

Stricken language would be deleted from and underlined language would be added to present law.
Act 938 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H4/1/25

A Bill

HOUSE BILL 1365

By: Representative K. Brown

For An Act To Be Entitled

AN ACT TO REMOVE RACIAL AND GENDER QUOTAS AND
QUALIFICATIONS OF MEMBERSHIP FOR CERTAIN BOARDS,
COMMITTEES, COUNCILS, AND COMMISSIONS; AND FOR OTHER
PURPOSES.

Subtitle

TO REMOVE RACIAL AND GENDER QUOTAS AND
QUALIFICATIONS OF MEMBERSHIP FOR CERTAIN
BOARDS, COMMITTEES, COUNCILS, AND
COMMISSIONS.

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

SECTION 1. Arkansas Code § 6-1-703(b)(2)(B)(vii), concerning the creation and membership of the Arkansas Financial Education Commission, is amended to read as follows:

(vii) Three (3) members who have various financial backgrounds, ~~one (1) member of the three (3) to be a female, one (1) member of the three (3) to be a racial minority,~~ appointed by the Treasurer of State.

SECTION 2. Arkansas Code § 6-11-101(c), concerning the membership of the State Board of Education, is repealed.

~~(c) The membership of the state board shall reflect the diversity in general education.~~

SECTION 3. Arkansas Code § 6-15-1601(b), concerning the establishment



and membership of the Commission on Closing the Achievement Gap in Arkansas, is amended to read as follows:

(b) The commission shall consist of eleven (11) members ~~representing the racial and ethnic diversity of Arkansas~~ as follows:

(1)(A) Five (5) persons appointed by the Governor.

(B)(i) One (1) of the Governor's appointees shall be a representative of business and industry in Arkansas, a representative of health and human services, or a public school teacher.

(ii)~~(a)~~ Four (4) of the Governor's appointees shall be ~~minority or~~ low-income parents concerned about the achievement gap with one (1) representative from each of the four (4) congressional districts.

~~(b) A minimum of two (2) of the individuals appointed under subdivision (b)(1)(B)(ii)(a) of this section shall be African-American.~~

~~(c) A minimum of one (1) of the individuals appointed under subdivision (b)(1)(B)(ii)(a) of this section shall be Hispanic;~~

(2)(A) Three (3) persons appointed by the President Pro Tempore of the Senate.

(B)(i) One (1) of the President Pro Tempore of the Senate's appointees shall be a member of the school of education faculty of ~~an historically black~~ a college in the state with an accredited school of education.

(ii) One (1) of the President Pro Tempore of the Senate's appointees shall be a ~~minority~~ person who has demonstrated a commitment to education.

(iii) One (1) of the President Pro Tempore of the Senate's appointees shall be a public school teacher with a special expertise in closing the achievement gap; and

(3)(A) Three (3) persons appointed by the Speaker of the House of Representatives.

(B)(i) One (1) of the appointees of the Speaker of the House of Representatives shall be a person who has experience working with children from ~~low-income~~ low-income families.

(ii) One (1) of the appointees of the Speaker of the

House of Representatives shall be a ~~minority~~ person who has demonstrated a commitment to education.

(iii) One (1) of the appointees of the Speaker of the House of Representatives shall be a public school administrator with a special expertise in closing the achievement gap.

SECTION 4. Arkansas Code § 6-15-1603(b)(3), concerning the local task forces on closing the achievement gap, is amended to read as follows:

(3) Task force members shall ~~be representative of community demographics, race, ethnic, gender, and socioeconomic diversity. It is strongly recommended that they~~ include:

(A)(i) Three (3) parents, as selected by the local school district's parent organization.

(ii) One (1) parent who has a child at an elementary school, one (1) who has a child at a junior high or middle school, and one (1) who has a child at a high school;

(B) School administrators, teachers, instructional support personnel, exceptional children personnel, and second language specialists, each of whom shall be selected by the superintendent;

(C) One (1) member of the local board of education, as selected by that board;

(D) One (1) representative of the local department of social services;

(E) At least one (1) juvenile court counselor;

(F) At least one (1) representative of local law enforcement;

(G) One (1) representative of the local Communities in Schools Program, if present in the local school district, as selected by the executive director of that program;

(H) At least one (1) representative of local businesses, as selected by the local chamber of commerce;

(I) Representatives from community-based organizations, as selected by the superintendent upon recommendation from those organizations;

(J) At least one (1) representative of a university school of education, if there is one in the area, as selected by the chair of the local board of education;

(K) Two (2) high school students, as recommended by their student councils and elected by the chair of the local board of education; and

(L) Any other community representatives, as selected by the superintendent.

SECTION 5. Arkansas Code § 6-15-2502(d)(4)(C), concerning the local advisory group related to education renewal zones, is repealed.

~~(C) The membership and staff of local advisory groups shall be reflective of the diversity of the population of the state.~~

SECTION 6. Arkansas Code § 6-61-529(b)(1), concerning the membership of local community college boards, is amended to read as follows:

(b)(1)~~(A)~~ If the local community college board chooses to become an appointed board, positions on the board shall become vacant as current terms expire, and persons who are residents and qualified electors of the community college district shall be appointed by the Governor for terms of six (6) years.

~~(B) To the extent possible, the Governor shall assure equitable representation on the board with regard to race and geographic distribution from throughout the district.~~

SECTION 7. Arkansas Code § 17-19-106(b)(3)(B), concerning the creation and membership of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board, is amended to read as follows:

(B)~~(i)~~ Each congressional district shall be represented by at least one (1) member of the board.

~~(ii) At least one (1) board member shall be an African American.~~

~~(iii) At least one (1) board member shall be a female.~~

SECTION 8. Arkansas Code § 17-22-201(b)(8), concerning the creation and membership of the State Athletic Commission, is amended to read as follows:

(8)(A) ~~Furthermore, one (1) of the seven (7) members of the~~

~~commission shall be a member of a minority race.~~

~~(B)~~ One (1) of the seven (7) members shall be a senior citizen.

~~(C)~~(B) Four (4) of the seven (7) members shall have experience with combative sports.

SECTION 9. Arkansas Code § 17-27-201(b), concerning the membership of the Arkansas Board of Examiners in Counseling, is amended to read as follows:

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

SECTION 10. Arkansas Code §§ 17-80-301 and 17-80-302 are repealed.

~~17-80-301. Purposes.~~

~~The purposes of this subchapter are to:~~

~~(1) Provide appointment recommendations for Arkansas state boards and commissions that license or otherwise regulate health-related professions to ensure board and commission compositions that reflect the diversity of the State of Arkansas; and~~

~~(2) Ensure that cultural competency, health disparities, and other minority health issues are adequately represented in the health policy decisions determined by state health-related agencies, boards, and commissions for the State of Arkansas.~~

~~17-80-302. Minority members of state health-related agencies, boards, and commissions.~~

~~(a) The appointing authorities for state health-related agencies, boards, and commissions shall consider appointment recommendations submitted by minority health-related professional associations.~~

~~(b) The recommending organizations under this section include without limitation:~~

~~(1) The Arkansas Medical, Dental, and Pharmaceutical Association;~~

~~(2) The Arkansas Association of Black Social Workers, Inc.;~~

~~(3) The Arkansas Black Nurses Association;~~

~~(4) The National Association of Hispanic Nurses, Arkansas Chapter;~~

~~(5) The National Pharmacists Association of Arkansas; and~~

~~(6) The Arkansas State Board of Nursing.~~

~~(c) Recommendations for appointments under this section shall:~~

~~(1) Be submitted to the appointing authorities at least thirty (30) days before the expiration of a position in a state health-related agency, board, or commission relevant to the field or practice of the recommending body;~~

~~(2) Be submitted to the appointing authorities anytime before the appointing authority fills a position that has opened due to resignation or removal before the end of the originally appointed term;~~

~~(3) Be submitted by an officially designated officer or committee on behalf of the recommending organization; and~~

~~(4) Include correspondence on official organizational letterhead and the resume or curriculum vitae of a recommended candidate.~~

~~(d) If a recommendation for appointment under subsection (b) of this section is not received within the time allotted for the appointment, the appointing authority may make the appointment without a recommendation.~~

~~(e) The health-related agencies, boards, and commissions for which recommendations may be considered under this section include the:~~

~~(1) Arkansas Board of Podiatric Medicine;~~

~~(2) Arkansas Psychology Board;~~

~~(3) Arkansas Social Work Licensing Board;~~

~~(4) Arkansas State Board of Dental Examiners;~~

~~(5) Arkansas State Medical Board;~~

~~(6) Arkansas State Board of Pharmacy;~~

~~(7) Board of Examiners in Speech Language Pathology and Audiology; and~~

~~(8) State Board of Optometry.~~

~~(f) This section does not change or affect any existing delineations for minority appointments.~~

SECTION 11. Arkansas Code § 17-88-202(b)(1), concerning the creation and membership of the Arkansas State Occupational Therapy Examining Committee, is amended to read as follows:

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

SECTION 12. Arkansas Code § 17-92-201(a), concerning the membership and qualifications of the Arkansas State Board of Pharmacy, is amended to read as follows:

(a) The Arkansas State Board of Pharmacy shall consist of eight (8) members, appointed by the Governor for terms of six (6) years:

(1) ~~Five (5)~~ Six (6) members shall be experienced pharmacists who have been actively engaged in the practice of pharmacy for the last five (5) years immediately preceding their appointments, to be appointed by the Governor after consulting the Arkansas Pharmacist's Association and subject to confirmation by the Senate;

~~(2) One (1) member shall be a minority who is a licensed practicing pharmacist in this state, to be appointed by the Governor after consulting the Pharmaceutical Section of the Arkansas Medical, Dental, and Pharmaceutical Association, Inc., and subject to confirmation by the Senate;~~
and

~~(3)(A)(2)(A)~~ Two (2) members of the board shall not be actively engaged in or retired from the practice of pharmacy. One (1) member shall represent consumers, and one (1) member shall be sixty (60) years of age or older and shall represent the elderly. Both shall be appointed from the state at large, subject to confirmation by the Senate. Both shall be full voting members but shall not participate in the grading of examinations.

(B) The two (2) positions shall not be held by the same person.

SECTION 13. Arkansas Code § 20-14-508(b)(1), concerning the membership of the State Interagency Council, is amended to read as follows:

(1) At least twenty percent (20%) of the membership shall include parents, ~~including minorities,~~ of infants and toddlers with disabilities, or a child with a disability who is twelve (12) years of age or younger, with knowledge of or experience with programs for infants and

toddlers with disabilities, and at least one (1) of the members shall be a parent of a child who is six (6) years of age or under;

SECTION 14. Arkansas Code § 20-47-505(a)(2)(B), concerning the creation and membership of the Child and Adolescent Service System Program Coordinating Council, is repealed.

~~(B) A member of an ethnic minority;~~

SECTION 15. Arkansas Code § 20-48-203(a)(1), concerning the creation and membership of the Board of Developmental Disabilities Services, is amended to read as follows:

(a)(1) The Board of Developmental Disabilities Services shall consist of seven (7) members, ~~at least one (1) of whom shall be a woman,~~ who shall be citizens and residents of the State of Arkansas and more than twenty-five (25) years of age.

SECTION 16. Arkansas Code § 20-78-703(b)(7), concerning the membership of the Rita Rowell Hale Prenatal and Early Childhood Nurse Home Visitation Program Advisory Council, is amended to read as follows:

(7) Two (2) members from the public at large, at least one (1) of whom shall be active in child advocacy within the state ~~and one (1) of whom shall be African American.~~

SECTION 17. Arkansas Code § 22-3-303(b)(3), concerning the creation and membership of the Capitol Zoning District Commission, is amended to read as follows:

(3) Four (4) resident electors of this state, to be designated by the Governor and who shall serve three-year terms, ~~one (1) of whom shall be a black;~~

SECTION 18. Arkansas Code § 23-61-1011(b)(7)(A), concerning the membership of the Health and Economic Outcomes Accountability Oversight Advisory Panel, is amended to read as follows:

(7)(A) Three (3) community members who represent health, business, or education, ~~who reflect the broad racial and geographic diversity in the state,~~ and who have demonstrated a commitment to improving the health

and welfare of Arkansans, appointed as follows:

- (i) One (1) member shall be appointed by and serve at the will of the Governor;
- (ii) One (1) member shall be appointed by and serve at the will of the President Pro Tempore of the Senate; and
- (iii) One (1) member shall be appointed by and serve at the will of the Speaker of the House of Representatives.

SECTION 19. Arkansas Code § 24-7-301(3), concerning the membership of the Board of Trustees of the Arkansas Teacher Retirement System, is amended to read as follows:

- (3) One (1) trustee shall be a ~~minority, as defined under § 1-2-503,~~ person who:
- (A) Is an active or retired member of the system;
 - (B) Is elected from the active and retired membership of the system; and
 - (C) Has at least five (5) years of actual service;

SECTION 20. Arkansas Code § 26-57-255(a)(3), concerning the creation and membership of the Arkansas Tobacco Control Board, is amended to read as follows:

- (3) Four (4) members of the board shall be members of the public at large who are not public employees or officials, ~~at least one (1) of whom shall be an African American,~~ and two (2) of whom shall be appointed by the Governor after consulting the Arkansas Medical Society, Inc., and subject to confirmation by the Senate.

SECTION 21. DO NOT CODIFY. SEVERABILITY CLAUSE. If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.

/s/K. Brown

APPROVED: 4/21/25