

# Hall of the House of Representatives

## 89th General Assembly - Regular Session, 2013

### Amendment Form

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#### Subtitle of House Bill No. 1738

TO AMEND THE COMPOSITION OF THE STATE BOARD OF EDUCATION.

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#### Amendment No. 1 to House Bill No. 1738

Amend House Bill No. 1738 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-11-101(a) and (b), concerning the membership of the State Board of Education, are amended to read as follows:

(a) The State Board of Education shall be composed of nine (9) members:

(1) Five (5) members shall be appointed as follows:

(A) One (1) member shall be appointed by the Governor;

(B) Two (2) members shall be appointed by the President

Pro Tempore of the Senate; and

(C) Two (2) members shall be appointed by the Speaker of

the House; and

(2)(A) ~~Two (2) members to be selected~~ Four (4) members shall be elected, one (1) from each of the congressional districts of the state as they exist on the July 31, 2007; and

(B)(i) Two (2) elected member positions shall be filled at each general election in the manner required under the general election laws of this state,

(ii) A candidate for an elected member position shall file for office in the same manner required for a candidate for United States House of Representatives.

(2) ~~One (1) member to be appointed at large from within the state.~~

(b)(1) ~~The term of office of a member of the state board shall be for a single term of seven (7) years~~ Members of the state board shall serve staggered terms of four (4) years that begin on January 1 and end on December 31.

(2)(A) ~~Any member appointed to the state board to fill a vacancy for an uncompleted term with less than three (3) years remaining on the original term may be reappointed to an additional term of seven (7) years.~~

(B) ~~No member serving three (3) or more years on the state board may be reappointed.~~

(2) A member may be reappointed until the member has served a maximum of thirteen (13) years.

(3) ~~No current or new member shall be allowed to resign in order~~



~~to be appointed to a new term on the state board.~~

~~(4) Nothing in this section shall be construed to change the terms of any member of the state board who was appointed prior to June 3, 2004.~~

SECTION 2. Arkansas Code § 6-11-101(e)-(g), concerning the membership of the State Board of Education, are amended to read as follows:

(e) The members of the state board ~~shall be appointed by the Governor, subject to the confirmation of the Senate and~~ shall take the oath of office for officers prescribed by the Arkansas Constitution.

(f)(1) Whenever a vacancy occurs in the membership of the state board, ~~the Governor:~~

(A) If the vacancy is for an appointed position, the officer who made the original appointment shall appoint a successor who shall serve the remainder of the unexpired term of the member that he or she succeeded, subject to all other provisions of this section; and

(B) If the vacancy is for an elected position, the Governor shall appoint a successor who shall serve the remainder of the unexpired term.

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

(g)(1) ~~Members~~ An appointed member of the state board ~~shall be~~ is subject to removal from office by the ~~Governor~~ officer who made the original appointment when the actions or condition of a member shall be considered as sufficient cause for removal.

(2) However, before a member may be removed for cause, this cause must have been accepted as true, good, and sufficient by a majority written vote of all members of the state board after a formal hearing at a regular or special session of the state board.

SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY.

(a) The members of the State Board of Education serving on the effective date of this act shall continue to serve until their successors take the oath of office.

(b) The four (4) elected members shall be elected at the 2014 general election.

(c)(1) By September 1, 2013, the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate shall make the initial appointments required under this act to fill the positions of the five (5) board members who have served the longest.

(2) A current member of the state board may be appointed to begin a new term under this act.

(d)(1) At the first regular meeting at which the newly appointed members serve, the newly appointed members shall draw for staggered terms as follows:

(A) Two (2) members shall serve an initial term of two (2) calendar years; and

(B) Three (3) members shall serve an initial term of four (4) calendar years.

(2) At the first regular meeting of at which the elected members serve, the elected members shall draw for staggered terms as follows:

(A) Two (2) members serve an initial term of two (2) years; and

(B) Two (2) members shall serve an initial term of four (4) years.

(3) The terms of the newly appointed and newly elected members shall begin upon the taking of the oath of office and shall end on December 31 of the last calendar year of the term drawn by the member under this section."

The Amendment was read \_\_\_\_\_

By: Representative Harris

CLR/CLR - 04-04-2013 11:41:57

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Chief Clerk