department of Workforce Services Unemployment Insurance Administration Fund.

SECTION 12. Arkansas Code § 13-2-205(b), concerning the State Library Board, is amended to read as follows:

(b)(1) The board shall consist of seven (7) members, to be appointed by the Governor subject to confirmation by the Senate.

(2) The members of the board shall be appointed by the Governor for reasons of their interest in libraries and in statewide library development.

(3)(A) One (1) member of the board shall be appointed from each *of the four (4) congressional districts of this state in existence ~~on July 1, 1979~~ at the time of appointment*, and three (3) members shall be selected from the state at large.

(B) However, no more than two (2) members of the board shall be appointed from any one (1) congressional district.

(4)(A) All members appointed to the board shall serve terms of seven (7) years and until their successors are appointed and qualified.

(B) No board member shall be appointed to serve for more than two (2) consecutive full terms, ~~including partial terms~~.

SECTION 13. Arkansas Code § 13-5-404 is repealed.

~~13-5-404. Arkansas Museum of Natural Resources Advisory Committee.~~

~~(a) The Governor shall establish an Arkansas Museum of Natural Resources Advisory Committee, to consist of fifteen (15) members, appointed by the Governor, who shall serve in an advisory capacity to the State Parks Division of the Department of Parks and Tourism and the Director of the Department of Parks and Tourism.~~

~~(b)(1) At least one half (½) of the members shall be residents of oil or brine producing counties of southern Arkansas.~~

~~(2) All members shall be appointed for terms of five (5) years.~~

~~(3) All vacancies on the committee shall be filled by appointment by the Governor.~~

~~(c)(1) The members shall serve without pay.~~

~~(2) The division is authorized to reimburse the committee members for expenses in accordance with § 25-16-901 et seq.~~

~~(d)(1) The committee shall advise the division in the establishment of policies and procedures for the development and operation of the Arkansas Museum of Natural Resources. However, final authority for all matters relating to the development and operation of the museum shall rest with the Director of the Department of Parks and Tourism.~~

~~(2) Under the supervision of the Director of the Arkansas Museum of Natural Resources and approval of the Director of the State Parks Division of the Department of Parks and Tourism, the committee shall develop and coordinate efforts to encourage gifts or donations to the museum of old records, maps, drawings, core samples, and other memorabilia to be accessioned, curated, and conserved by the museum for the use and benefit of students, scientists, and the public and for research into the early oil boom history of Arkansas.~~

SECTION 14. Arkansas Code Title 15, Chapter 9, is repealed.

~~CHAPTER 9~~

~~COMMISSION ON INFORMATION AGE COMMUNITIES ACT~~

~~15-9-101. Title.~~

~~This chapter may be cited as and shall be known as the "Commission on~~

~~Information Age Communities Act”.~~

~~15-9-102. Definition.~~

~~As used in this chapter, “communities” means lawfully incorporated municipalities, unincorporated areas, counties, or any combination thereof.~~

~~15-9-103. Legislative findings and intent.~~

~~(a) The General Assembly finds and declares that the economic well-being of Arkansas and its communities depends upon the belief of its citizens that their state and their community are places where:~~

~~(1) Families can live in safety and security;~~

~~(2) Quality health care is readily available;~~

~~(3) The educational system meets the needs of learners of all ages;~~

~~(4) Government services are provided in an efficient and effective manner;~~

~~(5) Opportunities for business and commercial growth are encouraged and supported; and~~

~~(6) The state’s natural heritage and quality of life are protected and enjoyed.~~

~~(b) The General Assembly further finds and determines that the economic and societal changes that have occurred in the last half of the twentieth century have been driven primarily by major advances in the fields of science and technology. These advances have caused unanticipated and dramatic shifts in the educational and skill requirements for the nation’s workforce and wide disparities in the availability of economic opportunities within and between states.~~

~~(c) It is the intent of the General Assembly to provide the communities of this state with a mechanism to meet the economic and societal challenges that have and will continue to arise as new technologies are developed and marketed.~~

~~(d) It is also the intent of the General Assembly that this mechanism will prepare Arkansas communities and government agencies to deal with economic and societal challenges by encouraging:~~

~~(1) A vision for the twenty first century in which Arkansas will have an information ready citizenry and state leaders will be knowledgeable~~

~~about information age budget policy;~~

~~(2) Collaborative partnering, the essential behavior of the twenty first century economy;~~

~~(3) Organizational and budgeting collaboration for connectivity investments and investments in people networks;~~

~~(4) Links between community needs and statewide network applications;~~

~~(5) Economic development expansion strategies that are based on information connectivity; and~~

~~(6) Integration of existing state resources as the embodiment of planned, long-term change.~~

~~15-9-104. Commission on Information Age Communities established.~~

~~(a) There is created the Commission on Information Age Communities, which shall consist of eight (8) voting members:~~

~~(1) The Executive Director of the Arkansas Economic Development Commission;~~

~~(2) The Director of the Department of Finance and Administration;~~

~~(3) The Director of the Department of Information Systems;~~

~~(4) The Director of the Department of Education;~~

~~(5) The Director of the Department of Higher Education; and~~

~~(6)(A) Three (3) members appointed by the Governor subject to confirmation by the Senate who are knowledgeable in various aspects of information technology and community development.~~

~~(B) The members appointed by the Governor shall serve staggered three-year terms.~~

~~(C) The Governor shall consult the Commission on Information Age Communities before making an appointment under this subdivision (a)(6).~~

~~(b) The Commission on Information Age Communities shall annually elect one (1) member from the Commission on Information Age Communities as Chair of the Commission on Information Age Communities. The Commission on Information Age Communities may also elect a Vice Chair of the Commission on Information Age Communities and a Secretary of the Commission on Information Age Communities.~~

~~(c)(1) Five (5) members of the Commission on Information Age Communities shall constitute a quorum, and the affirmative vote of five (5) members shall be necessary for any action taken by the Commission on Information Age Communities.~~

~~(2) No vacancy in the membership of the Commission on Information Age Communities shall impair the right of a quorum to exercise all the rights and perform all the duties of the Commission on Information Age Communities.~~

~~(d) Members of the Commission on Information Age Communities shall serve without compensation.~~

~~(e) The Commission on Information Age Communities shall meet at least semiannually.~~

~~(f) The Commission on Information Age Communities will report at least annually to the Governor and the Joint Committee on Advanced Communications and Information Technology regarding the status of its work.~~

~~(g)(1) In carrying out its functions, the Commission on Information Age Communities may create such advisory committees as it may deem necessary.~~

~~(2) The memberships of these advisory committees may include both members and staff of the Commission on Information Age Communities and other persons drawn from sources other than the Commission on Information Age Communities, all of whom shall serve at the pleasure of the Commission on Information Age Communities.~~

~~(3) Members of such advisory committees shall serve without compensation for their membership on the advisory committees.~~

~~15-9-105. Powers and duties.~~

~~(a) The Commission on Information Age Communities shall be a body corporate and politic, having the powers and jurisdiction provided in this chapter and any additional powers as conferred upon it by the General Assembly or by the people of this state.~~

~~(b) The commission is authorized and designated to engage in cooperative programs and activities involving the establishment and encouragement of community-based technologies, systems, networks, and services that are designed to enhance the quality of life, educational opportunity, and economic well-being for residents of that community.~~

~~(c) The commission shall have all the powers necessary to carry out~~

~~its purposes, which shall include, but not be limited to, the following:~~

~~(1) To make, amend, and repeal bylaws, rules, and regulations for the management of its affairs;~~

~~(2) To make contracts and execute all instruments necessary or convenient for carrying out its business;~~

~~(3) To enter into agreements or other transactions with any federal, state, county, or municipal agency and with any individual, corporation, firm, association, or any other entity involving technology, products, and services;~~

~~(4) To appoint officers, employees, consultants, agents, and advisors and prescribe their duties;~~

~~(5) To appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government;~~

~~(6)(A) To accept any and all donations, grants, bequests, and devises, conditional or otherwise, of money, property, services, or other things of value which may be received from the federal government or any agency thereof, any governmental agency, or any institution, person, firm, or corporation, public or private, to be held, used, or applied for any or all of the purposes specified in this chapter, in accordance with the terms and conditions of any such grant.~~

~~(B) Receipt of each donation or grant shall be detailed annually in the report of the commission and shall include the identity of the donor or lender, the nature of the transaction, and any conditions attached thereto;~~

~~(7) To organize, conduct, sponsor, or cooperate in and assist in the conduct of special institutes, conferences, demonstrations, and studies relating to the stimulation and formulation of community-based technologies, systems, networks, and services that are designed to enhance the quality of life, educational opportunity, and economic well-being for residents of that community; and~~

~~(8) To exercise any other powers necessary for the operation and functioning of the commission within the purposes authorized in this chapter.~~

SECTION 15. Arkansas Code § 15-20-703(2), concerning definitions contained in the Arkansas Scenic Resources Act of 1991, is repealed.

~~(2) "Committee" means the Arkansas Scenic Resources Preservation Coordinating Committee created by this subchapter;~~

SECTION 16. Arkansas Code § 15-20-705(a)(2), concerning the duties of the State Parks, Recreation, and Travel Commission and the Department of Parks and Tourism, is amended to read as follows:

(2) To cooperate with ~~the Arkansas Scenic Resources Preservation Coordinating Committee~~ and any federal, state, or local government agency, private organization, or individual;

SECTION 17. Arkansas Code § 15-20-707 is repealed.

~~15-20-707. Arkansas Scenic Resources Preservation Coordinating Committee.~~

~~(a) To assist the State Parks, Recreation, and Travel Commission, an advisory committee to be known as the "Arkansas Scenic Resources Preservation Coordinating Committee" is established.~~

~~(b) The committee shall consist of nine (9) members as follows:~~

~~(1) The Director of the Department of Parks and Tourism, the Director of State Highways and Transportation, the Director of the Administrative Office of the Keep Arkansas Beautiful Commission, the State Forester, and the Director of the Department of Arkansas Heritage; and~~

~~(2)(A) Four (4) members, each having an interest in scenic resources, shall be appointed by the Governor with each congressional district being represented.~~

~~(B) The members appointed by the Governor shall serve four-year terms.~~

~~(c) The Director of the Department of Parks and Tourism shall serve as Chair of the Arkansas Scenic Resources Preservation Coordinating Committee.~~

~~(d) The committee shall meet at the call of the chair.~~

~~(e) A majority of the committee shall constitute a quorum.~~

~~(f) The members of the committee shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

SECTION 18. Arkansas Code § 15-20-708 is repealed.

~~15-20-708. Duties of committee.~~

~~The Arkansas Scenic Resources Preservation Coordinating Committee shall~~

~~have the following duties:~~

~~(1) To assist in the development of criteria, guidelines, and standards for the Registry of Scenic Resources;~~

~~(2) To provide recommendations and nominations to the State Parks, Recreation, and Travel Commission and Department of Parks and Tourism for entries in the registry;~~

~~(3) To act as a coordinating body for the efforts of other local, state, or federal agencies;~~

~~(4) To assist the commission and department in the preparation of the annual report; and~~

~~(5) To maintain official minutes and records of the committee.~~

SECTION 19. Arkansas Code § 17-27-102, concerning definitions, is amended to add an additional subdivision to read as follows:

(9) "Counselor educator" means a person who:

(A) Possesses an advanced degree in counseling, psychology, or closely related field; and

(B) Is employed in a teaching position at least part-time at an Arkansas institution of higher education or is retired from employment in a teaching position with an Arkansas institution of higher education.

SECTION 20. Arkansas Code § 17-27-201 is amended to read as follows:  
17-27-201. Creation – Members.

(a) There is created a board to be known as the “Arkansas Board of Examiners in Counseling”, consisting of nine (9) members who shall be appointed by the Governor, subject to confirmation by the Senate.

(b) Appointments shall be made so as to ensure that the Arkansas Board of Examiners in Counseling consists of citizens of the United States, residents of Arkansas, at least one (1) member of each sex, and at least one (1) member of an ethnic minority.

(c)(1) The composition of the Arkansas Board of Examiners in Counseling shall include:

(A)(i) Six (6) licensed or licensable counselors, three (3) of whom are practicing counselors and three (3) of whom are counselor educators. ~~One (1) of the six (6) shall also be a licensed marriage and family therapist, if available.~~

(ii) The Governor shall consult the Executive Committee of the Arkansas Counseling Association and the Executive Committee of the Arkansas Mental Health Counselors Association before making an appointment under this subdivision (c)(1)(A);

(B)(i) One (1) licensed marriage and family therapist.

(ii) The Governor shall consult the Board of Directors of the Arkansas Association for Marriage and Family Therapists before making an appointment under this subdivision (c)(1)(B);

(C)~~(i)~~ One (1) member from the general public who is not licensed or licensable and not actively engaged in or retired from the profession of counseling who shall represent consumers;

~~(ii) The Governor shall consult the Executive Committee of the Arkansas Counseling Association and the Executive Committee of the Arkansas Mental Health Counselors Association before making an appointment under this subdivision (c)(1)(C); and~~

(D)(i) One (1) member who shall represent the elderly.

(ii) This member shall be sixty (60) years of age or older and not actively engaged in or retired from the profession of counseling.

(iii) He or she shall be appointed from the state at large subject to confirmation by the Senate and shall be a full voting member but shall not participate in the grading of examinations.

(2) The same person may not be both the consumer representative and the representative of the elderly.

~~(3) Appointments made by the Governor under this section shall be subject to confirmation by the Senate.~~

(d) Arkansas Board of Examiners in Counseling members shall be appointed for three-year terms.

~~(e)(1) Vacancies for the unexpired terms of the professional members and the consumer member shall be filled by the Governor from candidates submitted within thirty (30) days of the vacancy by the Executive Committee of the Arkansas Counseling Association or the Executive Committee of the Arkansas Mental Health Counselors Association and the Board of Directors of the Arkansas Association for Marriage and Family Therapists.~~

~~(2) The appointments shall be made within thirty (30) days after the candidates' names have been submitted.~~

~~(f)~~(e) Any Arkansas Board of Examiners in Counseling member may be removed by the Governor after written notice and a hearing for incapacity, incompetence, neglect of duty, or malfeasance in office.

~~(g) Arkansas Board of Examiners in Counseling members shall be ineligible for reappointment for a period of three (3) years following completion of their terms.~~

~~(h)~~(1)(f)(1) The members shall immediately and before performing public duties take the constitutional oath of office.

~~(2)(A) Members shall file the oath in the office of the Governor, who upon receiving it shall issue to each member a certificate of appointment.~~

~~(B)~~(2) Each member may receive expense reimbursement in accordance with § 25-16-901 et seq., provided that the expenses shall in no case exceed funds available to the Arkansas Board of Examiners in Counseling.

SECTION 21. Arkansas Code § 17-53-103(1), concerning the definition of "board", is repealed.

~~(1) "Board" means the Arkansas Board of Health Education;~~

SECTION 22. Arkansas Code § 17-53-104(4), concerning violations of the Health Educator Practice Act, is repealed.

~~(4) Knowingly making a false statement on any form promulgated by the Arkansas Board of Health Education in accordance with this chapter.~~

SECTION 23. Arkansas Code § 17-53-106(a)(4)(B)(i), concerning the scope of the Health Educator Practice Act, is amended to read as follows:

(i) Is certified under the laws of another state ~~which~~ that has certification requirements at least as stringent as the requirements of this state, ~~as determined by the Arkansas Board of Health Education;~~ or

SECTION 24. Arkansas Code Title 17, Chapter 53, Subchapter 2, is repealed.

~~Subchapter 2 — Arkansas Board of Health Education~~

~~17-53-201. Creation — Members — Terms — Removal.~~

~~(a) There is created the Arkansas Board of Health Education which shall consist of seven (7) persons all of whom are Arkansas residents with the following qualifications:~~

~~(1) Five (5) members who are certified health education specialists or certified professional health educators; and~~

~~(2) Two (2) members who are representatives of the public at large.~~

~~(b) The members of the board shall be appointed by the Governor, subject to confirmation by the Senate.~~

~~(c)(1) The Governor shall designate the terms of the initial appointees so that three (3) members, including two (2) health educators and one (1) member who represents the public at large, shall serve three-year terms; two (2) members, including one (1) health educator and one (1) member who represents the public at large, shall serve two-year terms; and two (2) members who represent health educators shall serve one-year terms.~~

~~(2) Successor members shall serve three-year terms, except that a person appointed to fill a vacancy resulting in an unexpired term shall only serve for the remainder of that unexpired term. Any vacancy on the board shall be filled by the Governor in the same manner as other appointments. No member shall serve more than two (2) consecutive terms.~~

~~(d)(1) Initial members, who are representatives of the health education profession, shall be selected from a list of persons who have been practicing health education for at least three (3) years submitted to the Governor by the Division of Health Education and Promotion of the Department of Health in conjunction with the National Commission on Health Education Credentialing, Inc.~~

~~(2) Successor members, who are representatives of the health education profession, shall be selected from a list of certified health education specialists or certified professional health educators submitted to the Governor by the board. Each of these board members shall have been practicing health education for at least three (3) years preceding his or her appointment and be listed as a person certified under this chapter.~~

~~(e) Upon recommendation of the board made after notice and hearing, the Governor may remove any member of the board for incompetence, neglect of duty, or malfeasance in office.~~

~~17-53-202. Meetings.~~

~~(a) The Governor shall call the first meeting of the Arkansas Board of Health Education within thirty (30) days after its members are first appointed for the purpose of organization. The board shall elect at its first regularly scheduled meeting of each calendar year a chair and vice chair. The board shall meet as frequently as it deems necessary, at such times and places as the board designates. Additional meetings may be held upon call of the chair or upon written request of four (4) members of the board.~~

~~(b) A quorum of the board shall consist of four (4) members.~~

~~(c) The members shall not be entitled to compensation for their service but may receive expense reimbursement in accordance with § 25-16-902. All reimbursements for expenses authorized by this chapter shall be paid from the Health Education Practice Certification Fund.~~

~~(d) All proceedings of the board shall be conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~17-53-203. Health Education Practice Certification Fund.~~

~~(a)(1) The Secretary of the Arkansas Board of Health Education shall receive and account for all money derived under the provisions of this chapter and shall deposit the same weekly into financial institutions other than the State Treasury.~~

~~(2) These moneys shall be known as the "Health Education Practice Certification Fund".~~

~~(b) There shall be audits of the fund as required by law.~~

~~(c) The secretary shall give a surety bond for the faithful performance of his or her duties in the sum of ten thousand dollars (\$10,000) or an amount recommended by the Auditor of State. The premium for this bond shall be paid out of the fund.~~

~~(d) The board may make expenditures from the fund for any purpose which is reasonable and necessary to carry out the provisions of this chapter.~~

~~17-53-204. Powers and duties.~~

~~The Arkansas Board of Health Education shall have the following powers and duties:~~

~~(1) Establish an examination requirement if deemed necessary;~~

- ~~(2) Certify and renew the certification of qualified applicants;~~
- ~~(3) Establish certification reciprocity agreements with other states;~~
- ~~(4) Establish and collect fees relating to examination, certification, provisional certification, certification renewal, and other reasonable services as defined by the board;~~
- ~~(5) Promulgate rules and regulations necessary to implement this chapter;~~
- ~~(6) Compile an annual report to be filed with the Governor and the Legislative Council by September 1 of each year;~~
- ~~(7) Define unprofessional conduct by publishing standards of professional responsibility for health educators and publish such standards for practice within twelve (12) months after the first board meeting;~~
- ~~(8) Conduct disciplinary proceedings as provided for in this chapter; and~~
- ~~(9) Establish continuing education requirements consistent with those of the National Commission for Health Education Credentialing, Inc. as a means to maintain professional competency.~~

~~17-53-205. Concurrent certification of health education specialists.~~

- ~~(a) The Arkansas Board of Health Education shall issue a state concurrent certification to a certified health education specialist who:~~
  - ~~(1) Files an application with the board;~~
  - ~~(2) Provides evidence of current certification as a certified health education specialist from the National Commission for Health Education Credentialing, Inc.; and~~
  - ~~(3) Passes an examination if required by the board.~~
- ~~(b) The state concurrent certification of a certified health education specialist shall be effective upon issuance by the board and shall be valid for one (1) year after the date of issuance.~~

~~17-53-206. Certification of professional health educators.~~

- ~~For one (1) year after August 1, 1997, the Arkansas Board of Health Education shall issue certification as a certified professional health educator to any person who:~~
- ~~(1) Files an application with the board;~~

~~(2) Provides evidence of having earned a degree from a United States college or university that was accredited at the time the degree was conferred;~~

~~(3) Provides evidence of employment in the practice of health education for at least three (3) of the last ten (10) years preceding August 1, 1997; and~~

~~(4) Passes an examination within two (2) years.~~

~~17-53-207. Provisional certification.~~

~~(a) Provisional certification to practice as a health educator may be issued by the Arkansas Board of Health Education upon the filing of an application and submission of evidence of successful completion of educational requirements as determined by the board.~~

~~(b) A provisional certification shall expire eighteen (18) months from the date of issuance. Provisional certification may be renewed one (1) time upon submission to the board of a satisfactory explanation for the applicant's failure to become certified within the original eighteen-month period.~~

~~(c) A provisional certification shall permit the holder to practice only under the supervision of a certified health education specialist or certified professional health educator.~~

~~17-53-208. Reciprocity.~~

~~Reciprocity shall be provided for certified health educators from other states provided that the standards for certification in that state are not less than those provided for in this chapter as determined by the Arkansas Board of Health Education.~~

~~17-53-209. Denial, revocation, or suspension.~~

~~The Arkansas Board of Health Education may refuse to issue or renew a certification or may revoke or suspend a certification issued under this chapter for any of the following:~~

~~(1) Violating a provision of this chapter;~~

~~(2) Engaging in unprofessional conduct or gross incompetence as defined by the regulations of the board;~~

~~(3) Violating the Standards of Professional Responsibility for~~

~~Health Educators;~~

~~(4) Being found guilty or pleading guilty or nolo contendere to a criminal offense in this or any other state when such an offense is a felony in this state; or~~

~~(5) Being found guilty of or pleading guilty or nolo contendere to a felony in a federal court.~~

~~17-53-210. Transfer of the Arkansas Board of Health Education.~~

~~(a)(1) Effective July 1, 2013, the Arkansas Board of Health Education is transferred to the Department of Health and shall be administered by the Director of the Department of Health.~~

~~(2) All authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, allocations, or other funds of the board are transferred to the department.~~

~~(b) In order to protect the board, to allow for continuation of necessary procedures, and to provide for a smooth transition to the department, the director may not realign the functions and records of the board before July 1, 2014.~~

SECTION 25. Arkansas Code § 17-82-201 is amended to read as follows:

17-82-201. Members – Appointment – Oath.

(a)(1) The Arkansas State Board of Dental Examiners shall be composed of nine (9) members appointed by the Governor, subject to confirmation by the Senate, for terms of five (5) years:

~~(1)(A)~~ Six (6) members shall be regularly licensed, registered, and practicing dentists;

~~(2)(B)~~ One (1) member shall be a regularly licensed, registered, and practicing dental hygienist who shall have all voting powers of a board member;

~~(3)(C)~~ One (1) member, to be known as the consumer representative, shall be appointed from the state as a member at large. The appointment is subject to confirmation by the Senate. The consumer representative shall not be actively engaged in or retired from the practice of dentistry or dental hygiene. He or she shall be a full voting member but shall not participate in the grading of examinations; and

~~(4)(D)~~ One (1) member of the board, to represent the

elderly, shall be sixty (60) years of age or older, shall not be actively engaged in or retired from the profession of dentistry or dental hygiene, shall be appointed from the state at large subject to confirmation by the Senate, and shall be a full voting member but shall not participate in the grading of examinations.

(2) The members in subdivision (a)(1) of this section shall be appointed after consulting the Arkansas State Dental Association, the Arkansas State Dental Hygienists' Association, or the Dental Section of the Arkansas Medical, Dental, and Pharmaceutical Association.

(b) The consumer representative and the representative of the elderly positions may not be filled by the same person.

(c) The board members shall serve subject to the provisions of this chapter during the remainder of their respective terms and until their successors are appointed and qualified.

~~(d)(1) On September 1 of each year, or as soon as it is practicable thereafter, the Governor shall appoint a new dentist member, who has been first recommended by the Arkansas State Dental Association, to fill the then-accrued vacancy on the board and who shall serve until his or her successor is appointed and qualified.~~

~~(2) The Governor shall appoint a dentist member upon the advice and consent of the Dental Section of the Arkansas Medical, Dental, and Pharmaceutical Association.~~

~~(3) The Governor shall proceed to appoint to the board a dental hygienist who has first been recommended by the Arkansas State Dental Hygienist Association. This member shall serve until his or her successor is appointed and qualified.~~

~~(e)(d) All vacancies which occur by reason of death, resignation, or in any other manner, except vacancies which occur by the expiration of the term of appointment, shall be filled by the Governor.~~

~~(1) The professional members shall be appointed upon the recommendation of the Arkansas State Dental Association, the Arkansas State Dental Hygienist Association, or the Dental Section of the Arkansas Medical, Dental, and Pharmaceutical Association in the manner prescribed for the regular appointments to the board.~~

~~(2)(B) All such appointments shall be limited to the unexpired term of the office vacated.~~

~~(f) The recommendations of the three (3) associations shall be conveyed to the Governor under a certificate to be executed by the presidents and secretaries of the respective associations.~~

~~(g)~~(f) Each member appointed to the board, before entering upon the duties of his or her office, shall take the oath prescribed by Arkansas Constitution, Article 19, § 20.

SECTION 26. Arkansas Code § 17-83-201(b)-(d), concerning the Arkansas Dietetics Licensing Board, are amended to read as follows:

(b) The Arkansas Dietetics Licensing Board shall consist of ~~seven (7)~~ five (5) persons, all of whom are Arkansas residents, with the following qualifications:

(1) ~~Four (4)~~ Three (3) Arkansas Dietetics Licensing Board members who are licensed dietitians; and

(2) ~~Three (3)~~ Two (2) Arkansas Dietetics Licensing Board members who are representatives of the public at large including:-

(A) One (1) member who is not actively engaged in or retired from the field of dietetics, to represent the consumers; and

(B) One (1) member who is sixty (60) years of age or older, who is not actively engaged in or retired from the field of dietetics, to represent the elderly.

(c) The members ~~of the Arkansas Dietetics Licensing Board~~ shall be appointed by the Governor from the state at large with the consent of subject to confirmation by the Senate and shall serve ~~staggered~~ terms of five (5) years each, ~~beginning January 15 of odd numbered years.~~

(d)(1)~~(A)~~ The Governor shall consult the Board of Directors of the Arkansas Academy of Nutrition and Dietetics before appointing the ~~four (4)~~ three (3) Arkansas Dietetics Licensing Board members who are ~~representative of the dietetics profession~~ licensed dieticians.

~~(B) The appointments made by the Governor under subdivision (d)(1)(A) of this section shall be subject to confirmation by the Senate.~~

(2) Each of ~~these Arkansas Dietetics Licensing Board members~~ the board members who are licensed dieticians shall have been practicing dietitians for at least five (5) years preceding their appointment.

SECTION 27. Arkansas Code § 17-84-201(b) and (c), concerning the Arkansas Board of Hearing Instrument Dispensers, are amended to read as follows:

(b) The board shall be composed of ~~eight (8)~~ seven (7) members appointed by the Governor, subject to confirmation by the Senate, for terms of three (3) years as follows:

(1)(A) At least four (4) of the members shall be hearing instrument dispensers licensed under this chapter who have held a valid license for at least three (3) years.

(B) The Governor shall consult the Arkansas Hearing Society before making an appointment under subdivision (b)(1)(A) of this section, ~~and the appointment shall be subject to confirmation by the Senate;~~

(2) At least one (1) member shall be a physician licensed to practice medicine in Arkansas and specializing in otology or otolaryngology;

(3) At least one (1) member shall be an audiologist holding a master's degree or doctoral degree in audiology from a recognized college or university; and

~~(4)(A) Two (2) members~~ One (1) member shall be appointed from the state at large to represent consumers.

~~(B) The consumer representative under subdivision (b)(4)(A) of this section shall not be actively engaged in or retired from the practice of dispensing hearing instruments. One (1) member shall represent consumers, and one (1) member shall be sixty (60) years of age or older.~~

~~(B) Both members shall be appointed from the state at large subject to confirmation by the Senate and shall be full voting members but shall not participate in the grading of examinations.~~

(C) The consumer representative under subdivision (b)(4)(A) of this section shall be a full voting member but shall not participate in the grading of examinations.

(c)(1) All terms shall expire on July 31 of the designated year.

(2) Each member shall serve for the term of his or her appointment and until his or her successor has been appointed and qualified.

(3) No member shall serve more than three (3) full terms consecutively.

SECTION 28. Arkansas Code § 17-87-103(12)(D), concerning exceptions to licensing requirements for nurses, is amended to read as follows:

(D) The board, with the input of ~~the Home Health Care Service Agency Advisory Council~~, the Arkansas Health Care Association, and the Arkansas Residential Assisted Living Association, shall promulgate rules specifying which health maintenance activities are not exempted under this subdivision (12) and the minimal qualifications required of the designated care aide.

SECTION 29. Arkansas Code § 17-88-202(b), concerning the Arkansas State Occupational Therapy Examining Committee, is amended to read as follows:

(b)(1) The committee shall consist of ~~six (6)~~ five (5) members appointed by the Governor subject to confirmation by the Senate for terms of five (5) years, each of whom is a citizen of the United States and a resident of the State of Arkansas. One (1) member shall be a member of a minority race.

(2) ~~Four (4)~~ Three (3) members shall be persons licensed under this chapter who have had at least three (3) years' experience in the practice of occupational therapy in this state and shall be appointed ~~upon the advice and recommendation of~~ after consulting the Arkansas Occupational Therapy Association.

(3) One (1) member shall be a resident of this state who is not engaged in or licensed to practice as an occupational therapist, and shall represent consumers.

(4) One (1) member shall not be actively engaged in or retired from the profession of occupational therapy, shall be sixty (60) years of age or older, and shall represent the elderly. This member shall be appointed from the state at large, subject to the confirmation of the Senate. He or she will be a full voting member but shall not participate in the grading of examinations.

SECTION 30. Arkansas Code § 17-89-201(b)(1) and (b)(2)(A), concerning the Arkansas Board of Dispensing Opticians, are amended to read as follows:

(b)(1) The Arkansas Board of Dispensing Opticians shall be composed of nine (9) members appointed by the Governor to three-year terms, subject to

confirmation by the Senate.

(2)(A) Three (3) members of the Arkansas Board of Dispensing Opticians shall be practicing licensed or registered dispensing opticians appointed by the Governor ~~from a list of six (6) names submitted to him or her by~~ after consultation with the Arkansas Association of Dispensing Opticians.

SECTION 31. Arkansas Code § 17-89-201(d) and (e), concerning the Arkansas Board of Dispensing Opticians, are amended to read as follows:

~~(d) Terms shall begin on the first day of the fiscal year and end on the last day of the fiscal year when the term expires.~~

~~(e)~~(1)(d) In the event of a vacancy during an Arkansas Board of Dispensing Opticians member's term, the Governor shall appoint a person possessing the same qualifications as the vacating member to fill that vacancy.

~~(2) If the vacating member was an optician, the Governor shall make his or her selection from a list of three (3) names submitted by the opticians association.~~

~~(3) If the vacating member was an optometrist, the Governor shall make his or her selection from a list of three (3) names submitted by the President of the State Board of Optometry.~~

~~(4) If the vacating member was an ophthalmologist, the Governor shall make his or her selection from a list of three (3) names submitted by the Ophthalmology Section of the Arkansas Medical Society.~~

SECTION 32. Arkansas Code § 17-90-201 is amended to read as follows:

17-90-201. Appointment of members.

The State Board of Optometry shall consist of seven (7) members appointed by the Governor subject to confirmation by the Senate for terms of five (5) years:

(1) After consulting the Arkansas Optometric Association, the Governor shall appoint Five five (5) members ~~shall be~~ who are licensed optometrists and who have been engaged in the regular practice of optometry in this state for a period of three (3) years. ~~Any vacancy shall be filled by a successor appointed from a list of three (3) members submitted by the Arkansas Optometric Association;~~ and

(2) Two (2) members shall not be actively engaged in or retired from the profession of optometry. One (1) shall represent consumers, and one (1) member shall be sixty (60) years of age or older and shall represent the elderly. Both shall be appointed from the state at large, subject to confirmation by the Senate. The two (2) positions may not be held by the same person. Both shall be full voting members but shall not participate in the grading of examinations. All vacancies shall be filled in a like manner.

SECTION 33. Arkansas Code § 17-92-209 is repealed.

~~17-92-209. Medications Administration Advisory Committee.~~

~~(a)(1) The Medications Administration Advisory Committee is created as an advisory committee to the Arkansas State Board of Pharmacy.~~

~~(2) The committee shall assist the Arkansas State Board of Pharmacy in implementing the provisions of this chapter regarding medications administration and shall recommend additional classifications of medications which may be administered by licensed pharmacists. The Arkansas State Board of Pharmacy shall by regulation review and approve the recommendations of the committee.~~

~~(b) The Governor shall, after consulting the Arkansas State Board of Pharmacy, appoint five (5) members subject to confirmation by the Senate who have the following qualifications:~~

~~(1)(A) Two (2) members shall be licensed physicians.~~

~~(B) The Governor shall consult the Arkansas State Medical Board and the Arkansas Medical Society before making the appointments under subdivision (b)(1)(A) of this section;~~

~~(2) Two (2) members shall be licensed pharmacists; and~~

~~(3)(A) One (1) member shall be an advanced practice nurse holding a certificate of prescriptive authority.~~

~~(B) The Governor shall consult the Arkansas State Board of Nursing and the Arkansas Nurses Association before making an appointment under subdivision (b)(3)(A) of this section.~~

~~(c) Members shall serve three-year terms.~~

~~(d) The Arkansas State Board of Pharmacy may remove any committee member, after notice and hearing, for incapacity, incompetence, neglect of duty, or malfeasance in office.~~

~~(e) The members shall serve without compensation but may be reimbursed~~

~~to the extent special moneys are appropriated therefor for actual and necessary expenses incurred in the performance of their duties.~~

SECTION 34. Arkansas Code § 17-100-201(b)-(d), concerning the Board of Examiners in Speech-Language Pathology and Audiology, are amended to read as follows:

(b)(1)(A) The board shall be composed of ~~eight (8)~~ seven (7) members appointed by the Governor to three-year terms.

(B) The members of the board shall be residents of this state for at least two (2) years immediately preceding their appointments.

(2)(A)(i) ~~Seven (7)~~ Five (5) members of the board shall be appointed by the Governor after consulting the Arkansas Speech-Language-Hearing Association, the American Academy of Audiology, and other professional groups or individuals and subject to confirmation by the Senate.

(ii) ~~Not less than thirty (30) days before the end of each fiscal year, the association may recommend not more than three (3) persons for each vacancy~~ The Governor shall appoint a new member of the board if a vacancy occurs.

(B) The board shall have the following professional members:

(i) Two (2) speech-language pathologists;

(ii) Two (2) audiologists; and

(iii) A fifth member who shall be either a speech-language pathologist or an audiologist.

(C) There shall be one (1) consumer member ~~and one (1) public representative member, neither of whom~~ who shall be not be actively engaged in a health-related profession the practice of speech-language pathology or audiology.

(3)(A) One (1) member of the board shall represent the elderly.

(B) The representative of the elderly shall:

(i) Be sixty (60) years of age or older;

(ii) Not be actively engaged in or retired from the practice of speech-language pathology or audiology;

(iii) Be appointed from the state at large, subject to confirmation by the Senate; and

(iv) Be a full voting member but shall not

participate in the grading of examinations.

(4) The consumer representative position and the representative of the elderly position may not be filled by the same person.

~~(c)(1) No~~ A person shall not be eligible to serve more than two (2) full consecutive terms.

~~(2) Terms shall begin on the first day of the fiscal year and end on the last day of the fiscal year in which members are appointed before commencing the terms prescribed by this section.~~

~~(d)(1) In the event of a midterm vacancy, the association may recommend as soon as practicable not more than three (3) persons to fill the professional, consumer, or public representative vacancies.~~

~~(2) As soon as practicable after a recommendation under subdivision (d)(1) of this section has been made, the Governor shall appoint one (1) of these persons who shall fill the unexpired term.~~

SECTION 35. Arkansas Code § 17-104-102(2), concerning the definition of "committee" used throughout the Perfusionist Licensure Act, is repealed.

~~(2) "Committee" means the Perfusionists Advisory Committee;~~

SECTION 36. Arkansas Code Title 17, Chapter 104, Subchapter 1, is amended to add additional sections to read as follows:

17-104-103. State Board of Health.

In accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the State Board of Health shall promulgate and implement rules that it deems necessary to carry out the provisions of this chapter.

17-104-104. Department of Health.

The Department of Health shall:

- (1) Administer the provisions of this chapter;
- (2) Enforce the rules promulgated by the State Board of Health for the administration and enforcement of this chapter;
- (3) Employ and prescribe the duties of employees as may be necessary to administer the provisions of this chapter;
- (4) Issue initial and renewal licenses to qualified applicants who provide perfusion services; and
- (5) Collect fees for licensure and accept public and private

gifts, grants, and donations for the purpose of administering this chapter.

SECTION 37. Arkansas Code Title 17, Chapter 104, Subchapter 2, is repealed.

~~Subchapter 2 — Perfusionists Advisory Committee~~

~~17-104-201. Advisory committee.~~

~~(a) There is created the Perfusionists Advisory Committee which shall consist of five (5) members with a demonstrated interest in perfusion to be appointed by the Governor, one (1) of which is recommended by the Arkansas Hospital Association.~~

~~(b) The members shall either be trained in the profession of perfusion or shall be licensed medical doctors of good professional standing. A majority of the members shall be trained in the profession of perfusion.~~

~~(c) The members shall be appointed for three-year staggered terms to be assigned by lot. The terms shall commence on July 15 of each year. In the event of a vacancy on the committee for any reason other than expiration of a regular term, the vacancy shall be filled for the unexpired portion of the term by appointment of the Governor.~~

~~(d) Members of the committee shall not be entitled to compensation for their services, but may receive expense reimbursement and a stipend not to exceed sixty dollars (\$60.00) per meeting in accordance with § 25-16-902, to be paid by the Department of Health.~~

~~17-104-202. Members.~~

~~(a) Within thirty (30) days after its appointment, the Perfusionists Advisory Committee shall organize as necessary to carry out its purposes as prescribed by this chapter.~~

~~(b)(1) At the initial organizational meeting of the committee, the members shall elect from among their number a chair, vice chair, and secretary to serve for one (1) year.~~

~~(2) Annually thereafter, officers shall be elected.~~

~~(3) A majority of the members of the committee shall constitute a quorum for the transaction of business and for the performance of such duties as the committee may prescribe.~~

~~(c)(1) Quarterly meetings of the committee may be held.~~

~~(2) Special meetings may be called by the Chair of the Perfusionists Advisory Committee or as provided by the rules of the committee.~~

~~(d)(1) The Secretary of the Perfusionists Advisory Committee shall keep full and true records of all committee proceedings and preserve all books, documents, and papers relating to the business of the committee.~~

~~(2) The records of the committee shall be open for inspection at all reasonable times.~~

~~(e) The committee shall report in writing to the State Board of Health by July 31 of each year. The report shall contain a summary of the proceedings of the committee during the preceding fiscal year, a detailed and itemized statement of all revenue and of all expenditures made by or in behalf of the committee, other information deemed necessary or useful, and any additional information which may be requested by the Governor.~~

~~17-104-203. Authority.~~

~~(a) The Perfusionists Advisory Committee shall recommend for adoption by the State Board of Health rules, regulations, and standards on matters relating to the licensure as a perfusionist and the standards of professional conduct for the licensees.~~

~~(b) Under the authority of the State Board of Health, the committee shall assist the board in carrying out the provisions of this chapter regarding the qualifications, examination, registration, regulation, and licensure of perfusionists.~~

~~(c) Under the authority of the State Board of Health, the committee shall:~~

~~(1) Recommend to the State Board of Health:~~

~~(A) A code of ethics for perfusionists;~~

~~(B) The qualifications and fitness of applicants for licensure, renewal of licenses, and reciprocity with other states;~~

~~(C) The procedure for the revocation, suspension, or denial of a license, the probating of a license suspension, or the reprimand of a licensee for a violation of this chapter, the code of ethics, or the regulations promulgated by the State Board of Health;~~

~~(D) The categories of fees and the amount of fees that may be imposed to obtain a license; and~~

~~(E)(i) Continuing professional education requirements and clinical activities for licensed perfusionists and provisional licensed perfusionists under this chapter, the standards of which shall be at least as strict as those of the American Board of Cardiovascular Perfusion existing on January 1, 2005.~~

~~(ii) The standards shall:~~

~~(a) Establish the minimum amount of continuing education and clinical activities required to renew a license under this chapter;~~

~~(b) Develop a process to evaluate and approve continuing education courses and clinical activities;~~

~~(c) Identify the factors for the competent performance by a licensee; and~~

~~(d) Develop a procedure to assess a licensee's participation in continuing education programs and clinical activities; and~~

~~(2) Assist in other matters dealing with perfusion as the State Board of Health may direct.~~

~~17-104-204. State Board of Health.~~

~~In accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the State Board of Health shall promulgate and implement regulations which it deems necessary to carry out the provisions of this chapter.~~

~~17-104-205. Department of Health.~~

~~The Department of Health shall:~~

~~(1) Administer the provisions of this chapter;~~

~~(2) Enforce the regulations promulgated by the State Board of Health for the administration and enforcement of this chapter;~~

~~(3) Employ and prescribe the duties of employees as may be necessary to administer the provisions of this chapter;~~

~~(4) Issue initial and renewal licenses to qualified applicants who provide perfusion services; and~~

~~(5) Collect fees for licensure and accept public and private gifts, grants, and donations for the purpose of administering this chapter.~~

SECTION 38. Arkansas Code § 20-10-213(1), concerning the definition of "advisory board", is repealed.

~~(1) "Advisory board" means the Long Term Care Facility Advisory Board;~~

SECTION 39. Arkansas Code Title 20, Chapter 10, Subchapter 3, is repealed.

~~Subchapter 3 — Long Term Care Facility Advisory Board~~

~~20-10-301. Creation — Members.~~

~~(a)(1) There is created the Long Term Care Facility Advisory Board composed of ten (10) members selected as follows:~~

~~(A) One (1) member appointed by the Governor from the public at large;~~

~~(B)(i) Two (2) members appointed by the Governor who shall be owners or administrators of long-term care nursing facilities.~~

~~(ii) The Governor shall consult the Arkansas Health Care Association before making an appointment under subdivision (a)(1)(B)(i) of this section;~~

~~(C) One (1) member appointed by the Governor who shall be a doctor of medicine nominated by the Arkansas Medical Society;~~

~~(D)(i) One (1) member appointed by the Governor who shall be a registered nurse with experience in geriatric nursing.~~

~~(ii) The Governor shall consult the Arkansas Nurses Association before making an appointment under subdivision (a)(1)(D)(i) of this section;~~

~~(E) One (1) member who shall be the deputy director of the appropriate division as determined by the Director of the Department of Human Services or his or her appointed representative;~~

~~(F) One (1) member who shall be over sixty (60) years of age and represent the elderly. This person shall not be actively engaged in or retired from any occupation, profession, or industry to be regulated by the board. The member shall be appointed by the Governor from the state at large and subject to confirmation by the Senate;~~

~~(G) One (1) member who shall be the Director of the Department of Health or his or her appointed representative;~~

~~(H) One (1) member appointed by the Governor who shall be a provider licensed by the Office of Long-Term Care to provide residential care or adult day care services; and~~

~~(I) One (1) member from the Arkansas Area Agencies on Aging, Inc., selected by the Governor.~~

~~(2) All members shall be appointed after consultation with the appropriate professional societies.~~

~~(3) The deputy director of the appropriate division as determined by the Director of the Department of Human Services shall be an ex officio member and chair of the board, voting only in case of a tie vote.~~

~~(4) Only a member appointed under subdivision (a)(1)(B) of this section may have a financial interest in, be retired from, or be employed by any long-term care facility. However, a provider licensed by the Office of Long-Term Care appointed under subdivision (a)(1)(H) of this section shall not have a financial interest in, be retired from, or employed by any nursing home. The person appointed pursuant to subdivision (a)(1)(D) of this section may be employed by a nursing home.~~

~~(b) All members shall be appointed for terms of three (3) years.~~

~~(c) Vacancies on the board from death, resignations, or otherwise shall be filled by appointment of the Governor to fill the unexpired term that had been created.~~

~~(d) Each member may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

~~(e) The board shall elect from its membership a vice chair and a secretary-treasurer and shall adopt rules to govern its proceedings.~~

#### ~~20-10-302. Meetings.~~

~~The Long-Term Care Facility Advisory Board shall meet at least one (1) time every three (3) months and may meet more often if meetings are called by the chair or by a majority of the board members and if all members of the board are notified.~~

SECTION 40. Arkansas Code § 20-10-804 is repealed.

~~20-10-804. Home Health Care Service Agency Advisory Council—Creation—Members.~~

~~(a) There is established the Home Health Care Service Agency Advisory~~

~~Council composed of seven (7) members.~~

~~(b)(1)(A) Five (5) members shall consist of one (1) representative each from the following types of home healthcare services:~~

- ~~(i) Freestanding nonprofit;~~
- ~~(ii) Freestanding proprietary;~~
- ~~(iii) Hospital-based;~~
- ~~(iv) Area agencies on aging; and~~
- ~~(v) The Arkansas Department of Home Health.~~

~~(B) The five (5) members shall be recommended by the HomeCare Association of Arkansas.~~

~~(2) One (1) consumer member shall be recommended by the Arkansas Chapter of the AARP, Inc., and one (1) member shall be recommended by the Arkansas State Hospice and Palliative Care Association.~~

~~(c) The members shall serve for staggered three-year terms.~~

~~(d) The Director of the Division of Health Facilities Services shall serve as chair ex officio of the council.~~

~~(e)(1) The council shall meet as frequently as the chair may deem necessary to carry out the duties of the council.~~

~~(2) Upon request of a majority of the members, the chair shall call a meeting of the council immediately.~~

SECTION 41. Arkansas Code § 20-10-805 is repealed.

~~20-10-805. Home Health Care Service Agency Advisory Council—Powers and duties.~~

~~(a) The Home Health Care Service Agency Advisory Council shall advise and assist the Director of the Division of Health Facilities Services and the State Board of Health in carrying out this subchapter and the rules and regulations promulgated pursuant to it.~~

~~(b) The council shall request, receive, review, and consider all proposed rules and regulations which may be recommended by the director. The council shall review these recommendations with reference to the practicability of proposed rules and regulations for the operation of home healthcare services.~~

~~(c) The council's authority shall be limited to the advisory function, and it shall advise the chair of the council as to agreement or disagreement with any recommended rule, regulation, or standard affecting home healthcare~~

~~services. If a majority of the members of the council disagree with a proposed rule, regulation, or standard, the council may file a report of its objections with the board.~~

SECTION 42. Arkansas Code § 20-13-205(b), concerning the Emergency Medical Services Advisory Council, is amended to read as follows:

(b) Members shall be appointed for terms of ~~three (3)~~ five (5) years.

SECTION 43. Arkansas Code § 20-13-808(a), concerning the terms of the members of the Trauma Advisory Council, is amended to read as follows:

(a) All voting members of the Trauma Advisory Council shall be appointed for terms of ~~two (2)~~ five (5) years.

SECTION 44. Arkansas Code § 20-14-202(a) and (b), concerning the Governor's Commission on People with Disabilities, are amended to read as follows:

(a) There is created a commission to be known as the "Governor's Commission on People with Disabilities" composed of ~~a maximum of twenty-five (25)~~ eleven (11) members appointed by the Governor, subject to confirmation by the Senate.

(b)(1) ~~Thirteen (13)~~ Six (6) of the members shall be disabled persons.

(2) Membership terms shall be ~~three (3)~~ four (4) years. ~~Each member shall be eligible for reappointment by the Governor for one (1) three-year term.~~

(3) Vacancies shall be filled for the remainder of the term of the original appointment by the Governor.

(4) Members shall receive no compensation for serving on the commission.

~~(5)(A) Any member who shall be absent from two (2) successive regular meetings shall be subject to removal from the commission in the event he or she shall fail to present to the Governor a satisfactory excuse for the absence. In that event, the unexcused absence shall constitute sufficient cause for removal.~~

~~(B) Any member who shall be absent from three (3) successive regular meetings for any reason other than illness of the member, verified by a written sworn statement by his or her attending physician and~~

~~entered in the minutes of the commission, shall thereby forfeit and vacate his or her membership on the commission and the forfeiture and vacancy shall be forthwith certified to the Governor by the executive director of the commission.~~

~~(6)~~(5) The vacancies shall be filled in the manner prescribed by law.

SECTION 45. Arkansas Code § 20-14-508(a) and (b), concerning the State Interagency Council, is amended to read as follows:

(a)(1) A State Interagency Council composed of at least fifteen (15) members with a maximum of twenty-five (25) members is established.

(2) The council members and the cochair of the council shall be appointed by the Governor for a term of three (3) years. One (1) cochair shall be the parent of a child specified in subdivision (b)(1) of this section. In making appointments to the council, the Governor shall ensure that the membership reasonably represents the population of the state.

(b) The council shall be composed of the following:

(1) At least twenty percent (20%) of the membership shall include parents, including minorities, of infants and toddlers with disabilities, or a child with a disability who is twelve (12) years of age or younger, with knowledge of or experience with programs for infants and toddlers with disabilities, and at least ~~two (2)~~ one (1) of the members shall be a parent of a child who is six (6) years of age or under;

(2) At least twenty percent (20%) of the members shall be public or private providers of early intervention services, ~~and providers of early intervention services include providers of general day care services in which early intervention services are provided;~~

(3) At least one (1) member shall be a member of the General Assembly;

~~(3)~~(4) At least one (1) ~~person~~ member shall be involved in personnel preparation;

~~(4) The Commissioner of Education and the Director of the Department Human Services;~~

~~(5) At least one (1) member shall be from the state agency responsible for the state governance of insurance, especially in the area of health insurance; and~~

~~(6)(5) Other members representing~~ At least one (1) member shall be from each of the appropriate agencies agency involved in the provision of or payment for early intervention services to infants and toddlers with disabilities and their families and others selected by the Governor;

(6) At least one (1) member shall be from the state educational agency responsible for preschool services to children with disabilities, and shall have sufficient authority to engage in policy planning and implementation on behalf of the agency;

(7) At least one (1) member shall be from the state agency responsible for the state medicaid program;

(8) At least one (1) member shall be a representative from a Head Start agency or similar program in the state;

(9) At least one (1) member shall be a representative from a state agency responsible for child care;

(10) At least one (1) member shall be from the state agency responsible for the regulation of health insurance;

(11) At least one (1) member shall be a representative designated by the Office of Coordinator for Education of Homeless Children and Youths;

(12) At least one (1) member shall be a representative from the state child welfare agency responsible for foster care; and

(13) At least one (1) member shall be a representative from the state agency responsible for children's mental health.

SECTION 46. Arkansas Code Title 20, Chapter 15, Subchapter 18, is repealed.

~~Subchapter 18 — Arkansas HIV/AIDS Minority Task Force Act of 2007~~

~~20-15-1801. Title.~~

~~This subchapter shall be known and may be cited as the "Arkansas HIV/AIDS Minority Task Force Act of 2007".~~

~~20-15-1802. Findings.~~

~~The General Assembly finds that:~~

~~(1) The incidence of HIV/AIDS is on the rise in Arkansas among women, African Americans, and Hispanics;~~

~~(2) State and federal funds for HIV/AIDS prevention, intervention, and service programs for minorities in the State of Arkansas have decreased;~~

~~(3) More coalition building between community-based organizations in the execution of HIV/AIDS intervention and prevention programs is needed to reduce HIV/AIDS in minority communities and to make more effective use of limited resources; and~~

~~(4) An HIV/AIDS Minority Task Force is needed to increase public awareness of the gravity of HIV/AIDS in minority communities in Arkansas.~~

~~20-15-1803. Arkansas HIV/AIDS Minority Task Force—Creation.~~

~~(a) The Arkansas HIV/AIDS Minority Task Force is created.~~

~~(b)(1) With consideration given to minority and stakeholder participation and for diversity of race, gender, geographic location, and sexual identity, the Governor shall appoint the following members to the task force:~~

~~(A)(i) Four (4) members who are affected by or are living with AIDS or HIV or a family member of someone who is living with HIV or AIDS.~~

~~(ii) Each member under subdivision (b)(1)(A)(i) of this section shall be from a different congressional district;~~

~~(B)(i) Three (3) members who are affiliated with minority community-based advocacy or service provider organizations as follows:~~

~~(a) One (1) member who is a woman; and~~

~~(b) Two (2) members who are Hispanic, African American, or members of a minority population other than Hispanic or African American.~~

~~(ii) At least one (1) member under this subdivision (b)(1)(B) shall be from a different congressional district;~~

~~(C) Two (2) members who represent faith-based organizations with an interest in HIV education, awareness, prevention, care, and treatment;~~

~~(D) One (1) member from the Arkansas Minority Health Commission;~~

~~(E) One (1) member to represent the Fay W. Boozman College of Public Health of the University of Arkansas for Medical Sciences;~~

~~(F) One (1) member to represent the HIV/STD/Hepatitis C Section of the Department of Health; and~~

~~(G) One (1) member to represent the medical insurance industry.~~

~~(2) The Chair of the Senate Committee on Public Health, Welfare, and Labor and the Chair of the House Committee on Public Health, Welfare, and Labor shall serve as ex officio members of the task force.~~

~~(c) The members of the task force shall draw lots for their terms of appointment so that six (6) members serve two year terms, six (6) members serve three year terms, and seven (7) members serve four year terms.~~

~~(d)(1) The nonlegislative members of the task force shall serve without compensation.~~

~~(2) However, if funds are available, the nonlegislative members shall be reimbursed by the Arkansas Minority Health Commission for actual and necessary expenses incurred in the performance of their duties for the task force.~~

~~(e) If a vacancy occurs, the Governor shall appoint a person who represents the same constituency as the member being replaced.~~

~~(f)(1) The task force shall elect one (1) of its members to act as chair for a term of one (1) year.~~

~~(2) The task force shall elect one (1) of its members to act as cochair to serve in the absence of the chair for one (1) year.~~

~~(g) A majority of the members shall constitute a quorum for the transaction of business.~~

~~(h) The task force shall meet at least quarterly but may meet as necessary to further the intent of this subchapter.~~

~~(i) The Arkansas Minority Health Commission shall provide office space and staff for the task force as resources allow.~~

~~20-15-1804. Arkansas HIV/AIDS Minority Task Force — Powers and duties.~~

~~(a) The Arkansas HIV/AIDS Minority Task Force shall:~~

~~(1)(A) Conduct a series of public forums around the state to take public comment and to discuss the incidence of HIV/AIDS and the effectiveness of prevention and outreach programs within the minority population.~~

~~(B) One (1) of the public forums required under this~~

~~subdivision (a)(1) shall be held in each of the state's congressional districts;~~

~~(2) Study ways to strengthen HIV and AIDS prevention programs and early intervention and treatment efforts in the state's African American, Hispanic, and other minority communities;~~

~~(3) Study ways to address the needs of the state's minorities who have AIDS and their families; and~~

~~(4) Prepare and submit a report of task force findings and recommendations to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Department of Health on or before November 1, 2008.~~

~~(b) The report required under subdivision (a)(4) of this section shall include:~~

~~(1) Specific strategies for reducing the risk of HIV and AIDS in the state's minority communities;~~

~~(2) A plan for exchanging information and ideas among minority community-based organizations that provide HIV and AIDS prevention services;~~

~~(3) The needs of prevention and treatment programs within minority communities and the resources that are available within minority communities;~~

~~(4) Specific strategies for ensuring that minority group members who are at risk of HIV infection and AIDS seek testing;~~

~~(5) Specific strategies for ensuring that minority group members with HIV or AIDS are provided with access to treatment and secondary prevention services;~~

~~(6) Specific strategies to help reduce or eliminate high-risk behaviors in minority group members who test negative for HIV or AIDS but continue to practice high-risk behaviors; and~~

~~(7) A plan to outline the implementation of the recommendations of the task force.~~

~~(c) The task force shall also consider development of the following:~~

~~(1) Risk reduction and education programs for groups determined by the task force to be at risk of HIV infection;~~

~~(2) In consultation with a wide range of community leaders, education programs for the public;~~

~~(3) Pilot programs for the long-term care of individuals with~~

~~AIDS or an AIDS-related condition, including care in nursing homes and in alternative settings;~~

~~(4) Programs to expand regional outpatient treatment of individuals with AIDS or an AIDS-related condition;~~

~~(5) A program to assist communities, including communities of less than five thousand (5,000) population, in establishing AIDS task forces and support groups for individuals with AIDS, an AIDS-related condition, and HIV infection; and~~

~~(6)(A) A statewide HIV and AIDS prevention campaign directed toward minority group members who are at risk of HIV infection.~~

~~(B) The Arkansas Minority Health Commission shall assist in the development and administration of the campaign.~~

~~(C) The campaign to be considered under subdivision (c)(6)(A) of this section may do any of the following as resources dictate:~~

~~(i) Use a variety of means of communication, including television, radio, outdoor activities, public service announcements, and peer-to-peer outreach;~~

~~(ii) Provide information on the risk of HIV and AIDS infection and strategies to follow for prevention, early detection, and treatment;~~

~~(iii) Use culturally sensitive literature and educational materials; and~~

~~(iv) Promote the development of individual skills for behavior modification.~~

~~20-15-1805. Task force work additional to department programs.~~

~~The work of the Arkansas HIV/AIDS Minority Task Force that is developed under this subchapter is in addition to any programs developed and administered by the Department of Health.~~

SECTION 47. Arkansas Code § 20-23-201 is repealed.

~~20-23-201. Boiler Advisory Board—Creation—Duties.~~

~~(a)(1) There is created a Boiler Advisory Board.~~

~~(2)(A) The board shall be appointed by the Governor.~~

~~(B) The Director of the Department of Labor or his or her designee shall be ex officio chair. The board shall consist of four (4)~~

~~members:~~

~~(i) One (1) member, who shall be employed by an insurance company insuring boilers and who shall have had issued to him or her a certificate of competency and commission as an inspector of boilers, shall represent insurance companies insuring boilers;~~

~~(ii) A second member, who shall be an owner or official of a concern using at least two hundred (200) boiler horsepower and who shall have had ten (10) years' experience in the operation of boilers, shall represent concerns using boilers;~~

~~(iii) A third member, who shall have had ten (10) years' experience in the construction of boilers, shall represent the boiler manufacturers or boilermakers; and~~

~~(iv) A fourth member, who shall have had ten (10) years' experience in the operation of boilers, shall represent the operating engineers.~~

~~(3) The terms of office of the four (4) members so appointed shall be for four (4) years, shall commence on the dates of appointment, and shall be arranged in such a manner that the term of one (1) of the members shall expire on January 14 of each year.~~

~~(b) The duties of the board shall be:~~

~~(1) To assist with the formulation of rules and regulations of the construction, installation, inspection, repair, and operation of boilers and unfired pressure vessels and their appurtenances and of pressure piping, as set out in this chapter;~~

~~(2) To assist in giving examinations to applicants seeking certificates of competency and commissions as inspectors of boilers; and~~

~~(3) To give counsel and advice as will aid the Chief Inspector of the Boiler Inspection Division in the performance of his or her duties.~~

~~(c) The board may not meet more often than four (4) times a year at the call of the chief inspector, who shall designate in the call the time and place of the meeting.~~

~~(d) The members except the ex officio chair may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

SECTION 48. The introductory language of Arkansas Code § 20-47-704(1), concerning the Children's Behavioral Health Care Commission, is amended to

read as follows:

(1) Consist of ~~at least ten (10) but no more than twenty (20)~~ nine (9) members, who shall:

SECTION 49. Arkansas Code § 20-57-202 is repealed.

~~20-57-202. Public Health Advisory Board—Creation.~~

~~(a) There is created the Public Health Advisory Board to be composed of nine (9) members to be selected as provided in this section.~~

~~(b)(1) The Public Health Advisory Board shall be advisory to the Division of Sanitarian Services for the purpose of recommending rules and regulations concerning food and other health code standards within the food service industry.~~

~~(2) The State Board of Health shall not adopt rules or regulations concerning food service or other health code standards related to the food service industry until the rules or regulations have been reviewed by the Public Health Advisory Board in a regularly called or specially called meeting. However, if a meeting is not held within forty-five (45) days after a written notice by the State Board of Health of intent to promulgate rules and regulations, the review by the Public Health Advisory Board will be deemed to be waived.~~

~~(3) The Director of the Department of Health, or the State Board of Health, or both, may adopt rules and regulations pertaining to the food service industry in times of emergency or natural disaster without notice to the Public Health Advisory Board.~~

~~(c)(1) Three (3) of the members of the Public Health Advisory Board shall be appointed by the Governor from the food service industry, one (1) member shall be appointed by the Governor from the grocery industry, one (1) member shall be appointed by the Governor from the oil marketing industry, and three (3) members shall be appointed by the Governor from the division who shall be the Director of the Division of Environmental Health Protection of the Department of Health, the Food Service Sanitarian Program Administrator, and one (1) area Sanitarian Supervisor. One (1) member shall be appointed by the Governor who shall be a physician with the Department of Health.~~

~~(2) Members of the Public Health Advisory Board who represent the food service industry, the grocery industry, and the oil marketing~~

~~industry shall be appointed for terms of six (6) years, and they shall hold office until the appointment and qualification of their successors.~~

~~(d) Public Health Advisory Board members may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

SECTION 50. Arkansas Code § 20-78-501(a)-(d), concerning the Arkansas Early Childhood Commission, are amended to read as follows:

(a)(1) There is hereby established the Arkansas Early Childhood Commission, to be composed of ~~twenty five (25)~~ eleven (11) members.

(2) The Chair of the Arkansas Early Childhood Commission shall be selected annually by majority vote of the commission.

(b) The following members of the commission shall be appointed by the Governor, subject to confirmation by the Senate:

(1) ~~Three (3) members~~ One (1) member affiliated with child care provider agencies, organizations, or programs, ~~of which one (1) of the members shall be affiliated with a family child care home;~~

(2) One (1) member affiliated with the Arkansas Head Start State Collaboration Office;

~~(3) One (1) member affiliated with a Head Start program;~~

~~(4) One (1) member affiliated with an Early Head Start program;~~

~~(5) One (1) member affiliated with a Migrant and Seasonal Head Start program;~~

~~(6)~~(3) One (1) member affiliated with a Home Instruction for Parents of Preschool Youngsters program;

~~(7)~~(4) One (1) member employed as an administrator by a public school district;

~~(8) One (1) member employed by a public school district as a teacher with early childhood responsibilities;~~

~~(9) One (1) member trained as an early childhood education professional;~~

~~(10)~~(5) One (1) member who is a parent of a child who attends a child care program;

~~(11) Two (2) members representing the business community who have an interest in early childhood education;~~

~~(12) One (1) member representing the Arkansas Chapter of the American Academy of Pediatrics;~~

GG ~~(13) One (1) member representing the Arkansas Chapter of the American Academy of Family Physicians;~~

~~(14)~~(6) One (1) member who is a clinical provider of childhood behavioral and mental health services specializing in prevention and early intervention; and

~~(15)~~(7) One (1) member representing the Arkansas Association of Colleges for Teacher Education, Council of Deans.

(c) The members identified in subsection (b) of this section shall serve three-year terms, ~~and the terms shall begin on July 1.~~

(d) The remaining membership shall consist of:

(1) The Chair of the Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs or his or her designee;

(2) The Chair of the Senate Interim Committee on Children and Youth or his or her designee;

(3) The Chair of the House Committee on Education or his or her designee; and

(4) The Chair of the Senate Committee on Education or his or her designee; .

~~(5) The Commissioner of Education or his or her designee;~~

~~(6) The Director of the Department of Health or his or her designee; and~~

~~(7) The Director of the Department of Career Education or his or her designee.~~

SECTION 51. Arkansas Code § 20-82-201 is amended to read as follows:

20-82-201. Arkansas Child Abuse/Rape/Domestic Violence Commission – Creation – Members.

(a) *There is created the Arkansas Child Abuse/Rape/Domestic Violence Commission, to be composed of ~~thirty (30)~~ twenty-two (22) persons appointed by the Governor for ~~two-year~~ five-year staggered terms and until the successor is appointed and qualified.*

(b) *The membership of the commission shall consist of the following:*

(1) *A representative of domestic violence programs or domestic violence service providers in Arkansas;*

(2) *A representative of the Department of Arkansas State Police;*

- (3) A physician specializing in the treatment of child abuse;
- (4) A prosecuting attorney ~~who is a member of the Arkansas Prosecuting Attorneys Association;~~
- (5) A defense attorney;
- ~~(6) A representative of a victim witness program;~~
- ~~(7) A representative of the Arkansas Law Enforcement Training Academy;~~
- ~~(8) A representative of education;~~
- ~~(9)~~(6) A representative of the Division of Children and Family Services of the Department of Human Services;
- ~~(10)~~(7) A representative of a parents' group;
- ~~(11)~~(8) A mental health professional specializing in the treatment of child abuse or domestic violence or rape;
- ~~(12) A representative of the Department of Correction Reduction of Sexual Victimization Program;~~
- ~~(13)~~(9) A representative of city or county law enforcement;
- ~~(14)~~(10) A representative of children with disabilities;
- ~~(15)~~(11) A ~~district judge or circuit judge~~ involved in criminal court proceedings related to child abuse and neglect;
- ~~(16)~~(12) A ~~chancery judge~~ involved in civil court proceedings related to child abuse and neglect;
- ~~(17)~~(13) A representative of the State Crime Laboratory;
- ~~(18)~~(14) A representative of the Department of Health;
- ~~(19)~~(15) A representative of rape crisis centers;
- ~~(20) A representative of the Arkansas Hospital Association;~~
- ~~(21)~~(16) A representative of the Office of the Attorney General;
- ~~(22)~~(17) Three (3) members at large;
- ~~(23)~~(18) A court-appointed special advocate representative;
- ~~(24)~~(19) A ~~guardian~~ An attorney ad litem; and
- ~~(25) A representative of area health education center programs;~~
- ~~(26)~~(20) A faculty member from a four-year college or university with experience in the study of human trafficking or a closely related area of study~~;~~
- ~~(27) A representative from the Department of Labor; and~~
- ~~(28) A healthcare provider experienced in the treatment of human trafficking victims.~~

(c) Members of the commission may receive expense reimbursement in accordance with § 25-16-901 et seq.

SECTION 52. Arkansas Code § 25-16-903(10), concerning stipend authorization for sixty dollars (\$60.00) for state boards, is repealed.

~~(10) Boiler Advisory Board;~~

SECTION 53. Arkansas Code § 25-16-903(23), concerning stipend authorization for sixty dollars (\$60.00) for state boards, is repealed.

~~(23) State Employment Security Advisory Council;~~

SECTION 54. Arkansas Code § 27-101-405 is amended to read as follows:

(a) There is established a Marine Sanitation Advisory Committee, to consist of ~~thirteen (13)~~ (7) members appointed by the Governor as follows:

(1) ~~Five (5)~~ Four (4) members shall be marina operators;

~~(2) One (1) member shall be an operator of a marine repair facility;~~

~~(3)(2) Three (3) Two (2) members from the state at large to be appointed by the Governor after consulting with the Director of the Department of Health, the Director of the Arkansas Department of Environmental Quality, and the Executive Secretary of the Arkansas State Game and Fish Commission; and~~

~~(4)(3) Three (3) members One (1) member shall be a boat owners owner; and.~~

~~(5) One (1) member shall be the Captain of Division 15 of the United States Coast Guard Auxiliary or his or her designee.~~

(b)(1) The ~~three (3)~~ two (2) members appointed pursuant to subdivision ~~(a)(3)~~ (a)(2) of this section shall serve at the pleasure of the Governor.

(2) Of the initial members appointed under subdivisions (a)(1), ~~(a)(2), and (a)(4)~~ (a)(3) of this section, ~~three (3)~~ two (2) shall be appointed for one-year terms, ~~three (3)~~ two (2) for two-year terms, and ~~three (3)~~ two (2) for three-year terms.

(3) Members shall serve three-year terms except that persons appointed to fill vacancies resulting in an unexpired term shall serve for the remainder of that unexpired term.

(c) Upon recommendation of the advisory committee made after notice

and hearing, the Governor may remove any member of the advisory committee for incompetence, neglect of duty, or malfeasance in office.

(d) Any vacancy on the advisory committee shall be filled by the Governor.

(e)(1) The Governor shall call the first advisory committee meeting.

(2)(A) The advisory committee shall elect annually from its membership a chair, a vice chair, and a secretary.

(B) The chair shall not serve more than two (2) consecutive terms as chair.

(3) The advisory committee shall meet as frequently as it deems necessary at such times and places as the advisory committee designates. Additional meetings may be held upon the call of the chair or upon written request of ~~five (5)~~ three (3) members of the advisory committee.

(f) ~~Seven (7)~~ Four (4) members of the advisory committee shall constitute a quorum.

(g) The members of the advisory committee shall not be entitled to compensation for their services.

(h) Members appointed under subdivision ~~(a)(3)~~ (a)(2) of this section shall be appointed by the Governor subject to confirmation by the Senate.

*/s/L. Eads*

**APPROVED: 03/20/2017**