

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: S2/24/21

# A Bill

HOUSE BILL 1356

By: Representative Dotson

By: Senator B. Ballinger

## For An Act To Be Entitled

AN ACT TO AMEND THE PROCESS OF EVALUATION OF STATE BOARDS AND COMMISSIONS; TO REQUIRE SUBMISSION OF A REPORT; TO RECOMMEND THE ABOLITION OF A STATE BOARD OR COMMISSION FOR FAILURE TO SUBMIT A REPORT; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE PROCESS OF EVALUATION OF STATE BOARDS AND COMMISSIONS; TO REQUIRE SUBMISSION OF A REPORT; AND TO RECOMMEND THE ABOLITION OF A STATE BOARD OR COMMISSION FOR FAILURE TO SUBMIT A REPORT.

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

SECTION 1. Arkansas Code § 25-1-106 is amended to read as follows:

25-1-106. Evaluation of necessity of various commissions and boards.

(a) For purposes of this section, "constitutional board or commission" means the Arkansas State Game and Fish Commission, the State Highway Commission, and all boards or commissions charged with the management or control of all charitable, penal or correctional institutions, or an institutions of higher learning under Arkansas Constitution, Amendment 33.

(b) ~~Any part-time~~ A state board or commission that has not convened a meeting or has convened without a quorum for two (2) consecutive, regularly scheduled meeting dates within ~~a~~ the preceding two-year period shall vote to



elect a new chair and vice chair.

~~(b)(1)(c)(1)~~ If a ~~part-time~~ state board or commission has not convened a regularly scheduled meeting or has convened without a quorum for four (4) consecutive, regularly scheduled meeting dates within a the preceding two-year period, the Joint Performance Review Committee shall reevaluate the purpose, need, and effectiveness of the state board or commission.

(2) The Joint Performance Review Committee shall report its findings and any recommendations concerning the existence of the state board or commission to the Legislative Council no later than December 1 of each even-numbered year and shall draft legislation to implement the recommendations.

~~(e)(d)(1)~~ No later than August 1 of each even-numbered year, each ~~part-time~~ state board and commission shall provide the Joint Performance Review Committee with a list report of the regularly scheduled meeting dates for the state board or commission for the previous two (2) fiscal years, including the attendance record of each member and the number of meetings that were convened.

(2) If a state board or commission, other than a constitutional board or commission, has not submitted the report required in subdivision (d)(1) of this section to the Joint Performance Review Committee by August 1 of each even-numbered year, the authority of the state board or commission may be suspended on August 1 of the even-numbered year by the Joint Performance Review Committee at the next Joint Performance Review Committee meeting, and the state board or commission may not take any action, including the expenditure of funds, until the report required in subdivision (d)(1) of this section is provided to the Joint Performance Review Committee.

(3) If a state board or commission, other than a constitutional board or commission, has not submitted the report required in subdivision (d)(1) of this section to the Joint Performance Review Committee by December 1 of the even-numbered year, the Joint Performance Review Committee may direct the Bureau of Legislative Research to draft legislation that:

(A) Abolishes the state board or commission upon sine die adjournment of the next regular session of the General Assembly;

(B) Allows the reversion of all authority of the state board or commission to the General Assembly or to the General Assembly's designee; and

(C) Requires all funds, income, and revenue to revert to the General Revenue Fund Account or other fund or account as provided by the General Assembly.

(4) This section does not prohibit the General Assembly from:

(A) Abolishing a state board or commission, other than a constitutional board or commission, that has submitted a report; or

(B) Considering any other legislation relative to a state agency subject to this chapter.

(5) Except as otherwise provided, abolition of a state board or commission does not affect rights and duties that mature, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the effective date of the abolition of the board or commission.

(e)(1) If a constitutional board or commission has not convened a regularly scheduled meeting or has convened without a quorum for four (4) consecutive, regularly scheduled meeting dates within the preceding two-year period, the Joint Performance Review Committee shall reevaluate the purpose, need, and effectiveness of the constitutional state board or commission.

(2) The Joint Performance Review Committee shall report its findings and any recommendations concerning the constitutional board or commission to the Legislative Council no later than December 1 of each even-numbered year and may draft legislation to implement the recommendations.

*/s/Dotson*

**APPROVED: 3/8/21**