

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H4/2/19
A Bill

HOUSE BILL 1813

By: Representative Gazaway
By: Senator M. Pitsch

For An Act To Be Entitled

AN ACT TO STREAMLINE THE LAW CONCERNING GOVERNMENTAL ENTITIES; TO REFORM THE LAW CONCERNING CERTAIN AGENCIES, DEPARTMENTS, BOARDS, COMMISSIONS, AND COMMITTEES; AND FOR OTHER PURPOSES.

Subtitle

TO STREAMLINE THE LAW CONCERNING GOVERNMENTAL ENTITIES; AND TO REFORM THE LAW CONCERNING CERTAIN AGENCIES, DEPARTMENTS, BOARDS, COMMISSIONS, AND COMMITTEES.

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

SECTION 1. Arkansas Code § 13-5-903(b)(3), concerning membership of the Mosaic Templars of America Center for African-American Culture and Business Enterprise Advisory Board, is repealed.

~~*(3) No member shall serve more than two (2) four-year terms.*~~

SECTION 2. Arkansas Code § 13-7-202(c)-(g), concerning the membership of the Old State House Commission, are amended to read as follows:

~~*(c) Upon his or her appointment, each member shall notify the Governor in writing of his or her acceptance thereof or the appointment shall be void, and the Governor shall again appoint, unless the appointee shall thus indicate acceptance within fifteen (15) days.*~~

~~*(d) The term of office of each member appointed shall begin with the*~~



expiration of the term of his or her predecessor in office and shall each expire ~~nine (9)~~ four (4) years thereafter. Each member appointed shall continue to hold his or her office after the expiration of the term ~~thereof of office~~ until his or her successor shall have qualified.

~~(e)~~(d) Any vacancy arising in the membership otherwise than by the expiration of the term of office shall be filled by appointment by the Governor for the balance of the term of the membership which became vacant and until the qualification of a successor in regular course.

~~(f)~~(e) The Governor may, upon notice and hearing, remove any member for misconduct, neglect of duty, or other sufficient cause.

~~(g)~~(f) The members shall receive no compensation for their services, but they may receive expense reimbursement in accordance with § 25-16-901 et seq.

SECTION 3. Arkansas Code § 15-20-305 is amended to read as follows:
15-20-305. Commission – Members.

(a)(1) The Arkansas Natural Heritage Commission shall consist of fifteen (15) members.

(2)(A)(i) Nine (9) of the members shall be appointed by the Governor from persons with an interest in the preservation of natural areas, with two (2) members to be appointed from each congressional district and one (1) member to be appointed from the state at large.

(ii) One (1) member of the commission shall be a member of the board of directors of a levee or drainage district.

(iii) One (1) member shall be chosen from a list of five (5) persons jointly nominated by the Arkansas Farm Bureau Federation and the Agricultural Council of Arkansas.

(iv) One (1) member shall be appointed by the Governor from the state at large ~~subject to confirmation by the Senate.~~

(v) One (1) member shall be appointed by the Governor after consulting the Arkansas Wildlife Federation ~~and subject to confirmation by the Senate.~~

(B) Three (3) members shall be appointed by the Speaker of the House of Representatives ~~to serve at the pleasure of the Speaker of the House of Representatives.~~

(C) Three (3) members shall be appointed by the President

~~Pro Tempore of the Senate to serve at the pleasure of the President Pro Tempore of the Senate.~~

(b) Any successor appointments and appointments to vacancies on the commission shall be appointed in the same manner.

(c) ~~Members appointed by the Governor~~ All members shall serve terms of ~~nine (9)~~ four (4) years, and all members shall serve until their successors have been appointed and qualified.

(d) When an appointment is made to fill a vacancy, the appointment shall be for the remaining term of the position vacated.

(e) A member of the commission appointed by the Governor who has served two (2) consecutive full terms shall not be eligible for reappointment for a period of one (1) year following the expiration of the second full term.

~~(f) Members of the commission appointed by the Governor shall be subject to confirmation by the Senate.~~

~~(g)~~ Members of the commission shall serve without compensation, except that they may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

~~(h)~~(g) In addition to the per diem, members shall be paid a mileage allowance equal to the rate designated for state employees for each mile in traveling from their homes and returning.

SECTION 4. Arkansas Code § 17-27-404(f), concerning a quorum of the State Board of Examiners of Alcoholism and Drug Abuse Counselors, is amended to read as follows:

(f) ~~Seven (7)~~ A majority of the members of the State Board of Examiners of Alcoholism and Drug Abuse Counselors shall constitute a quorum.

SECTION 5. Arkansas Code § 17-84-202(b), concerning the membership of the Arkansas Board of Hearing Instrument Dispensers, is amended to read as follows:

~~(b)(1) Any five (5) of the eight (8) members of the board~~ A majority of the board, when properly convened, may conduct business of the board.

(2) The board may appoint one (1) or more of its members or any other person it deems appropriate as examiners for the purpose of hearing evidence, reporting findings thereon, and making recommendations to the

entire board for a decision on any matter over which the board has authority.

SECTION 6. Arkansas Code § 17-89-201(b), concerning the membership of the Arkansas Board of Dispensing Opticians, is amended to read as follows:

(b)(1) ~~The Arkansas Board of Dispensing Opticians~~ board shall be composed of ~~nine (9)~~ seven (7) members appointed by the Governor to three-year terms, subject to confirmation by the Senate.

(2)(A) ~~Three (3) members of the Arkansas Board of Dispensing Opticians~~ board shall be practicing licensed or registered dispensing opticians appointed by the Governor after consultation with the Arkansas Association of Dispensing Opticians.

(B) One (1) of the three (3) members shall be an employee of either an Arkansas-licensed ophthalmologist or optometrist.

~~(3) One (1) member of the Arkansas Board of Dispensing Opticians shall be a member of the State Board of Optometry.~~

~~(4)(3)~~ One (1) member of the ~~Arkansas Board of Dispensing Opticians~~ board shall be a licensed optometrist appointed by the Governor after consulting the Arkansas Optometric Association, Inc. and subject to confirmation by the Senate.

~~(5) Two (2) members~~

~~(4) One (1) member of the Arkansas Board of Dispensing Opticians~~ board shall be a licensed ophthalmologists ophthalmologist appointed by the Governor after consulting ~~the~~ The Arkansas Medical Society, Inc. and subject to confirmation by the Senate.

~~(6)(5)~~ One (1) member of the ~~Arkansas Board of Dispensing Opticians~~ board shall be a consumer.

~~(7)(A)(6)(A)~~ One (1) member of the ~~Arkansas Board of Dispensing Opticians~~ board shall represent the elderly.

(B) The representative of the elderly shall:

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

(ii) Not be actively engaged in or retired from the profession of ophthalmic dispensing;

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

(iv) Be a full voting member but shall not participate in grading examinations.

SECTION 7. Arkansas Code § 19-10-206 is amended to read as follows:
19-10-206. Meetings.

(a)(1) The Arkansas State Claims Commission shall meet at such time and place as may be designated by the ~~Chair~~ Clerk of the Arkansas State Claims Commission or the Director of the Arkansas State Claims Commission.

(2) General meetings of the commission for the purpose of hearing testimony and taking evidence will be held each month unless scheduled differently by the ~~chair~~ Clerk or director.

(b) The commission may, at its discretion, hold special meetings of the commission upon request by the interested parties.

(c) The commission shall traditionally meet in Little Rock at the State Capitol Building, but may conduct hearings elsewhere in the state if the commission deems a hearing is relative to business before the commission.

(d)(1)(A) ~~A majority of the~~ Unless otherwise provided for under this subchapter, the presence of three (3) commissioners shall constitute ~~constitutes~~ a quorum, and the concurrence of ~~two (2) members of the commission shall be~~ a majority of commissioners present is necessary for the allowance or disallowance of ~~any claims~~ a claim or action.

(B) Unless a claimant has requested in writing that the claim be heard by all five (5) commissioners within ten (10) days of the setting of the initial hearing date:

(i) Three (3) commissioners shall be empaneled to hear a claim; and

(ii) Two (2) commissioners shall be excused from attendance.

(2) A vacancy shall not impair the right of the remaining two (2) members to exercise all powers of the full commission.

(e) The provisions of §§ 25-16-804 and 25-17-211 do not apply to the commission.

SECTION 8. Arkansas Code § 20-2-102(c), concerning the terms of offices for members of the Arkansas Minority Health Commission, is amended to read as follows:

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

SECTION 9. Arkansas Code § 20-48-203(a)(2), concerning membership of the Board of Developmental Disabilities Services, is amended to read as follows:

(2) ~~One (1)~~ Four (4) of the members shall each be a resident of each of the ~~six (6) former~~ congressional districts ~~established by Acts 1951, No. 297 [repealed]~~.

SECTION 10. Arkansas Code § 20-64-1002(b)(2), concerning the terms of members of the Arkansas Alcohol and Drug Abuse Coordinating Council, is amended to read as follows:

(2) The following persons shall be appointed by the Governor for three-year terms ~~and will not serve more than two (2) consecutive terms:~~

(A) One (1) police chief, one (1) county sheriff, and one (1) drug court judge;

(B) A prosecuting attorney;

(C) A private citizen not employed by the state or the United States Government;

(D) A director of a publicly funded alcohol and drug abuse treatment program;

(E) A school drug counselor;

(F) A director of a drug abuse prevention program;

(G) A director of a driving while intoxicated program;

(H) A health professional; and

(I) Four (4) members from the state at large who have demonstrated knowledge of or interest in alcohol and drug abuse prevention, at least two (2) of whom shall be recovering persons.

SECTION 11. Arkansas Code § 23-89-518(a)(3), concerning the terms of members of Amusement Ride Safety Board, is amended to read as follows:

(3)(A) Except for the Director of the Department of Labor and the Director of the Department of Parks and Tourism, the terms of office of the members shall be for four (4) years or until a successor is appointed.

~~(B) No member of the board shall be appointed to serve more than two (2) consecutive full terms.~~

~~(C)~~ At the time of appointment or reappointment, the Governor shall adjust the length of terms to ensure that the terms of board

members are staggered so that, insofar as is possible, an equal number of members shall rotate each year.

SECTION 12. Arkansas Code § 25-24-101(d) - (h), concerning the membership of the Martin Luther King, Jr. Commission, is amended to read as follows:

~~(d)(1) Except as provided in subdivision (d)(2) of this section, no member of the commission subject to a term limit shall serve more than two (2) terms.~~

~~(2) Upon the conclusion of his or her initial appointment, an initial appointee to the commission subject to a term limit shall serve no more than two (2) additional terms.~~

~~(e)(d)~~ Vacancies in the membership of the commission shall be filled for the balance of the unexpired term by the appointing authority.

~~(f)(1)~~~~(e)(1)~~ Members of the commission shall be subject to removal from office by the appointing authority when the actions or condition of a member shall be considered as good cause for removal.

(2) "Good cause" means the same as defined in § 25-16-804.

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

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

/s/Gazaway