

Stricken language would be deleted from and underlined language would be added to present law.
Act 365 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/8/23
A Bill

SENATE BILL 356

By: Senators J. English, K. Hammer
By: Representatives Cavanaugh, Vaught

For An Act To Be Entitled

AN ACT TO ABOLISH INACTIVE STATE ENTITIES; TO AMEND
THE LAW CONCERNING THE REPORTING OF BOARDS AND
COMMISSIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO ABOLISH INACTIVE STATE ENTITIES; TO
AMEND THE LAW CONCERNING THE REPORTING OF
BOARDS AND COMMISSIONS; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Abolition of state entities, boards and
commissions – Legislative findings.

(a) The General Assembly finds that the following state entities are
no longer active and are abolished:

(1) Arkansas Commission on Eye and Vision Care of School-Age
Children, created under § 6-18-1802;

(2) Board of Advisors to Arkansas State University-Searcy,
created under § 6-56-103;

(3) Youth Justice Reform Board, created under § 9-28-1201;

(4) Arkansas Statewide Energy Consortium, created under § 6-61-
1501;

(5) Electrical Energy Advancement Program Fund Board, created
under § 6-61-1502;



- (6) Academic Facilities Oversight Committee, created § 10-3-2201;
- (7) Records Retention Committee, created under § 13-4-203;
- (8) Arkansas Delta Music Commission, created under § 13-15-201;
- (9) The Arkansas Housing Trust Fund Advisory Committee, created under § 15-5-1706;
- (10) Nongame Preservation Committee, created under § 15-45-302;
- (11) Medication Assistive Person Advisory Committee, created under § 17-87-710;
- (12) State Board of Disease Intervention Specialists, created under § 17-98-201;
- (13) Electrical Energy Advancement Program Fund, created under § 19-5-1248;
- (14) Palliative Care and Quality of Life Interdisciplinary Task Force, created under § 20-8-702;
- (15) Executive Board of the Governor's Commission on People with Disabilities, created under § 20-14-207;
- (16) Arkansas Suicide Prevention Council, created under § 20-45-302;
- (17) Children's Behavioral Health Care Commission, created under § 20-47-704;
- (18) Healthcare Quality and Payment Policy Advisory Committee, created under § 20-77-2203;
- (19) Suggestion Award Board, created under § 21-11-105;
- (20) Lottery Retailer Advisory Board, created under § 23-115-204;
- (21) Arkansas Natural and Cultural Heritage Advisory Committee, created under § 25-3-104; and
- (22) State Technology Council, created under § 25-33-101.
- (b) Any funds, personal property, or real property of an entity under subsection (a) of this section shall be transferred to the Department of Finance and Administration.
- (c) The terms of all members appointed to an entity under subsection (a) of this section shall end on the effective date of this act.

SECTION 2. Arkansas Code § 6-18-1501(b), concerning vision screenings,

is amended to read as follows:

(b) The Division of Elementary and Secondary Education, ~~in conjunction with the Arkansas Commission on Eye and Vision Care of School Age Children,~~ may coordinate with the Arkansas Optometric Association, Inc., and shall adopt rules to establish the tests, procedures, equipment, and instruments that shall be used to perform eye and vision screenings.

SECTION 3. Arkansas Code § 6-18-1503(a), concerning standardized forms for eye and vision screening reports, is amended to read as follows:

(a)(1) Standardized forms for eye and vision screening reports shall be developed by the Division of Elementary and Secondary Education ~~in conjunction with the Arkansas Commission on Eye and Vision Care of School Age Children~~ and adopted by the division in rules promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2) The division may coordinate with the Arkansas Optometric Association, Inc., to develop the reports under subdivision (a)(1) of this section.

SECTION 4. Arkansas Code § 6-18-1504 is amended to read as follows:
6-18-1504. Training.

The Division of Elementary and Secondary Education may coordinate with the Arkansas Optometric Association, Inc., and, ~~in conjunction with the Arkansas Commission on Eye and Vision Care of School Age Children,~~ shall adopt rules that establish standards for training school nurses to perform eye and vision screenings.

SECTION 5. Arkansas Code § 6-18-1802 is repealed.

~~6-18-1802. Arkansas Commission on Eye and Vision Care of School Age Children.~~

~~(a)(1) There is established the Arkansas Commission on Eye and Vision Care of School Age Children to be composed of seventeen (17) members.~~

~~(2) The following members shall be appointed by the Governor:~~

~~(A) Four (4) optometrists;~~

~~(B) Two (2) ophthalmologists;~~

~~(C) One (1) pediatrician;~~

~~(D) One (1) school nurse who is currently working in a~~

~~public elementary school in this state;~~

~~(E) One (1) person currently working as a principal in a public elementary school in this state; and~~

~~(F) One (1) person currently working as a classroom teacher in a public elementary school in this state.~~

~~(3) The following members shall be appointed by the Speaker of the House of Representatives:~~

~~(A) One (1) family practice physician; and~~

~~(B) One (1) principal of a public elementary school.~~

~~(4) The following members shall be appointed by the President Pro Tempore of the Senate:~~

~~(A) One (1) family practice physician; and~~

~~(B) One (1) teacher in a public elementary school.~~

~~(5) The Chair of the House Committee on Public Health, Welfare, and Labor shall appoint one (1) member who has a child in a public school in this state.~~

~~(6) The Chair of the Senate Committee on Public Health, Welfare, and Labor shall appoint one (1) member who has a child in a public school in this state.~~

~~(7) The optometrist serving on the State Board of Health shall also be a member of the board and shall serve as a liaison to the Department of Health.~~

~~(b)(1) The Governor shall designate one (1) of the optometrist appointees to serve as chair of the commission.~~

~~(2) The members of the commission shall select from their membership a vice chair, a secretary, and a treasurer.~~

~~(c) The first meeting shall be held within thirty (30) days of the appointment of the members by the Governor, and shall be called by the chair.~~

~~(d)(1) A majority of the membership of the commission shall constitute a quorum.~~

~~(2) A majority vote of those members present shall be required for any action of the commission.~~

~~(e) Vacancies shall be filled for the unexpired portion of the term in the same manner as is provided in this section for initial appointments.~~

~~(f) To the extent that moneys are made available for that purpose, the members of the commission may receive expense reimbursement in accordance~~

with ~~§ 25-16-902.~~

SECTION 6. Arkansas Code § 6-18-1803 is repealed.

~~6-18-1803. Duties.~~

~~(a) The Arkansas Commission on Eye and Vision Care of School Age Children shall:~~

~~(1) Study the eye and vision needs of the school age children of Arkansas;~~

~~(2) Study and evaluate vision screening programs in the schools, and their effectiveness;~~

~~(3) Study and evaluate whether children are receiving adequate eye and vision care, and correction of vision problems;~~

~~(4) Study the effects of inadequate vision on the performance of children in the classroom; and~~

~~(5) Continue to develop a strategic statewide plan to ensure adequate eye and vision care of school age children.~~

~~(b) The commission and the Division of Elementary and Secondary Education shall report their findings and updates to the Governor, the Legislative Council, and the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor annually.~~

~~(c)(1) The commission may accept any and all donations, grants of money, gifts, appropriations, instruments, equipment, supplies, materials, and services, conditional or otherwise, from private sources, from municipal and county governments, from the state, and from the United States Government.~~

~~(2) The commission may use any of its resources to further the commission's purposes and functions.~~

~~(3) All moneys collected under this section shall be deposited into a cash fund within the State Treasury to be maintained by the division.~~

~~(d) The commission shall develop criteria for the distribution of commission resources to individuals and school districts in need of financial or other assistance necessary to satisfy the requirements of §§ 6-18-1501—6-18-1506.~~

~~(e)(1) In conjunction with the division, the commission shall develop criteria for passage or failure of a vision screening and criteria for referral for a comprehensive eye examination.~~

~~(2) The division shall adopt the criteria as rules promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~(f) In conjunction with the division, the commission shall develop standardized forms to be used with regard to conducting and reporting the results of eye and vision screenings.~~

~~(g) The commission and the division shall evaluate and approve the vision screening instruments, equipment, and other testing items that are used to conduct the eye and vision screenings.~~

~~(h) The commission shall conduct a pilot study to evaluate the pre- and post-performance test scores of school children who have been screened and referred for vision problems. The study shall encompass rural, urban, and Empowerment-Zone school systems.~~

SECTION 7. Arkansas Code § 6-21-112(f)(1), concerning the Division of Public School Academic Facilities and Transportation, is repealed.

~~(1) Provide information or assistance to the Academic Facilities Oversight Committee as requested;~~

SECTION 8. Arkansas Code § 6-21-112(f)(2), concerning the Division of Public School Academic Facilities and Transportation, is amended to read as follows:

(2) Use recommendations or assessments of the ~~Academic Facilities Oversight Committee~~ or the General Assembly as a basis for establishing the policies and procedures of the Division of Public School Academic Facilities and Transportation;

SECTION 9. Arkansas Code § 6-21-112(f)(15)(A), concerning the Division of Public School Academic Facilities and Transportation, is amended to read as follows:

(15)(A) Report by October 1 of each year to the Governor, the House Committee on Education, and the Senate Committee on Education, ~~and the Academic Facilities Oversight Committee~~ on the status of implementation of the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.

SECTION 10. Arkansas Code § 6-21-112(f)(16), concerning the Division

of Public School Academic Facilities and Transportation, is amended to read as follows:

(16) Report by October 1 of each even-numbered year to the Governor, the House Committee on Education, and the Senate Committee on Education, ~~and the Academic Facilities Oversight Committee~~ on the state academic facilities master plan;

SECTION 11. Arkansas Code § 6-21-114(1), concerning the creation of the Commission for Arkansas Public School Academic Facilities and Transportation, is amended to read as follows:

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

SECTION 12. Arkansas Code § 6-21-811(1), concerning the Academic Facilities Distress Program, is amended to read as follows:

(1) The commission ~~in conjunction with the Academic Facilities Oversight Committee~~ shall:

(1) Reexamine the role and function of the State Facility Assessment of 2004;

(2) Assess the progress made by the state in the mandates of the Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31, 91 S.W.3d 472 (2002); and

(3) Make needed changes in the implementation of the academic facilities program by modifying the commission's rules.

SECTION 13. Arkansas Code § 6-56-103 is repealed.

~~6-56-103. Board of advisors.~~

~~(a) The Foothills Technical Institute Board of Directors shall become the Board of Advisors to Arkansas State University Searcy, a technical campus of Arkansas State University Beebe. The directors on June 30, 2003, shall continue their terms as members of the advisory board.~~

~~(b)(1) The Arkansas State University Searcy local board of advisors will be appointed or reappointed by the President of the Arkansas State~~

~~University system upon recommendations presented by the Chancellor for Arkansas State University Beebe and the Vice Chancellor of Arkansas State University Searcy.~~

~~(2) Appointment shall be for a term of five (5) years and for no more than two (2) consecutive terms.~~

SECTION 14. Arkansas Code Title 6, Chapter 61, Subchapter 15, is repealed.

~~6-61-1501. Arkansas Statewide Energy Consortium.~~

~~(a) There is created the Arkansas Statewide Energy Consortium consisting of the:~~

~~(1) University of Arkansas, Fayetteville;~~

~~(2) University of Arkansas, Little Rock; and~~

~~(3) Arkansas State University, Jonesboro.~~

~~(b)(1) The consortium shall be headquartered at the University of Arkansas, Fayetteville, National Center for Reliable Electric Power Transmission.~~

~~(2) The University of Arkansas, Fayetteville, shall administer the Electrical Energy Advancement Program Fund.~~

~~6-61-1502. Electrical Energy Advancement Program Fund Board.~~

~~(a) The Electrical Energy Advancement Program Fund Board is created to make recommendations to the Arkansas Statewide Energy Consortium regarding the allocation of funds for the programs approved under this subchapter.~~

~~(b) The board is composed of fifteen (15) members as follows:~~

~~(1)(A) The Executive Director of the National Center for Reliable Electric Power Transmission or the executive director's designee, who shall serve as chair of the board and represent the University of Arkansas at Fayetteville.~~

~~(B) The chair shall be a regular voting member with one (1) vote;~~

~~(2) Seven (7) of the members from the private electrical energy sector;~~

~~(3) Three (3) of the members from the United States Department of Energy national laboratories;~~

~~(4) One (1) member who is designated by Arkansas State~~

~~University;~~

~~(5) One (1) member who is designated by the University of Arkansas at Little Rock;~~

~~(6) The Director of the Arkansas Economic Development Commission or his or her designee; and~~

~~(7) One (1) member who is designated by the Arkansas Public Service Commission.~~

~~(c)(1) Each private electrical energy sector member of the board shall:~~

~~(A)(i) Be from an organization that is:~~

~~(a) Involved in the generation, transmission, or distribution of electricity; or~~

~~(b) Engaged in the design or manufacturing of electrical equipment for the generation, transmission, distribution, or power conversion of electricity including electrified transportation.~~

~~(ii) An individual under this subdivision (c)(1)(A) shall have experience managing an organization that meets the description of this subdivision (c)(1)(A); and~~

~~(B) Have obtained at least an undergraduate degree from a four-year institution of higher education in science or engineering.~~

~~(2) Each national laboratory member of the board shall:~~

~~(A) Be from a national laboratory group directly involved in the research and development of advanced technologies for the electric power grid; and~~

~~(B) Have obtained at least an undergraduate degree from a four-year institution of higher education in science or engineering.~~

~~(d)(1) The chair shall seek nominations for the initial list of private electrical energy sector and national laboratory board members from:~~

~~(A) Each member of the board who is not from the private electrical energy sector or a national laboratory; and~~

~~(B) The Governor.~~

~~(2) From the recommendations, the chair will nominate the initial private electrical energy sector and national laboratory board members to the balance of the board for consideration and appointment to the board.~~

~~(e)(1) Except for the initial terms identified under this subsection,~~

~~each private electrical energy sector and national laboratory board member shall serve a four year term, with a maximum of two (2) consecutive four year terms.~~

~~(2) The initial terms of the private electrical energy sector board members shall be as follows:~~

- ~~(A) One (1) member shall serve a one year term;~~
- ~~(B) Two (2) members shall serve a two year term;~~
- ~~(C) Two (2) members shall serve a three year term; and~~
- ~~(D) Two (2) members shall serve a four year term.~~

~~(3) The initial terms of the national laboratory board members shall be as follows:~~

- ~~(A) One (1) member shall serve a two year term;~~
- ~~(B) One (1) member shall serve a three year term; and~~
- ~~(C) One (1) member shall serve a four year term.~~

~~(4) The chair shall determine the terms of the initial private and national laboratory members of the board.~~

~~(5) Each member may be reappointed from time to time thereafter to serve no more than a maximum of eight (8) consecutive years including his or her initial term.~~

~~(f) Successors to the initial private electrical energy sector and national laboratory board members shall be nominated by the chair upon recommendation by the board.~~

~~(g) Members of the board who are not private electrical energy sector or national laboratory board members shall serve at the pleasure of the entities where they are employed.~~

~~(h)(1) The chair shall call the first meeting of the board not less than three (3) months after funding is received in the Electrical Energy Advancement Program Fund.~~

~~(2) Subsequent meetings shall be held on the call of the chair and shall convene at the National Center for Reliable Electric Power Transmission.~~

~~(i) A quorum shall consist of not less than a majority of the voting membership of the board, and the affirmative vote of that number is necessary for the disposition of the board's business.~~

~~(j)(1) Members of the board shall receive no pay for services with respect to attendance at each regular or special meeting of the board.~~

~~(2)(A) — However, if funds are appropriated for the purpose and subject to board approval, members are entitled to reimbursement under § 25-16-902 for each day the board is in session.~~

~~(B) — Reimbursement is in an amount equal to the maximum daily allowance for meals and lodging paid as provided by law to a state employee for in-state travel plus mileage at the rate per mile provided by law for the reimbursement of mileage expense for state employees for travel from their homes to the place of the meeting and their return.~~

~~(k) — The National Center for Reliable Electric Power Transmission shall provide staff for the board.~~

~~6-61-1503. Duties.~~

~~(a)(1) — The Electrical Energy Advancement Program Fund Board shall make recommendations to the Arkansas Statewide Energy Consortium concerning the funding, funding ratios, and maximum amounts to be made available among the proposals and programs for:~~

~~(A) — Competitive undergraduate scholarships for Arkansas residents in the field of electrical and electronic engineering at the member universities of the consortium, to be given in accordance with institutional guidelines; and~~

~~(B) — Competitive graduate fellowships for master's and doctoral students in electrical and electronic engineering at member universities of the consortium, to be given in accordance with institutional guidelines with preference given to Arkansas residents.~~

~~(2) — One-time project costs may include without limitation the cost of:~~

~~(A) — Facilitating the hiring of new tenure-track faculty at each of the consortium member institutions to increase the capacity and expertise of each university to:~~

~~(i) — Perform research; and~~

~~(ii) — Successfully return that research to the classroom for the benefit of the entire consortium;~~

~~(B) — Expediting economic development through research by providing startup funds for successful applicants;~~

~~(C) — Continuing education programs to serve practicing engineers in the energy sector whose professional licensure or registration~~

~~requires at least fifteen (15) hours of continuing education annually; and~~

~~(D) Collaborative research projects between and among the consortium member institutions.~~

~~(b) The board may base its recommendations for use of the funds on a proposal's:~~

~~(1) Technical merit;~~

~~(2) Potential impact on the state's economic growth; and~~

~~(3) Potential for strengthening the state's electrical energy education programs.~~

~~(c)(1) Annually by June 30, the board shall:~~

~~(A) Report its actions to the Governor; and~~

~~(B) Provide a copy of the report to the agencies included in the report's recommendations.~~

~~(2) The board may provide the report required under this subsection by electronic means or by a printed copy.~~

~~(d) The board shall promulgate rules to implement this section.~~

SECTION 15. Arkansas Code § 9-28-203(b)(4)(D), concerning the powers and duties of the Division of Youth Services, is repealed.

~~(D) The Division of Youth Services shall collect data regarding the effectiveness of these services and report semiannually to the Youth Justice Reform Board;~~

SECTION 16. Arkansas Code § 9-28-1201 is repealed.

~~9-28-1201. Youth Justice Reform Board—Creation—Membership.~~

~~(a) To ensure statewide accountability for the delivery of youth services consistent with this subchapter, the Division of Youth Services shall create the Youth Justice Reform Board no later than sixty (60) days following July 22, 2015.~~

~~(b)(1) Except for a member who is appointed from the General Assembly, the members of the Youth Justice Reform Board shall be selected by the Director of the Division of Youth Services for a single four-year term, with appointments being approved by the Governor.~~

~~(2)(A) Each member of the Youth Justice Reform Board who is a member of the Senate shall be appointed by and shall serve at the pleasure of the President Pro Tempore of the Senate.~~

~~(B) Each member of the Youth Justice Reform Board who is a member of the House of Representatives shall be appointed by and shall serve at the pleasure of the Speaker of the House of Representatives.~~

~~(3) The Youth Justice Reform Board shall be composed of the following members who have demonstrated a commitment to improving youth services, with individuals selected from key stakeholder groups, including without limitation:~~

~~(A) Juvenile justice system involved families;~~

~~(B) Youths who have received or are receiving services delivered by the Division of Youth Services;~~

~~(C) Representatives from the Division of Elementary and Secondary Education, the Division of Workforce Services, the Division of Children and Family Services, and the Division of Aging, Adult, and Behavioral Health Services;~~

~~(D) Youth services providers;~~

~~(E) Circuit court judges who routinely preside over juvenile cases;~~

~~(F) The Administrative Office of the Courts;~~

~~(G) Prosecuting attorneys or deputy prosecuting attorneys who are routinely involved in juvenile delinquency cases;~~

~~(H) Public defenders or deputy public defenders who are routinely involved in juvenile delinquency cases;~~

~~(I) Advocacy groups, including the designated state protection and advocacy group for individuals with disabilities, and other research and advocacy groups with established leadership for children and families in Arkansas;~~

~~(J) The juvenile ombudsman of the Juvenile Ombudsman Division of the Arkansas Public Defender Commission;~~

~~(K) Members of the Arkansas Coalition for Juvenile Justice Board [abolished];~~

~~(L) Members of the Juvenile Justice Reform Subcommittee of the Arkansas Supreme Court Commission on Children, Youth and Families;~~

~~(M) Experts in adolescent development;~~

~~(N) Two (2) members of the Senate;~~

~~(O) Two (2) members of the House of Representatives; and~~

~~(P) Juvenile court staff or program representatives.~~

~~(c) The Governor shall appoint the Chair of the Youth Justice Reform Board.~~

~~(d) The Youth Justice Reform Board shall meet at least quarterly.~~

~~(e) The Division of Youth Services shall provide administrative support necessary for the Youth Justice Reform Board to perform its duties.~~

~~(f) The Youth Justice Reform Board shall cease operation by June 30, 2021.~~

SECTION 17. Arkansas Code § 9-28-1202 is repealed.

~~9-28-1202. Powers and duties—Definitions.~~

~~(a) As used in this section and § 9-28-1203:~~

~~(1) “Proven effective community-based alternatives” means interventions, supports, programs, and practices that are recognized as best practices based on rigorous evaluation and research, or are based on a clear and well-articulated theory or conceptual framework for delinquency prevention. These include, without limitation, community-based services that are currently provided or have been provided and have been demonstrated to be effective in reducing the number of secure out-of-home placements and institutional placement of youthful offenders; and~~

~~(2) “Secure out-of-home placement” means placement in a public or private residential facility that includes construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody and used for the placement and disposition of a juvenile adjudicated to be delinquent.~~

~~(b) The Youth Justice Reform Board shall:~~

~~(1) Assist the Division of Youth Services in determining the method for calculating savings realized from reduced state commitments and in educating the public about the plan developed to reduce reliance on secure out-of-home placements; and~~

~~(2) Make annual reports to the division, the Governor, and the General Assembly regarding system reform and improvements needed to implement the goals and purposes of this subchapter.~~

~~(c) To provide needed expertise, the board may seek outside technical assistance to aid its work.~~

SECTION 18. Arkansas Code § 10-3-902(2), concerning the duties of the

Joint Performance Review Committee, is amended to read as follows:

(2) Conduct investigations into such specific problem areas of the administration of state government as may be brought to the attention of or as determined by the Joint Performance Review Committee or the cochairs of the Joint Performance Review Committee;

SECTION 19. Arkansas Code § 10-3-902, concerning the duties of the Joint Performance Review Committee, is amended to add an additional subdivision to read as follows:

(8) Evaluate the purpose, need, and effectiveness of a state board or commission as defined in and under the process established under § 25-1-106.

SECTION 20. Arkansas Code § 25-1-106(a), concerning the evaluation of necessity of various commissions and boards, is amended to read as follows:

(a) For purposes of this section:

(1) “~~constitutional~~ 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 institutions of higher learning under Arkansas Constitution, Amendment 33; and

(2) “State board or commission” means every state board, commission, committee, council, task force, and similar entity created by the General Assembly except:

(A) A constitutional board or commission; and

(B) An entity of the General Assembly.

SECTION 21. Arkansas Code Title 10, Chapter 3, Subchapter 22, is repealed.

~~10-3-2201. Academic Facilities Oversight Committee.~~

~~(a) There is created a legislative committee to be known as the Academic Facilities Oversight Committee.~~

~~(b) The Academic Facilities Oversight Committee shall consist of fifteen (15) members as follows:~~

~~(1)(A) Seven (7) members of the Senate as follows:~~

~~(i) One (1) member who is the Chair of the Senate~~

~~Committee on Education or his or her designee;~~

~~(ii) Two (2) members of the Senate Committee on Education appointed by the Chair of the Senate Committee on Education; and~~

~~(iii) Four (4) members of the Senate appointed by the President Pro Tempore of the Senate.~~

~~(B) In the event that the Chair of the Senate Committee on Education and the President Pro Tempore of the Senate are the same person, the Vice Chair of the Senate Committee on Education shall make the appointments under subdivision (b)(1)(A)(ii) of this section;~~

~~(2)(A) Seven (7) members of the House of Representatives as follows:~~

~~(i) One (1) member who is the Chair of the House Committee on Education or his or her designee;~~

~~(ii) Two (2) members of the House Committee on Education to be appointed by the Chair of the House Committee on Education; and~~

~~(iii) Four (4) members of the House to be appointed by the Speaker of the House of Representatives.~~

~~(B) In the event that the Chair of the House Committee on Education and the Speaker of the House of Representatives are the same person, the Vice Chair of the House Committee on Education shall make the appointments under subdivision (b)(2)(A)(ii) of this section; and~~

~~(3) The Director of the Division of Public School Academic Facilities and Transportation who shall serve as a nonvoting ex officio member.~~

~~(c) The Chair of the Senate Committee on Education or the chair's designee and the Chair of the House Committee on Education or the chair's designee shall serve as cochairs of the committee.~~

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

~~(e)(1) The Academic Facilities Oversight Committee shall meet upon the call of either or both of the cochairs of the Academic Facilities Oversight Committee.~~

~~(2) Eight (8) members of the Academic Facilities Oversight Committee shall constitute a quorum for the purpose of transacting business.~~

~~(3) A quorum is required for any action of the Academic~~

~~Facilities Oversight Committee.~~~~10-3-2202. Powers and duties.~~~~(a) The Academic Facilities Oversight Committee shall:~~~~(1) Oversee development and implementation of state statutory requirements with regard to providing constitutionally appropriate public school academic facilities and related equipment for all public schools in the State of Arkansas as necessary to provide an equal opportunity for an adequate education for all public school students in Arkansas;~~~~(2) [Repealed.]~~~~(3) Review and recommend policies and criteria for the repair, maintenance, renovation, remodeling, replacement, and construction of public school academic facilities;~~~~(4) Oversee local and state expenditures related to providing constitutionally appropriate public school academic facilities and related equipment;~~~~(5) Review the effectiveness of methods used to fund the cost of constitutionally appropriate public school academic facilities and equipment;~~~~(6) Review the ongoing assessment, evaluation, and inspection of public school academic facilities to provide that constitutionally appropriate public school academic facilities are, and will continue to be, provided for public school students in Arkansas; and~~~~(7) Use the opinions of the Supreme Court in the matter of Lake View School District No. 25 v. Huckabee, 351 Ark. 31, 91 S.W.3d 472 (2002) and other legal precedent relevant to public school academic facilities.~~~~(b)(1)(A) The Academic Facilities Oversight Committee shall report its findings and recommendations to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, the House Committee on Education, and the Senate Committee on Education no later than October 1 before each regular session of the General Assembly.~~~~(B) Upon motion of the Academic Facilities Oversight Committee and approval by a quorum of the committee, the October 1 report deadline may be extended for a period to be determined by the Academic Facilities Oversight Committee.~~~~(2) The report shall include for each recommendation, proposed implementation schedules with timelines, specific steps, agencies and persons~~

~~responsible, and resources needed.~~

~~(3) When feasible, the Academic Facilities Oversight Committee shall propose plans, measures, and initiatives as recommendations for legislation or rules.~~

~~10-3-2203. Committee assistance.~~

~~(a) The Division of Elementary and Secondary Education, the Division of Career and Technical Education, the Division of Higher Education, the Division of Public School Academic Facilities and Transportation, and the Division of Public School Accountability shall provide the Academic Facilities Oversight Committee with assistance as requested by the Academic Facilities Oversight Committee.~~

~~(b) The Academic Facilities Oversight Committee may hire or contract with individuals or entities, both within the state and from out of state, for the purpose of obtaining staff or otherwise performing the duties of the Academic Facilities Oversight Committee to the extent funding is appropriated and available for that purpose.~~

~~(c) The Bureau of Legislative Research shall furnish reasonable staff assistance to the Academic Facilities Oversight Committee as may be requested by the Academic Facilities Oversight Committee.~~

~~10-3-2204. Meetings — Reimbursement of expenses.~~

~~(a) The Academic Facilities Oversight Committee shall function during the interim between regular session, fiscal sessions, or special sessions of the General Assembly, while the General Assembly is in session, and while the General Assembly is in recess.~~

~~(b) If the Academic Facilities Oversight Committee meets at a time when the General Assembly is not in session, the legislative members of the Academic Facilities Oversight Committee are entitled to per diem and mileage reimbursement at the rate for attending meetings of the Legislative Council. The per diem or mileage reimbursement shall be paid from funds appropriated for the payment of per diem and mileage for attendance at meetings of interim committees of the General Assembly.~~

SECTION 22. Arkansas Code § 13-4-203 is repealed.

~~13-4-203. Records Retention Committee.~~

~~(a) A Records Retention Committee shall be created, whose responsibility shall be to study, develop, and issue standards consistent with the guidelines enumerated in § 13-4-202 which pertain to existing and future recording systems.~~

~~(b) The committee shall include one (1) representative from each of the following:~~

- ~~(1) The Arkansas Association of County Clerks;~~
- ~~(2) The Arkansas Circuit Clerks Association;~~
- ~~(3) The Association of Arkansas Counties;~~
- ~~(4) The Arkansas State Archives;~~
- ~~(5) The Division of Information Systems;~~
- ~~(6) ARMA International; and~~
- ~~(7) The Arkansas City Clerks, Recorders, and Treasurers~~

~~Association.~~

~~(c) The committee shall be chaired by a representative from the Administrative Office of the Courts.~~

SECTION 23. Arkansas Code § 13-15-101 is repealed.

~~13-15-101. Title.~~

~~This chapter shall be known and may be cited as the "Arkansas Delta Music Trail Act".~~

SECTION 24. Arkansas Code Title 13, Chapter 15, Subchapter 2, is repealed.

~~13-15-201. Creation—Membership.~~

~~(a) There is created the Arkansas Delta Music Commission within the Division of Arkansas Heritage.~~

~~(b) The commission shall be composed of nine (9) members:~~

~~(1) The Director of the Division of Arkansas Heritage or his or her designee;~~

~~(2) The Secretary of the Department of Parks, Heritage, and Tourism or his or her designee; and~~

~~(3)(A)(i) One (1) individual who shall be appointed from each region containing a designated music highway.~~

~~(ii) The region for each designated music highway shall be composed of the counties through which the designated music highway~~

~~runs.~~

~~(B) The Governor shall appoint the members of the commission under this subdivision (b)(3).~~

~~(C)(i) Four (4) of the members appointed under this subdivision (b)(3) shall have a background in the arts.~~

~~(ii) The remaining three (3) members shall have a background in the arts, history, or tourism.~~

~~(c)(1) The term of office of the initial members of the commission appointed under subdivision (b)(3) of this section shall be determined by lot as follows:~~

~~(A) The initial term of office of three (3) of the members shall be two (2) years; and~~

~~(B) The initial term of office of four (4) of the members shall be three (3) years.~~

~~(2) All successor members, other than those appointed to fill unexpired terms, shall serve two-year terms.~~

~~(d) All vacancies in positions filled by members appointed under subdivision (b)(3) of this section shall be filled by appointment by the Governor and shall be for the remainder of the term.~~

~~(e) Members of the commission shall serve without compensation for their service but may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

~~(f) The Division of Arkansas Heritage shall provide meeting space and staffing for the commission.~~

~~13-15-202. Meetings.~~

~~(a)(1) The Arkansas Delta Music Commission shall meet as often as necessary to perform its duties under this chapter.~~

~~(2) The commission shall meet at least quarterly.~~

~~(b) The Director of the Division of Arkansas Heritage shall call the first meeting of the commission.~~

~~(c)(1) At the first meeting of the commission, the commission shall select a Chair of the Arkansas Delta Music Commission.~~

~~(2) The chair shall serve as chair for the period of time determined by the commission.~~

~~(d) A quorum for each meeting of the commission shall be five (5)~~

~~members.~~

~~(c) A majority vote of the members present is required for the commission to take action.~~

~~13-15-203. Powers and duties.~~

~~(a) The Arkansas Delta Music Commission shall:~~

~~(1) Develop, implement, and administer a tourism program based on art projects that focus on highlighting music stories and related dynamics on the designated music highways;~~

~~(2) Develop guidelines for the types of art projects that will be eligible for the tax incentives provided in this chapter and the process for applying for approval of qualified expenses for art projects under this chapter;~~

~~(3) Create a signage program that captures the stories, biographies, and points of interest in blues, rock and roll, jazz, rockabilly, soul, hip hop, opera, country, and gospel music throughout the Arkansas Delta;~~

~~(4) Maintain information about federal and state grant opportunities to encourage cities and towns to develop exhibits related to the musical heritage of the city or town; and~~

~~(5) Adopt rules necessary to implement the Arkansas Delta Music Trail Program created under this chapter, including without limitation rules stating:~~

~~(A) The procedure to apply for approval of qualified expenses; and~~

~~(B) The criteria to be used by the commission when determining whether to approve qualified expenses and issue a certificate of completion for an art project.~~

~~(b) The commission may accept, receive, and use grants, moneys, equipment, material, services, and real and personal property donated, bequeathed, or devised for any purpose relating to the activities of the commission and not expressly designated for any other agency.~~

~~13-15-204. Biennial report.~~

~~(a) The Arkansas Delta Music Commission shall submit a report by December 31 of each even-numbered year to the:~~

~~(1) Governor;~~
~~(2) Chair of the Senate Committee on Revenue and Taxation;~~
~~(3) Chair of the House Committee on Revenue and Taxation;~~
~~(4) Chair of the Senate Committee on Agriculture, Forestry, and Economic Development; and~~
~~(5) Chair of the House Committee on Agriculture, Forestry, and Economic Development.~~

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

~~(1) The commission's goals for increasing the number of art projects and signage over the next biennium;~~

~~(2) The economic development opportunities the commission will focus on over the next biennium;~~

~~(3) The qualified expenses approved under this chapter during the biennium for which the report is being made, including without limitation:~~

~~(A) The name of the person who applied for approval of qualified expenses for an art project;~~

~~(B) A description of the art project for which the qualified expenses were approved; and~~

~~(C) The location of the art project for which the qualified expenses were approved; and~~

~~(4) The benefits realized in terms of economic development as a result of the commission's actions and the tax incentives provided under this chapter.~~

SECTION 25. Arkansas Code § 13-15-301 is amended to read as follows:
 13-15-301. Creation.

~~(a) The Arkansas Delta Music Commission~~ Division of Arkansas Heritage and the Department of Parks, Heritage, and Tourism shall establish and administer the Arkansas Delta Music Trail Program to:

(1) Create a tourism program based on art projects that focus on highlighting music stories and related dynamics on the designated music highways;

(2) Provide tax incentives to eligible persons for the creation and installation of an art project under this chapter; and

(3) Create a signage program that captures the stories, biographies, and points of interest in blues, rock and roll, jazz, rockabilly, soul, hip hop, opera, country, and gospel music throughout the Delta region of Arkansas.

~~(b) The Division of Arkansas Heritage and the Department of Parks, Heritage, and Tourism shall provide assistance to the commission in establishing and administering the program.~~

SECTION 26. Arkansas Code § 13-15-302 is repealed.

~~13-15-302. Income tax credit for approved art project.~~

~~(a) There is allowed an income tax credit against the income tax imposed by the Income Tax Act of 1929, § 26-51-101 et seq., in an amount equal to the lesser of one hundred percent (100%) of the total qualified expenses stated in a certificate of completion issued by the Arkansas Delta Music Commission under § 13-15-303 or twenty-five thousand dollars (\$25,000).~~

~~(b) The amount of the income tax credit under this section that may be claimed by the taxpayer in a tax year shall not exceed the amount of income tax due by the taxpayer.~~

~~(c) Any unused income tax credit under this section may be carried forward for five (5) consecutive tax years following the tax year in which the income tax credit was earned.~~

SECTION 27. Arkansas Code § 13-15-303 is repealed.

~~13-15-303. Application for approval of qualified expenses—Certificate of completion.~~

~~(a) A person may apply to the Arkansas Delta Music Commission for approval of qualified expenses for the purpose of claiming the income tax credit allowed under § 13-15-302.~~

~~(b) An application for approval of qualified expenses shall:~~

~~(1) Be for an art project that will:~~

~~(A) Stimulate regional tourism;~~

~~(B) Enhance local community development efforts;~~

~~(C) Create opportunities for Arkansas artists to showcase their work;~~

~~(D) Enhance the community where the art project will be located; and~~

~~(E) Promote awareness and encourage the enjoyment of the stories, biographies, and points of interest in blues, rock and roll, country, and gospel music throughout the Arkansas Delta;~~

~~(2) Be in the form prescribed by the commission; and~~

~~(3) Indicate the amount of qualified expenses the applicant expects to incur.~~

~~(c)(1) The commission shall not approve qualified expenses exceeding two hundred fifty thousand dollars (\$250,000) in any one (1) calendar year.~~

~~(2)(A) The total amount of qualified expenses that may be approved under this subsection shall be divided among the designated music highways in proportion to each designated music highway's length as compared to the total length of all of the designated music highways.~~

~~(B) If the commission does not approve qualified expenses under this section that are equal to the amount of funds allocated to a designated music highway under subdivision (c)(2)(A) of this section, the commission may reallocate the funds to another designated music highway to fund one (1) or more additional art projects.~~

~~(3)(A) The approval of qualified expenses under this section is contingent on the appropriation and availability of funding for the Arkansas Delta Music Trail Program.~~

~~(B) The commission shall not solicit or accept applications for the program if funds for the program are not available.~~

~~(d) At least one third (1/3) of art projects for which qualified expenses are approved under this section shall be visible from a designated music highway.~~

~~(e)(1) Upon completion of an art project, the owner shall submit documentation required by the commission to verify that the completed art project complies with the requirements of this chapter.~~

~~(2) If the commission determines that an art project is complete and complies with the requirements of this chapter, the commission shall issue a certification of completion specifying the total amount of qualified expenses and the income tax credit allowed under this subchapter.~~

SECTION 28. Arkansas Code § 15-5-1703(1), concerning the definition of "Advisory committee" under the Arkansas Housing Trust Fund Act of 2009, is repealed.

~~(1) "Advisory committee" means the Housing Trust Fund Advisory Committee created in § 15-5-1706;~~

SECTION 29. Arkansas Code § 15-5-1705(c), concerning administration of Arkansas Housing Trust Fund sources and deposits, is amended to read as follows:

(c) ~~The authority shall seek the input of the Arkansas Housing Trust Fund Advisory Committee created by § 15-5-1706,~~ but the Board of Directors of the Arkansas Development Finance Authority shall have the final decision-making authority on all matters relating to the fund and the programs administered under this subchapter.

SECTION 30. Arkansas Code § 15-5-1706 is repealed.

~~15-5-1706. Creation of Arkansas Housing Trust Fund Advisory Committee.~~

~~(a)(1) There is created the Arkansas Housing Trust Fund Advisory Committee for the purpose of advising the staff and the Board of Directors of the Arkansas Development Finance Authority with respect to the Arkansas Housing Trust Fund.~~

~~(2) The members of the advisory committee shall be residents of the state and should, to the extent possible, reflect the demographics of the state with respect to geography, race, gender, and urban-rural mix.~~

~~(3) The members of the advisory committee shall be entitled to expense reimbursement under § 25-16-902 from amounts deposited into the fund.~~

~~(4) Each member of the advisory committee should have a demonstrated interest in the housing needs of individuals and families with low or moderate incomes and the revitalization of distressed neighborhoods.~~

~~(b) The advisory committee shall consist of eleven (11) members with the qualifications under § 15-5-1705 to be appointed by the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, as follows:~~

~~(1) A representative of the financial industry, appointed by the Governor;~~

~~(2) A beneficiary of assistance in rental housing or home ownership, appointed by the Governor;~~

~~(3) An advocate for the homeless, appointed by the Governor;~~

~~(4) A representative of the real estate industry, appointed by~~

~~the Governor;~~

~~(5) A representative from the economic development field, appointed by the Governor;~~

~~(6) A developer of affordable housing, appointed by the Governor;~~

~~(7) A citizen, appointed by the Governor;~~

~~(8) A consumer advocate with experience as a fair housing advocate, housing counselor, or affordable housing advocate, appointed by the Speaker of the House of Representatives;~~

~~(9) A housing advocate representing the needs of rural interests, appointed by the Speaker of the House of Representatives;~~

~~(10) A special needs housing advocate appointed by the President Pro Tempore of the Senate; and~~

~~(11) An advocate for public housing, appointed by the President Pro Tempore of the Senate.~~

~~(c)(1) A member of the advisory committee shall serve a term of four (4) years.~~

~~(2) In order to stagger the terms of the members, the initial members of the advisory committee shall draw lots as follows:~~

~~(A) Two (2) members will have an initial term of one (1) year;~~

~~(B) Three (3) members will have an initial term of two (2) years;~~

~~(C) Three (3) members will have an initial term of three (3) years; and~~

~~(D) Three (3) members will have an initial term of four (4) years.~~

~~(3) Members of the advisory committee may serve successive terms.~~

SECTION 31. Arkansas Code § 15-5-1707 is repealed.

~~15-5-1707. Roles and responsibilities of the Arkansas Housing Trust Fund Advisory Committee.~~

~~(a) The Arkansas Housing Trust Fund Advisory Committee will operate within the structure of the Arkansas Development Finance Authority and will advise the Board of Directors of the Arkansas Development Finance Authority~~

~~on matters relating to the Arkansas Housing Trust Fund and its programs.~~

~~(b) The responsibilities of the advisory committee shall be to:~~

~~(1) Collaborate with the staff of the authority in drafting rules, compliance responsibilities, set-asides, and funding priorities for the fund and the programs funded by the fund, which rules and policies will be referred by the advisory committee to the authority for its review and approval;~~

~~(2) Review and advise the authority on fund marketing efforts;~~

~~(3) Review data on the use and impact of the fund compiled by the staff of the authority, which shall be provided to the advisory committee not less frequently than one (1) time a year;~~

~~(4) Prepare, working with the staff of the authority or the Department of Commerce, an annual review of the rules, compliance responsibilities, set-asides, funding priorities, and funding decisions, including any recommended changes, which review shall be presented to the board for final approval; and~~

~~(5) Prepare an annual performance report for the fund, including information about the fund's success in meeting its intended purposes, which shall be provided to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.~~

SECTION 32. Arkansas Code § 15-11-803(b), concerning eligibility for Arkansas Great Places Program, is amended to read as follows:

(b)~~(1)~~ An eligible organization may apply to the Department of Parks, Heritage, and Tourism for participation in the Arkansas Great Places Program.

~~(2) The department shall forward applications for participation in the program to the Arkansas Natural and Cultural Heritage Advisory Committee to select applicants for participation in the program.~~

SECTION 33. Arkansas Code § 15-11-803(d), concerning eligibility for Arkansas Great Places Program, is amended to read as follows:

(d) The ~~committee~~ department shall not approve an application for participation in the program if the application would:

(1) Fund academic research;

(2) Be awarded to a for-profit organization or event;

(3) Fund programs or projects that disregard the need to

preserve, protect, or conserve historical sites, structures, artifacts, and the environment; or

(4) Be outside accepted professional museum or environmental standards.

SECTION 34. Arkansas Code § 15-11-803(f)(2), concerning eligibility for Arkansas Great Places Program, is amended to read as follows:

(2) The criteria to be used by the ~~committee~~ department when determining whether to award a grant.

SECTION 35. Arkansas Code § 15-11-804(a)(1)(A), concerning selection for the Arkansas Great Places Program, is amended to read as follows:

(a)(1)(A) The ~~Arkansas Natural and Cultural Heritage Advisory Committee~~ Department of Parks, Heritage, and Tourism shall select four (4) eligible organizations for participation in the Arkansas Great Places Program by July 1, 2012.

SECTION 36. Arkansas Code § 15-11-804(a)(1)(C), concerning selection for the Arkansas Great Places Program, is amended to read as follows:

(C) The ~~committee~~ department shall select an eligible organization under subdivision (a)(1)(A) of this section from each of the four (4) congressional districts.

SECTION 37. Arkansas Code § 15-11-804(a)(2)(A), concerning selection for the Arkansas Great Places Program, is amended to read as follows:

(2)(A) After July 1, 2012, the ~~committee~~ department shall select by July 1 of each even-numbered year no more than four (4) eligible organizations for participation in the program.

SECTION 38. Arkansas Code § 15-11-804(b) and (c), concerning selection for the Arkansas Great Places Program, are amended to read as follows:

(b) A member of the ~~committee~~ department shall recuse from the consideration of an application for participation in the program by an eligible organization located in the county in which the member of the ~~committee~~ department resides.

(c) The ~~Department of Parks, Heritage, and Tourism~~ department shall

work with the Arkansas Economic Development Commission to maximize grants awarded to participants in the program.

SECTION 39. Arkansas Code § 15-45-302 is repealed.

~~15-45-302. Nongame Preservation Committee.~~

~~(a) The Nongame Preservation Committee will consist of five (5) members and will include the following representatives:~~

~~(1) The Director of the Arkansas State Game and Fish Commission;~~

~~(2) The Director of the State Parks Division; and~~

~~(3) The Director of the Arkansas Natural Heritage Commission.~~

~~(b) The remaining two (2) members shall:~~

~~(1) Be appointed by the Governor subject to confirmation by the Senate after the Governor consults with private conservation organizations from within the state; and~~

~~(2) Serve terms of three (3) years.~~

SECTION 40. Arkansas Code § 15-45-303(b) and (c), concerning expenditures for the Nongame Preservation Program, are amended to read as follows:

(b) All state agencies are authorized to make application to the ~~Nongame Preservation Committee~~ Arkansas State Game and Fish Commission for a grant from the fund to effectuate the purposes of this subchapter.

(c) No expenditure shall be made without the approval and authorization of the Governor ~~upon the recommendation of the Nongame Preservation Committee by majority vote.~~

SECTION 41. Arkansas Code § 17-87-203(18), concerning duties of the Arkansas State Board of Nursing, is repealed.

~~(18) Convene an advisory committee as provided for in this chapter to assist with oversight of medication assistive persons;~~

SECTION 42. Arkansas Code § 17-87-710 is repealed.

~~17-87-710. Medication Assistive Person Advisory Committee.~~

~~(a)(1) The Medication Assistive Person Advisory Committee is created as an advisory committee to the Arkansas State Board of Nursing.~~

~~(2) The committee shall assist the board in implementing the~~

~~provisions of this subchapter regarding medication assistive persons.~~

~~(b)(1) The Governor shall appoint six (6) members, subject to confirmation by the Senate, who have the following qualifications:~~

~~(A) Two (2) members shall be certified medication assistive persons;~~

~~(B) One (1) member shall be a licensed nursing home administrator who has worked in that capacity for at least five (5) years;~~

~~(C) One (1) member shall be a registered nurse who has been in a practice using certified nurse aides for at least five (5) years;~~

~~(D) One (1) member shall be a lay person representing the interest of consumers of healthcare services; and~~

~~(E) One (1) member shall be a nursing faculty member of an Arkansas nursing education program.~~

~~(2) The Governor shall consult the board before making an appointment under this section.~~

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

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

~~(e) The members of the committee shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-902.~~

SECTION 43. Arkansas Code § 17-98-103(2), concerning the definition of "Continuing education unit", is amended to read as follows:

(2) "Continuing education unit" means value given for participation in organized continuing education experience under reasonable sponsorship, capable direction, and qualified instruction approved by the State Board of ~~Disease Intervention Specialists~~ Health;

SECTION 44. Arkansas Code § 17-98-105(d), concerning the penalties and unlawful practices of disease intervention specialists, is amended to read as follows:

(d) The State Board of ~~Disease Intervention Specialists~~ Health shall assist the prosecuting attorney in the enforcement of this chapter, and any member of the board may present evidence of a violation to the appropriate prosecuting attorney.

SECTION 45. Arkansas Code § 17-98-107(a), concerning the disposition of fees or payments for licensing of disease intervention specialists, is amended to read as follows:

(a) All fees or payments collected by the State Board of ~~Disease Intervention Specialists~~ Health under this chapter shall be deposited into a bank designated by the board, and the board shall make a report annually to the Governor showing all receipts and disbursements of moneys and a summary of all business transacted during the year.

SECTION 46. Arkansas Code § 17-98-201 is repealed.

~~17-98-201. Creation.~~

~~(a) There is created the State Board of Disease Intervention Specialists, which shall consist of seven (7) members who shall be appointed by the Governor after consulting the employees of the Division of AIDS and Sexually Transmitted Diseases of the Department of Health and subject to confirmation by the Senate.~~

~~(b)(1) Members shall be appointed for seven-year terms, except for a person who is appointed to fill out the unexpired term of another member.~~

~~(2) The term of office shall expire on January 1 of each year.~~

~~(3)(A) Each year, three (3) candidates shall be submitted by registered disease intervention specialists to the Governor, who shall appoint one (1) to fill the expired term.~~

~~(B) The term of office shall be fixed so that one (1) member of the board will be retired each year, and each year three (3) candidates shall be submitted by registered disease intervention specialists to the Governor, who shall appoint one (1) to fill the expired term.~~

~~(c)(1) The appointees shall be registered disease intervention specialists who have been residents in the State of Arkansas for at least one (1) year, have had experience in the field of disease intervention for at least five (5) years, and are presently engaged in the field of disease intervention.~~

~~(2) The board members must hold a current certificate of registration issued by the board.~~

~~(d) The Governor shall fill any vacancy caused by death, resignation, or removal for the unexpired term.~~

~~(e) The members of the board shall serve without compensation but may~~

~~receive expense reimbursement in accordance with § 25-16-901 et seq. However, the expenses shall in no case exceed funds available to the board.~~

SECTION 47. Arkansas Code § 17-98-202 is repealed.

~~17-98-202. Meetings—Election of officers.~~

~~(a) The State Board of Disease Intervention Specialists shall hold a meeting at least one (1) time a year and at such times as the Chair of the State Board of Disease Intervention Specialists shall appoint.~~

~~(b) Annually, the board shall elect from its members a chair and a secretary.~~

~~(c) Four (4) members shall constitute a quorum, but no action may be taken on any questions unless at least four (4) members are in accord.~~

~~(d) The board shall adopt an official seal which shall be affixed to all certificates of registration.~~

SECTION 48. Arkansas Code § 17-98-203(a) and (b), concerning rules of the State Board of Disease Intervention Specialists, are amended to read as follows:

(a) The State Board of ~~Disease Intervention Specialists~~ Health shall adopt such rules as are reasonably necessary to administer this chapter.

(b) The Chair of the State Board of ~~Disease Intervention Specialists~~ Health and the Secretary of the State Board of ~~Disease Intervention Specialists~~ may administer oaths and subpoena witnesses.

SECTION 49. Arkansas Code § 17-98-301(a) and (b), concerning examinations of the State Board of Disease Intervention Specialists, are amended to read as follows:

(a) The State Board of ~~Disease Intervention Specialists~~ Health shall hold examinations to test the fitness of applicants for registration at such times and places within this state as the board shall determine. The board shall conduct at least one (1) examination every year. The scope of the examination shall be determined by the board.

(b) Within ninety (90) calendar days after an application is filed with the Secretary of the State Board of ~~Disease Intervention Specialists~~ Health, the board shall notify the applicant whether his or her application for examination was accepted or rejected and, if rejected, the reason

therefor.

SECTION 50. Arkansas Code § 17-98-302(a), concerning admission to examination for the State Board of Disease Intervention Specialists, is amended to read as follows:

(a) The State Board of ~~Disease Intervention Specialists~~ Health shall admit to examination any person who makes application to the Secretary of the State Board of ~~Disease Intervention Specialists~~ Health on forms prescribed and furnished by the board, pays an application fee set by the board to defray the expense of examination, and submits satisfactory proof to the board that he or she:

- (1) Meets the minimum educational requirements;
- (2) Meets the minimum specialized training requirements, as determined by the board;
- (3) Has had two (2) years of field experience in human immunodeficiency virus/sexually transmitted disease intervention; and
- (4) Is actively engaged in the field of human immunodeficiency virus/sexually transmitted disease intervention at the time he or she makes application.

SECTION 51. Arkansas Code § 17-98-303 is amended to read as follows:
17-98-303. Issuance of certificate without examination.

The State Board of ~~Disease Intervention Specialists~~ Health shall issue a certificate of registration without examination to any person who makes application on forms prescribed and furnished by the board, pays a registration fee set by the board, and submits satisfactory proof that he or she:

- (1) Has had at least two (2) years' experience in the field of human immunodeficiency virus/sexually transmitted disease intervention; and
- (2) Is registered as a disease intervention specialist in a state in which the qualifications for registration are not lower than the qualifications for registration in this state at the time he or she applies for registration.

SECTION 52. Arkansas Code § 17-98-304(a), concerning the expiration and renewal for the State Board of Disease Intervention Specialists, is

amended to read as follows:

(a) Each certificate of registration issued by the State Board of ~~Disease Intervention Specialists~~ Health shall expire on June 30 following the date of issue.

SECTION 53. Arkansas Code § 17-98-305(a), concerning application for reinstatement as a registered disease intervention specialist, is amended to read as follows:

(a) A former registered disease intervention specialist whose certificate has expired or has been suspended or revoked may make application for reinstatement by paying a renewal fee and submitting satisfactory proof to the State Board of ~~Disease Intervention Specialists~~ Health that he or she has complied with the continuing education requirements.

SECTION 54. Arkansas Code § 17-98-306 is amended to read as follows:
17-98-306. Refusal to renew – Suspension or revocation.

The State Board of ~~Disease Intervention Specialists~~ Health may refuse to renew or may suspend or revoke a certificate upon proof that the applicant is guilty of fraud, deceit, gross negligence, incompetency, or misconduct relative to his or her duties as a disease intervention specialist.

SECTION 55. Arkansas Code § 17-98-307(a)(1), concerning hearing and notice before the State Board of Disease Intervention Specialists, is amended to read as follows:

(a)(1) Before the State Board of ~~Disease Intervention Specialists~~ Health may suspend, revoke, or refuse to renew a certificate of registration, it shall set the matter for a hearing before the board, and, at least twenty (20) calendar days before the date set for hearing, it shall give written notice to the accused of the charges made and the date and place of the hearing.

SECTION 56. Arkansas Code § 19-5-1248 is repealed.

~~19-5-1248. Electrical Energy Advancement Program Fund.~~

~~(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Electrical Energy Advancement Program Fund".~~

~~(b) The fund shall consist of:~~

- ~~(1) Funds provided by law;~~
- ~~(2) Grants made by any person or federal government agency; and~~
- ~~(3) Other funds that become available through energy programs.~~

~~(c) The fund shall be used by the Arkansas Statewide Energy Consortium under the Electrical Energy Advancement Program, § 6-61-1501 et seq., to provide opportunities for Arkansas citizens to legitimately pursue high-technology and knowledge-based jobs in the electrical energy sector of Arkansas by providing a statewide, collaborative educational system focused on this sector.~~

SECTION 57. Arkansas Code Title 20, Chapter 8, Subchapter 7, is repealed.

~~Subchapter 7—Palliative Care~~

~~20-8-701. Definitions.~~

~~As used in this subchapter:~~

~~(1) “Palliative care” means patient-centered and family-centered medical care offered throughout the continuum of an illness that optimizes quality of life by anticipating, preventing, and treating the suffering caused by a serious illness to address physical, emotional, social, and spiritual needs and facilitate patient autonomy, access to information, and choice, including without limitation:~~

- ~~(A) Discussion of the patient’s goals for treatment;~~
- ~~(B) Discussions of treatment options appropriate to the patient, including hospice care, if needed; and~~
- ~~(C) Comprehensive pain and symptom management; and~~

~~(2) “Serious illness” means a medical illness or physical injury or condition that substantially impacts quality of life for more than a short period of time, including without limitation cancer, renal failure, liver failure, heart disease, lung disease, and Alzheimer’s disease and related dementia.~~

~~20-8-702. Palliative Care and Quality of Life Interdisciplinary Task Force—Creation—Membership.~~

~~(a) There is created the Palliative Care and Quality of Life~~

~~Interdisciplinary Task Force.~~

~~(b) The task force shall consist of thirteen (13) members as follows:~~

~~(1) Nine (9) members appointed by the Governor as follows:~~

~~(A) One (1) member who is a designee of the American Cancer Society;~~

~~(B) One (1) member who is a designee of the Hospice and Palliative Care Association of Arkansas, Inc.;~~

~~(C) One (1) member who is a designee of the Department of Veterans Affairs;~~

~~(D) One (1) member who is a designee of the American Heart Association, Arkansas Affiliate, Inc.;~~

~~(E) One (1) member who is a designee of the Arkansas Hospital Association, Inc.;~~

~~(F) One (1) member who is a designee of the Arkansas Medical Society, Inc.;~~

~~(G) One (1) member who is a designee of the Arkansas Health Care Association;~~

~~(H) One (1) member who is a designee of the Arkansas Center for Health Improvement; and~~

~~(I) One (1) member, who is appointed in consultation with the Secretary of the Department of Health, who is a palliative care professional with expertise in the following knowledge areas that may include without limitation:~~

~~(i) Interdisciplinary palliative care;~~

~~(ii) Medical, nursing, social work, pharmacy, or spiritual services;~~

~~(iii) Psychosocial issues involved in caregiving for patient and family caregivers or their advocates; and~~

~~(iv) Palliative care perspectives and challenges across multiple settings, including inpatient, outpatient, and community settings, and across pediatric, youth, adult, and geriatric populations;~~

~~(2) Two (2) members appointed by the President Pro Tempore of the Senate as follows:~~

~~(A) One (1) member who is a board-certified hospice and palliative medicine physician, physician assistant, or nurse; and~~

~~(B) One (1) member, in consultation with the Arkansas~~

~~Surgeon General, who is a palliative care professional with expertise in the following knowledge areas that may include without limitation:~~

~~(i) Interdisciplinary palliative care;~~

~~(ii) Medical, nursing, social work, pharmacy, or spiritual services;~~

~~(iii) Psychosocial issues involved in caregiving for patient and family caregivers or their advocates; and~~

~~(iv) Palliative care perspectives and challenges across multiple settings, including inpatient, outpatient, and community settings, and across pediatric, youth, adult, and geriatric populations; and~~

~~(3) Two (2) members appointed by the Speaker of the House of Representatives as follows:~~

~~(A) One (1) member who is a board-certified hospice and palliative medicine physician, physician assistant, advanced practice registered nurse, or nurse; and~~

~~(B) One (1) member, in consultation with the Arkansas Surgeon General, who is a palliative care professional with expertise in the following knowledge areas that may include without limitation:~~

~~(i) Interdisciplinary palliative care;~~

~~(ii) Medical, nursing, social work, pharmacy, or spiritual services;~~

~~(iii) Psychosocial issues involved in caregiving for patient and family caregivers or their advocates; and~~

~~(iv) Palliative care perspectives and challenges across multiple settings, including inpatient, outpatient, and community settings, and across pediatric, youth, adult, and geriatric populations.~~

~~(c) The members of the task force shall be appointed by September 1, 2017.~~

~~(d) In the event of a vacancy in the membership of the task force, a person shall be appointed by the appropriate individual and who meets the applicable eligibility requirements of the vacated position to fill the vacancy for the remainder of the term.~~

~~(e)(1) The task force shall select a chair and vice chair during the first meeting.~~

~~(2) The task force shall hold at least two (2) regular meetings in each calendar year at a time and place determined by the task force.~~

~~(f) Seven (7) members of the task force shall constitute a quorum to transact business.~~

~~(g) The members of the task force may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

~~(h) The Department of Health shall provide staff, information, and other assistance as reasonably necessary to assist the task force in its efficient organization.~~

~~(i) The purpose of the task force is to consult with and advise the Department of Health on matters relating to the establishment, maintenance, operation, and outcome evaluation of palliative care initiatives in the state.~~

~~(j) The task force shall expire on December 31, 2021, unless extended by the General Assembly.~~

~~20-8-703. Reports.~~

~~(a) The Palliative Care and Quality of Life Interdisciplinary Task Force shall submit a preliminary report to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives on or before January 17, 2019, that includes without limitation:~~

~~(1) Recommendations for the establishment, maintenance, operation, and outcome evaluation of palliative care initiatives in the state; and~~

~~(2) Recommendations for any statutory changes to be considered by the General Assembly.~~

~~(b) The task force shall submit a follow-up report to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives on or before December 31, 2020, detailing the implementation of the recommendations from the preliminary report.~~

~~(c) On and after August 1, 2017, the task force shall submit and present a quarterly report to the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor.~~

SECTION 58. Arkansas Code § 20-14-204 is amended to read as follows:
20-14-204. Officers.

(a) The Chair of the Governor's Commission on People with Disabilities shall be appointed biennially by the Governor and serve at the pleasure of

the Governor.

~~(b) The chair shall select an executive board.~~

~~(c) The Executive Board of the Governor's Commission on People with Disabilities is empowered to select from the commission membership a vice chair should such a position be desirable.~~

~~(d)~~(c) The chair, or in his or her absence the Vice Chair of the Governor's Commission on People with Disabilities, shall exercise general supervision of all commission affairs.

~~(e)~~(d) The chair shall preside over all meetings of the commission ~~and executive board~~, appoint subcommittees and chairs, and serve as an ex officio member of all subcommittees.

SECTION 59. Arkansas Code § 20-14-207 is repealed.

~~20-14-207. Executive board.~~

~~(a) The Chair of the Governor's Commission on People with Disabilities shall name an executive board from the membership consisting of no more than five (5) members, taking into consideration that consumer representation must be assured.~~

~~(b) The Executive Board of the Governor's Commission on People with Disabilities shall be responsible for the following activities:~~

~~(1) [Repealed.]~~

~~(2) Acting on behalf of the Governor's Commission on People with Disabilities between regular meetings of the full commission;~~

~~(3) Establishing a schedule for regular commission meetings and holding such other meetings of the executive board as may be necessary;~~

~~(4) Preparing an annual plan of work for the commission, subject to the approval of the commission;~~

~~(5) Assuring that commission activities coordinate with those of other public and private agencies responsible for providing services to disabled citizens;~~

~~(6) Scheduling a public hearing on any commission-related matter if a hearing is required by state law or deemed necessary by the commission; and~~

~~(7) Establishing such subcommittees as may be necessary to carry out the powers and duties of the commission.~~

SECTION 60. Arkansas Code § 20-14-208(a), concerning subcommittees of the Governor's Commission on People with Disabilities, is amended to read as follows:

(a) The ~~Executive Board of the~~ Governor's Commission on People with Disabilities shall establish such subcommittees as it determines necessary.

SECTION 61. Arkansas Code § 20-14-210(b), concerning gifts, grants, and donations to the Governor's Commission on People with Disabilities, is amended to read as follows:

(b) The commission may disburse and administer the gifts, grants, and donations in accordance with the conditions established by the ~~Executive Board of the Governor's Commission on People with Disabilities~~ commission.

SECTION 62. Arkansas Code § 20-45-302 is repealed.

~~20-45-302. Creation and purpose.~~

~~(a) There is established the "Arkansas Suicide Prevention Council".~~

~~(b) The purpose of the council is to serve as a central body on suicide prevention efforts across the state, including without limitation:~~

~~(1) Setting priorities for statewide, data-driven, evidence-based, and clinically informed suicide prevention in Arkansas;~~

~~(2) Providing a public forum to examine the current status of suicide prevention and intervention policies, priorities, and practices;~~

~~(3) Identifying interested parties, community, state, and national prevention providers and stakeholders for collaboration and devising a system of gathering data and other information to ensure coordination of suicide prevention resources and services throughout Arkansas;~~

~~(4) Assisting private, nonprofit, and faith-based entities, including without limitation coalitions, foundations, initiatives, churches, veterans groups, substance abuse recovery groups, senior adult organizations, grief support groups, injury prevention groups, and other groups to enhance suicide prevention and survivor support efforts; and~~

~~(5) Aiding in the development of evaluation tools and data collection for use in reporting suicide prevention efforts to the public.~~

~~(c) Within sixty (60) days of July 22, 2015, there shall be appointed to the council no more than twenty three (23) members, including:~~

~~(1) A representative of the office of the Attorney General, to~~

~~be designated by the Attorney General;~~

~~(2) A representative of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, to be designated by the Director of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;~~

~~(3) A representative of the Division of Elementary and Secondary Education, to be designated by the Commissioner of Elementary and Secondary Education;~~

~~(4) A representative of the Division of Youth Services, to be designated by the head of the Division of Youth Services;~~

~~(5) A representative of Arkansas Children's Hospital, to be designated by the President and Chief Executive Officer of Arkansas Children's Hospital;~~

~~(6) A representative of law enforcement, to be designated by the Director of the Division of Arkansas State Police;~~

~~(7) A representative from higher education, to be designated by the Director of the Division of Higher Education;~~

~~(8) A representative from kindergarten through grade twelve (K-12) education, to be designated by the Arkansas Education Association;~~

~~(9) A representative from an employee assistance program or human resources in the private sector, to be designated by the Governor;~~

~~(10) A licensed mental health professional, to be designated by the Governor;~~

~~(11) A representative of substance abuse treatment providers, to be designated by the Governor;~~

~~(12) A representative of primary medical care providers, to be designated by the Governor;~~

~~(13) A representative of first responders, to be designated by the Governor;~~

~~(14) A representative from a hospital with an on-site emergency department, to be designated by the Governor;~~

~~(15) A hospital-based social worker, to be designated by the Governor;~~

~~(16) An elected coroner, to be designated by the Governor;~~

~~(17) An active member or veteran of any branch of the United States Armed Forces, to be designated by the Governor;~~

~~(18) Two (2) family members of persons who died by suicide, to be designated by the Governor;~~

~~(19) A person who has attempted suicide, recovered, and is now thriving, to be designated by the Governor;~~

~~(20) A representative of the suicide prevention nonprofit community, to be designated by the Governor;~~

~~(21) A representative of the Arkansas Prevention Network, to be designated by the President of the Arkansas Prevention Network; and~~

~~(22) A representative from an interfaith organization, to be designated by the Governor.~~

~~(d) The council shall elect annually two (2) cochairs, a vice chair, and a secretary who will serve as an executive board.~~

~~(e)(1) The council shall establish a charter and bylaws within ninety (90) days of the first meeting.~~

~~(2) A quorum for conducting business is one half ($\frac{1}{2}$) of the appointed members.~~

~~(f)(1) The council shall meet at least four (4) times each year.~~

~~(2) The council shall meet at times and places that the cochairs deem necessary, but no meeting shall be held outside the state.~~

~~(3) Special meetings may be held at the call of the cochairs, as needed.~~

~~(g)(1) The appointed members of the council shall serve staggered terms of four (4) years with no more than two (2) contiguous terms.~~

~~(2) 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.~~

~~(h) Appointments shall:~~

~~(1) Represent persons of different ethnic backgrounds;~~

~~(2) Include members from each of Arkansas's four (4) congressional districts; and~~

~~(3) Include members with expertise from groups associated with high suicide rates and suicide attempts.~~

~~(i)(1) The members of the council shall serve without compensation but may seek reimbursement for travel expenses to and from meetings of the council.~~

~~(2) The expense reimbursement shall be paid by the Department of~~

~~Health from moneys available for that purpose.~~

~~(j) The Department of Health shall provide staff and programmatic support for the council to the extent that funding is available.~~

~~(k) The Department of Health is the designated agency for the purposes of suicide prevention and related state and federal programmatic and funding applications.~~

~~(l) Within the first year of its creation, the council shall make recommendations to the General Assembly on staffing and funding needs to implement an effective statewide suicide prevention program.~~

SECTION 63. Arkansas Code § 20-47-704 is repealed.

~~20-47-704. Children's Behavioral Health Care Commission—Composition—Duties.~~

~~The Governor shall establish a Children's Behavioral Health Care Commission. The commission shall:~~

~~(1) Consist of nine (9) members, who shall:~~

~~(A) Include families and advocates for children receiving behavioral healthcare services and representatives from a variety of behavioral healthcare agencies, disciplines, and providers; and~~

~~(B) Serve three-year terms, except that the initial term for two thirds (2/3) of the membership shall be equally divided by lot with one half of such persons serving an initial term of one (1) year and the other half serving an initial term of two (2) years; and~~

~~(2) Provide advice and guidance to the Department of Human Services and other state agencies providing behavioral healthcare services to children, youth, and their families on the most effective methods for establishing a system of care approach.~~

SECTION 64. Arkansas Code § 20-47-705 is amended to read as follows:

20-47-705. Behavioral healthcare initiatives.

The Department of Human Services, ~~with advice from the Children's Behavioral Health Care Commission,~~ shall:

(1) Identify and implement actions for ensuring that children, youth, and their families are full partners in the design and implementation of all aspects of the system of care as well as full partners in decisions about their care or their children's care;

(2) Identify up to two million dollars (\$2,000,000) per year to apply to the following purposes:

(A) Meeting extraordinary, non-Medicaid-reimbursable needs of children, youth, and their families, as identified in multiagency plans of services;

(B) Supporting creation or strengthening of entities designed to guide the development and operation of local, regional, and state components of the system of care;

(C) Strengthening family and advocate skills and capacity to provide meaningful input on the system of care; and

(D) Supporting the development and enhancement of needed behavioral healthcare services in underserved areas;

(3) Revise Medicaid rules to increase quality, accountability, and appropriateness of Medicaid-reimbursed behavioral healthcare services, including, but not limited to:

(A) Clarifying behavioral healthcare services definitions to assure that the definitions are appropriate to the needs of children, youth, and their families;

(B) Revising the process for Medicaid to receive, review, and act upon requests for behavioral health care for children and youth classified as seriously emotionally disturbed;

(C) Clarifying Medicaid certification rules for providers serving children, youth, and their families to assure that the certification rules correlate with the requirements for enrollment as a Medicaid provider of behavioral healthcare services;

(D)(i) Defining a standardized screening and assessment process designed to provide early identification of conditions that require behavioral healthcare services.

(ii) The standardized process shall ensure that:

(a) Assessments guide service decisions, outcomes, and, if appropriate, development of a multiagency plan of services; and

(b) Services delivered are appropriate to meet the needs of the child as identified by the assessment;

(4) Research, identify, and implement innovative and promising local, regional, or statewide approaches for better managing the state's

resources devoted to children's behavioral health; and

(5) Create additional capacity within the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to develop, support, and oversee the new system of care for behavioral healthcare services for children, including:

(A)(i) Selecting a new outcomes measurement tool to support an improved system of tracking, accountability, and decision-making.

(ii) The new outcomes measurement tool shall be selected no later than September 30, 2015, and shall replace the current outcomes measurement tool for purposes of reporting required in § 20-47-510; and

(B) Creating additional staff support to provide technical assistance, utilize information, identify and encourage best practices, monitor performance, and recommend system improvements.

SECTION 65. Arkansas Code § 20-77-2201 is repealed.

~~20-77-2201. Title.~~

~~This subchapter shall be known and may be cited as the "Healthcare Quality and Payment Policy Advisory Committee Act".~~

SECTION 66. Arkansas Code § 20-77-2203 is repealed.

~~20-77-2203. Healthcare Quality and Payment Policy Advisory Committee—
Created—Membership.~~

~~(a) The Healthcare Quality and Payment Policy Advisory Committee is created.~~

~~(b)(1) Except as provided under subdivision (b)(2) of this section, the committee shall consist of the following seven (7) voting members:~~

~~(A) Three (3) members appointed by the President Pro Tempore of the Senate, including:~~

~~(i) One (1) physician in good standing with the Arkansas State Medical Board;~~

~~(ii) One (1) member nominated by the Arkansas Hospital Association, Inc. who represents hospitals with more than one hundred (100) beds; and~~

~~(iii) One (1) medical director of a commercially owned insurance company participating with the Division of Medical Services~~

~~of the Department of Human Services in the Arkansas Health Care Payment Improvement Initiative;~~

~~(B) Three (3) members appointed by the Speaker of the House of Representatives, including:~~

~~(i) Two (2) physicians nominated by the Arkansas Medical Society, Inc.; and~~

~~(ii) One (1) member nominated by the Arkansas Hospital Association, Inc. who represents hospitals with fewer than one hundred (100) beds; and~~

~~(C) The Director of the Division of Medical Services of the Department of Human Services.~~

~~(2)(A) For purposes of reviewing a draft rule related to long-term care services and supports, the committee shall include the following five (5) additional voting members:~~

~~(i) One (1) member nominated by the Arkansas Health Care Association to represent nursing homes and appointed by the President Pro Tempore of the Senate;~~

~~(ii) One (1) member nominated by the Arkansas Association of Area Agencies on Aging and appointed by the President Pro Tempore of the Senate;~~

~~(iii) One (1) member nominated by the Arkansas Residential Assisted Living Association, Inc. and appointed by the President Pro Tempore of the Senate;~~

~~(iv) One (1) member nominated by the Arkansas Residential Assisted Living Association, Inc. and appointed by the Speaker of the House of Representatives; and~~

~~(v) One (1) member nominated by the HomeCare Association of Arkansas and appointed by the Speaker of the House of Representatives.~~

~~(B)(i) As used in subdivision (b)(2)(A) of this section, "long-term care services and supports" does not include services provided in intermediate care facilities for individuals with developmental disabilities or services provided by an entity licensed or certified by the Division of Developmental Disabilities Services of the Department of Human Services.~~

~~(ii) For purposes of reviewing a draft rule related to services provided in intermediate care facilities for individuals with~~

~~developmental disabilities and services provided by an entity licensed or certified by the Division of Developmental Disabilities Services, § 20-77-2205(b)(2) applies.~~

~~(3) A medical director of a commercially owned insurance company participating with the Division of Medical Services in the Arkansas Healthcare Payment Improvement Initiative who is not appointed under subdivision (b)(1)(A)(iii) of this section may serve as an ex officio member of the committee but shall not vote.~~

~~(c) The committee may appoint subcommittees of the committee to study, research, and advise the committee.~~

~~(d) The Department of Human Services may provide offices and staff for the committee.~~

~~(e)(1) The members of the committee shall serve two-year terms.~~

~~(2) At the first meeting of the committee, the length of the terms of the initial appointees shall be determined by lot.~~

~~(f) The members of the committee shall hold the first meeting in offices made available by the department within thirty (30) days of the appointment of the members of the committee.~~

~~(g) The committee annually shall select from its membership a chair and a vice chair.~~

~~(h)(1) A majority of the membership of the committee constitutes a quorum.~~

~~(2) A majority vote of the members present is required for any action of the committee.~~

~~(i)(1) A vacancy on the committee due to death, resignation, removal, or another cause shall be filled in the same manner as the initial appointment.~~

~~(2) A member appointed to fill a vacancy shall serve for the remainder of the vacated term.~~

~~(j) The members of the committee may be removed by the appointing official for cause.~~

~~(k) Members of the committee except those employed by the state may receive expense reimbursement and stipends under § 25-16-901 et seq.~~

SECTION 67. Arkansas Code § 20-77-2204 is repealed.

~~20-77-2204. Purpose.~~

~~The purpose of the Healthcare Quality and Payment Policy Advisory Committee is to make recommendations and provide advice and assistance to the Department of Human Services concerning the promulgation of rules submitted by the department to the committee to promote high quality, safe, effective, timely, efficient, and patient-centered physician services, hospital services, and long-term care services and supports in the State of Arkansas, as related to the development of episodes of care and the episodes of care target prices and quality metrics within the Arkansas Healthcare Payment Improvement Initiative.~~

SECTION 68. Arkansas Code § 20-77-2205 is amended to read as follows:

20-77-2205. Medicaid payment and reimbursement rules related to development of episodes of care.

(a)(1) ~~The Department of Human Services shall not adopt a rule under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., related to the development of episodes of care for patient-centered physician services, hospital services, and long-term care services and supports, including without limitation the episodes of care target prices and quality metrics, without first submitting the proposed rule to the Healthcare Quality and Payment Policy Advisory Committee for review.~~

~~(2) Concurrent with a submission of a draft rule to the committee under subdivision (a)(1) of this section, the department shall issue a public notice of the draft rule for which the department shall:~~

(A) Include in the notice a statement of the terms or substance of the draft rule and the specific provider category or categories affected;

(B) Mail the notice to any person who requests notice of a ~~submission of a draft rule to the committee under subdivision (a)(1) of this section;~~ and

(C) Post the notice on the department's website ~~in a section dedicated to the committee.~~

~~(3) Concurrent with a submission of a draft rule to the committee under subdivision (a)(1) of this section, the~~ The department shall post the draft rule on its website ~~in a section dedicated to the committee~~ during the entire period the draft rule is under consideration ~~by the committee.~~

~~(4)(2)~~ The department shall provide to a person who requests the information a meeting notice that identifies the time and place of each ~~committee and subcommittee~~ meeting and the draft rules under consideration by ~~the committee or subcommittee~~ at each meeting.

~~(b)(1)~~ At least forty five (45) days before initiating the promulgation process under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for a rule related to the development of episodes of care for patient-centered physician services, hospital services, or long-term care services and supports, including without limitation the episodes of care target prices and quality metrics, the department shall submit the draft rule to the committee for review and advice.

~~(2)(A)~~ If the draft rule pertains to a healthcare provider listed in § 20-77-2202(2) whose provider category is not represented on the committee, the committee department shall seek representation by designated representatives of the statewide provider association or associations for that provider category for the purpose of review and advice.

~~(B)(2)~~ The committee department shall:

~~(i)(A)~~ Provide at least twenty-five (25) days for the representatives of the affected healthcare providers to review and comment on the draft rule; and

~~(ii)(B)~~ Afford the representatives the opportunity to participate in ~~committee and subcommittee~~ deliberations on the draft rule.

~~(C)(i)~~ The committee shall not provide advice to the department without seeking the input of the affected healthcare providers.

~~(ii)~~ If the committee does not reach agreement with a provider association on a draft rule pertaining to a healthcare provider not represented on the committee, the committee shall prepare a written report that objectively states the information and viewpoints presented but does not advise the department concerning how to proceed on the draft rule.

~~(c)~~ A rule required to be submitted to the committee under subsection (b) of this section that is adopted without following this section is void.

~~(d)(1)~~ The committee shall issue and deliver a written advisory statement to the department within thirty (30) calendar days after the department's submission of the proposed rule to the committee.

~~(2)~~ If the department fails to follow the advice of the committee with respect to a proposed rule under this section, the department,

~~before beginning the promulgation process, shall prepare a written report setting out the advice of the committee and an explanation of the reason that the department decided not to follow the committee's advice with regard to the rule.~~

~~(3) The department shall make available for public review the report required under subdivision (d)(2) of this section and the text of the proposed rule during the public comment period.~~

~~(4) The department may begin the promulgation process for the proposed rule if the committee does not issue and deliver a written advisory statement to the department within thirty (30) calendar days after the department's submission of the proposed rule to the committee.~~

~~(e)(c) After the public comment period, the department shall retain and make available for public review the report required under subdivision (d)(2) of this section and the text of any final rule issued.~~

SECTION 69. Arkansas Code § 20-77-2206 is repealed.

~~20-77-2206. Powers and duties of Healthcare Quality and Payment Policy Advisory Committee.~~

~~The Healthcare Quality and Payment Policy Advisory Committee shall:~~

~~(1) Review and provide advice regarding draft rules submitted by the Department of Human Services under § 20-77-2205;~~

~~(2) Have the authority to obtain from the department all data and analysis required to fully meet its charge under § 20-77-2204; and~~

~~(3) Provide reports to the Legislative Council upon request.~~

SECTION 70. Arkansas Code § 20-77-2207 is repealed.

~~20-77-2207. Confidentiality.~~

~~(a) To the extent that the data, records, reports, and documents identify or could be used to identify an individual patient, a healthcare provider, an institution, or a health plan, the data, records, reports, and documents collected or compiled by or on behalf of the Healthcare Quality and Payment Policy Advisory Committee are confidential and are not subject to disclosure under state and federal law.~~

~~(b) Data, records, reports, and documents collected or compiled by or on behalf of the committee are not admissible in a legal proceeding and are exempt from discovery and disclosure to the same extent that records of and~~

~~testimony before committees that evaluate the quality of medical or hospital care are exempt under § 16-46-105(a)(1).~~

~~(c) A healthcare provider's use of the information in its internal operations does not operate as a waiver of the confidentiality protections under this section.~~

~~(d) The committee shall treat data, records, reports, and documents in a manner consistent with state and federal privacy requirements, including without limitation the privacy requirements under the Health Insurance Portability and Accountability Act of 1996, 45 C.F.R. § 164.512(i).~~

SECTION 71. Arkansas Code § 21-11-105 is repealed.

~~21-11-105. Suggestion Award Board.~~

~~(a)(1) There is created the Suggestion Award Board.~~

~~(2) The membership of the board shall consist of the Secretary of the Department of Transformation and Shared Services, the State Personnel Administrator, who shall serve as chair, and the cochairs of the Legislative Council.~~

~~(b) The decisions of the board regarding suggestions, awards, and appeals shall be final and binding to all parties concerned.~~

~~(c)(1) The board will review suggestions after the suggestor has filed a formal appeal.~~

~~(2) If, in the opinion of the board, further evaluation is needed, the board may request the agency to reevaluate the suggestion.~~

SECTION 72. Arkansas Code § 21-11-106 is repealed.

~~21-11-106. Reports by State Personnel Administrator.~~

~~(a) The State Personnel Administrator shall prepare and annually transmit a report detailing the operations of the Employee Suggestion System, including an accounting of all awards granted and any other information deemed appropriate by the director and the Governor.~~

~~(b)(1) The State Personnel Administrator shall submit monthly to the Suggestion Award Board a list of all suggestions which have been at agencies for evaluation for a period exceeding thirty (30) days.~~

~~(2) The list shall show the suggestion number, the agency doing the evaluation, and the date the suggestion was sent to the agency for evaluation.~~

SECTION 73. Arkansas Code § 23-115-204 is repealed.

~~23-115-204. Lottery Retailer Advisory Board.~~

~~(a)(1) The Director of the Office of the Arkansas Lottery shall appoint a Lottery Retailer Advisory Board to be composed of ten (10) retailers.~~

~~(2) In making appointments to the board, the director may consider a broad spectrum of geographical, racial, gender, and business characteristics of retailers.~~

~~(3) The board shall advise the Office of the Arkansas Lottery on retail aspects of lotteries and present the concerns of retailers throughout the state.~~

~~(b)(1) Except as provided in subdivision (b)(2) of this section, each member appointed to the board shall serve a term of two (2) years.~~

~~(2)(A) Five (5) of the initial appointees shall serve initial terms of one (1) year.~~

~~(B) The initial appointees shall draw lots to determine which five (5) members shall serve a one-year term.~~

~~(3) A member of the board shall not serve more than six (6) terms.~~

~~(c)(1) The board shall provide by rule for its operating procedures.~~

~~(2) Members shall serve without compensation or reimbursement of expenses.~~

~~(3) The board may report to the office and the Legislative Council in writing at any time.~~

~~(4) The director may invite the board to make an oral presentation to the office at any time.~~

~~(d) The following shall not be appointed as a member of the board:~~

~~(1) A member of the immediate family of the Secretary of the Department of Finance and Administration;~~

~~(2) A member of the immediate family of the director; or~~

~~(3) A member of the immediate family of an employee of the office.~~

SECTION 74. Arkansas Code § 23-115-206(a)(8)(D)(x), concerning internal controls and the annual audit of the Office of the Arkansas Lottery,

is repealed.

~~(x) A report from the Lottery Retailer Advisory Board, if a report was received during the fiscal year;~~

SECTION 75. Arkansas Code § 23-115-206(b)(4), concerning internal controls and the annual audit of the Office of the Arkansas Lottery, is amended to read as follows:

(4) This chapter does not limit the statutory authority of Arkansas Legislative Audit or the responsibilities of the office or related entities, ~~members of the Lottery Retailer Advisory Board,~~ employees, vendors, retailers, or any other individuals or entities to cooperate with Arkansas Legislative Audit or provide information or records requested by Arkansas Legislative Audit.

SECTION 76. Arkansas Code § 25-3-104 is repealed.

~~25-3-104. Arkansas Natural and Cultural Heritage Advisory Committee.~~

~~(a) There is established an Arkansas Natural and Cultural Heritage Advisory Committee whose members shall consist of:~~

~~(1) The Director of the Division of Arkansas Heritage;~~

~~(2) The Director of the Arkansas Economic Development Commission;~~

~~(3) The Director of State Highways and Transportation;~~

~~(4) The Secretary of the Department of Health;~~

~~(5) The Secretary of the Department of Parks, Heritage, and Tourism;~~

~~(6) The Director of the Arkansas State Game and Fish Commission;~~

~~(7) A person appointed by the Governor;~~

~~(8) A person appointed by the President Pro Tempore of the Senate; and~~

~~(9) A person appointed by the Speaker of the House of Representatives.~~

~~(b)(1) Except as provided in subdivision (b)(2) of this section, persons appointed to the committee by the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall serve terms of three (3) years.~~

~~(2) At the first meeting of the committee after the effective~~

~~date of this act, members appointed to the committee by the Governor, Speaker of the House of Representatives, or President Pro Tempore of the Senate shall draw lots to stagger terms so that:~~

~~(A) One (1) member shall serve a term of one (1) year;~~

~~(B) One (1) member shall serve a term of two (2) years;~~

and

~~(C) One (1) member shall serve a term of three (3) years.~~

~~(e) The committee shall elect from its membership a chair and vice-chair.~~

~~(d) A vacancy on the committee in the positions appointed by the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall be filled by the appointing authority for the unexpired portion of the term in which it occurs.~~

~~(e) A majority of the total membership of the committee constitutes a quorum.~~

~~(f) Members of the committee appointed by the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives may receive expense reimbursement and stipends under § 25-16-901 et seq. as allowed by law.~~

SECTION 77. Arkansas Code § 25-16-903(69), concerning the authorization for a stipend for state boards and commissions, is repealed.

~~(69) Arkansas Natural and Cultural Heritage Advisory Committee;~~

SECTION 78. Arkansas Code § 25-24-102(6)(A), concerning the duties of the Martin Luther King, Jr. Commission, is repealed.

~~(6)(A) To establish a Martin Luther King, Jr. Youth Commission to educate young persons on the principles and legacy of Martin Luther King, Jr.~~

~~(B) Members of the Martin Luther King, Jr. Youth Commission may receive expense reimbursement in accordance with § 25-16-901 et seq.; and~~

SECTION 79. Arkansas Code § 25-33-101 is repealed.

~~25-33-101. State Technology Council.~~

~~(a) There is created the State Technology Council to consist of the~~

~~following members:~~

~~(1) The Director of the Division of Information Systems or his or her designee who shall act as chair of the council;~~

~~(2) The Secretary of the Department of Transformation and Shared Services or his or her designee;~~

~~(3) Two (2) members from the private sector appointed by the Governor with knowledge and experience in the management and implementation of information technology; and~~

~~(4) Two (2) members from state agencies appointed by the Governor who have knowledge and experience in the management and implementation of information technology.~~

~~(b) The council shall be responsible for developing:~~

~~(1) The information technology standards and specifications for state agencies;~~

~~(2) A state information technology plan that shall establish state-level mission, goals, and objectives for the use of information technology; and~~

~~(3) Technical standards and specifications to support the state's shared enterprise architecture.~~

~~(c) The council may meet as deemed necessary by the chair of the council.~~

~~(d) A quorum of the council shall consist of three (3) members.~~

~~(e) Members of the council shall serve without compensation.~~

~~(f) The chair of the council shall file a quarterly status report with the Governor and the Joint Committee on Advanced Communications and Information Technology.~~

SECTION 80. Arkansas Code § 25-43-302(7), concerning the state entities transferred to the Department of Commerce, is repealed.

~~(7) The Arkansas Housing Trust Fund Advisory Committee, created under § 15-5-1706;~~

SECTION 81. Arkansas Code § 25-43-802(47), concerning the state entities transferred to the Department of Health, is repealed.

~~(47) The State Board of Disease Intervention Specialists, created under § 17-98-201;~~

SECTION 82. Arkansas Code § 25-43-902(15), concerning the state entities transferred to the Department of Human Services, is repealed.

~~(15) The Youth Justice Reform Board, created under § 9-28-1201.~~

SECTION 83. Arkansas Code § 25-43-1302(a)(5), concerning state entities transferred to the Department of Parks, Heritage, and Tourism, is repealed.

~~(5) The Arkansas Natural and Cultural Heritage Advisory Committee, created under § 25-3-104.~~

SECTION 84. Arkansas Code § 25-43-1502(10), concerning the state entities transferred to the Department of Transformation and Shared Services, is repealed.

~~(10) The State Technology Council, created under § 25-33-101.~~

SECTION 85. Arkansas Code § 26-27-201(a), concerning the authority of the Arkansas Public Service Commission, is amended to read as follows:

(a) The Arkansas Public Service Commission shall ~~constitute the State Equalization Board and shall~~ equalize the assessment of property throughout the state.

SECTION 86. Arkansas Code § 26-27-202 is amended to read as follows:
26-27-202. Meeting.

(a) The Arkansas Public Service Commission shall meet ~~as the State Equalization Board~~ on the first Monday in October of each year for the purpose of equalizing the taxable valuation of all real or personal property.

(b) The ~~board~~ commission shall:

(1) Examine and compare the returns of the assessment of property in the counties of this state;

(2) Summon and hear witnesses and make or cause to be made investigation relative thereto; and

(3) Proceed to equalize the property, so that all the taxable property throughout this state shall be assessed uniformly at its true and full market or actual value, or at such percentage as has been duly certified by the commission.

SECTION 87. The introductory language of Arkansas Code § 26-27-203 is amended to read as follows:

In the performance of its duties, the ~~members of the State Equalization Board~~ Arkansas Public Service Commission shall be governed by the following rules:

SECTION 88. Arkansas Code § 26-27-204 is amended to read as follows:
26-27-204. Order of adjustment.

(a) A record of the proceedings of the ~~State Equalization Board~~ Arkansas Public Service Commission shall be kept by the secretary thereof.

(b)(1) A certified copy of the record or such part thereof as affects his or her county shall, on or before the third Monday in November, be furnished the county clerk of each county in which property, the assessed valuation of which has been ordered by the ~~board~~ commission increased or reduced, is situated.

(2) In carrying out the order of the ~~board~~ commission, the county clerk shall add to or deduct from the valuation of any property, as adjusted by the local assessment and equalization officials, such percentage or amount as the ~~board~~ commission might so order and shall enter the adjusted or equalized valuation in the proper record and extend taxes thereon.

SECTION 89. Arkansas Code § 26-27-320(b), concerning the assessed values entered on record, is amended to read as follows:

(b) In making the tax books of the county, unless further adjustments are ordered by the county court or the ~~State Equalization Board~~ Arkansas Public Service Commission, the county clerk shall extend the taxes on the adjusted or equalized values.

SECTION 90. Arkansas Code § 26-27-321(a), concerning abstract of tax books to be filed, is amended to read as follows:

(a) The county clerk of each county shall, on or before the second Monday in November of each year, unless otherwise ordered and directed by the ~~State Equalization Board~~ Arkansas Public Service Commission, file with the ~~State Equalization Board~~ commission, on such forms as it may prescribe, a "final abstract of the tax books".

SECTION 91. Arkansas Code § 26-28-303 is amended to read as follows:
26-28-303. Duty of county assessor.

Under the system provided for in this subchapter:

(1) It is the duty of the county assessor of each county to enter upon the assessment record of the county the adjusted or equalized assessed value of any and all property as found and fixed by the county equalization board;

(2) In making the tax books of the county, unless further adjustments are ordered by the county court or the ~~State Equalization Board~~ Arkansas Public Service Commission, the preparer of the tax books shall extend the taxes on the adjusted or equalized values;

(3) The county assessor shall deliver the assessment abstract to the ~~State Equalization Board~~ commission by August 1 of each year;

(4)(A) The county assessor shall make any changes to the abstract after the ~~State Equalization Board~~ commission finalizes its action.

(B) All changes in assessments, after the county assessor prepares the final abstract of the tax books, shall be made as specified in § 26-28-305(1) and documented by means of a prenumbered two-part change form with the reason for the change noted; and

(5)(A) The county assessor of each county shall, on or before the third Monday in January of each year, unless otherwise ordered and directed by the ~~State Equalization Board~~ commission, file with the ~~State Equalization Board~~ commission, on such forms as it may prescribe, a final abstract of the tax books.

(B) The final abstract of the tax books shall show, by total of items and value, the total assessment of the county after all adjustments.

SECTION 92. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that it is important to the citizens of Arkansas that state government services be provided in an efficient and cost-effective manner; that the abolishment of state entities that are no longer active is an effective way to achieve both operational efficiencies and economies of scale; and that this act is necessary to obtain cost efficiencies and streamline the provision of government services without

delay for the benefit of Arkansas taxpayers to allow services that preserve the health, safety, and property of Arkansas citizens; and that this act abolishing the entities contained in this act should become effective on July 1, 2023, to coincide with the appropriation bills of all the state departments. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2023.

/s/J. English

APPROVED: 3/21/23