

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives J. Wilson, McGee and Roberts**

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For An Act To Be Entitled

8

"AN ACT TO CREATE A BOARD OF TRUSTEES FOR THE UNIVERSITY
9 OF ARKANSAS AT PINE BLUFF; AND FOR OTHER PURPOSES."

10

11

Subtitle

12

"TO CREATE A BOARD OF TRUSTEES FOR THE UNIVERSITY OF
13 ARKANSAS AT PINE BLUFF."

14

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

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17 SECTION 1. (a) There is created an honorary board constituting the
18 Board of Trustees of the University of Arkansas at Pine Bluff, which is made
19 and constituted a body politic and corporate.

20 (b) (1) The board shall consist of seven (7) members.

21 (2) The Governor, by and with the advice and consent of the
22 Senate, shall appoint the members of the board.

23 (3) The Secretary of State shall furnish a certificate to each
24 board member within ten (10) days following appointment, whereupon the
25 appointee shall notify the Governor and the Secretary of State in writing of
26 his acceptance of such appointment within thirty (30) days, and if such
27 appointee shall fail to give such notice of his acceptance within the time
28 required, then the appointment shall be declared void and another appointment
29 shall be made.

30 (c) (1) Members of the board appointed by the Governor under the
31 provisions of this section, in addition to possessing the qualifications of an
32 elector, shall reside in the State of Arkansas.

33 (2) The Governor, Attorney General, Secretary of State, State
34 Auditor, State Treasurer, Commissioner of State Lands, Justices of the Supreme
35 Court, and the director or employees of any state department, state agency, or

1 state institution shall be ineligible for membership on the board provided for
2 in this section during the time for which he was elected or appointed.

3 (d) (1) The term of office for each member shall commence on January
4 15 and shall end on January 14 of the seventh year following the year in which
5 the regular term commenced.

6 (2) The Governor shall submit to the Senate for approval, on or
7 before the fourteenth day following the commencement of each regular session
8 of the General Assembly, the names of all unconfirmed appointments made by him
9 to fill expired terms and the names of appointments to fill the terms expiring
10 during the regular session of the General Assembly. The members appointed by
11 the Governor to fill vacancies caused by the expiration of the terms of
12 members may qualify and hold office until the appointments are rejected by the
13 Senate.

14 (e) Any vacancies arising in the membership of the board for any reason
15 other than the expiration of the regular terms for which the members were
16 appointed shall be filled by the appointment of the Governor, subject to the
17 approval by a majority of the remaining members of the board, and shall be
18 thereafter effective until the expiration of the regular terms.

19 (f) (1) Before entering upon his respective duties, each board member
20 shall take and subscribe, and file in the office of the Secretary of State, an
21 oath to support the Constitution of the United States and the Constitution of
22 the State of Arkansas and to faithfully perform the duties of the office upon
23 which he is about to enter, and that he will not be or become interested,
24 directly or indirectly, in any contract made by the board.

25 (2) (A) Any violation of the oath shall be a misdemeanor and
26 shall be punished by a fine of not less than five hundred dollars (\$500) or by
27 imprisonment of not less than six (6) months, or by both fine and
28 imprisonment.

29 (B) Any contract entered into in violation of the oath
30 shall be null and void.

31 (g) (1) (A) There shall be one (1) regular meeting of the board
32 each year, to be held within thirty (30) days after the close of commencement
33 week.

34 (B) Called meetings may be held at the request of the
35 president or of any two (2) members of the board if at least seven (7) days'

1 written notice is given, in advance, to each member of the called meeting,
2 except in cases of emergency, when three (3) days' notice is sufficient.

3 (2) The board shall elect from its members a chairman who shall
4 preside at the meetings of the board, a vice-chairman who shall preside at the
5 meetings of the board in the absence of the regular chairman, and a secretary
6 who shall keep the records of the meetings of the board. The secretary need
7 not be a member of the board.

8 (3) A majority of the board shall constitute a quorum.

9 (4) Members of the board provided for in this section shall be
10 entitled to their actual expenses of attending meetings.

11 (h) (1) The Governor shall have the power to remove any member of the
12 board before the expiration of his term for cause only, after notice and
13 hearing.

14 (2) The removal shall become effective only when approved in
15 writing by a majority of the total number of the board, but the member removed
16 or his successor shall have no right to vote on the question of removal.

17 (3) The removal action shall be filed with the Secretary of State
18 together with a complete record of the proceedings at the hearing.

19 (4) (A) An appeal may be taken to the Pulaski County Circuit
20 Court by the Governor or the member ordered removed, and the appeal shall be
21 tried de novo on the record of the hearing before the Governor.

22 (B) An appeal may be taken from the circuit court to the
23 Supreme Court of Arkansas, which shall likewise be tried de novo.

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25 SECTION 2. (a) The board created by this act is charged with the
26 management and control of the University of Arkansas at Pine Bluff.

27 (b) The board shall have the power, authority, and duties formerly
28 conferred by law on the board which it succeeds, including those set forth in
29 this section.

30 (c) The board shall be charged with the liabilities of the corporate body
31 which it succeeds.

32 (d) (1) The board shall:

33 (A) Have perpetual succession of officers and members;

34 (B) Have the right to use and keep a common seal and to
35 alter the seal at will;

1 (C) Have the right to contract and be contracted with;

2 (D) Have the right to own, purchase, sell, and convey
3 property, real, personal, and mixed, and be authorized and empowered to
4 receive and hold donations, devises, bequests, and legacies for the use and
5 benefit of the institution, provided that all property purchased under the
6 authority of this chapter shall be free from liens and encumbrances and that
7 the title of the property, as well as to any donation that the board may
8 receive, shall be taken in the name of the members of the board and shall
9 become the property of the State of Arkansas;

10 (E) Have full power and authority from time to time to
11 make, constitute, and establish such bylaws, rules, and orders not
12 inconsistent with law as to them seem necessary for the regulation,
13 government, and control of themselves as trustees and all officers, teachers,
14 and other persons by them employed in and about the university, all persons in
15 the institution, and regarding limitations as to number of pupils to be
16 admitted;

17 (F) Have the authority to grant diplomas and degrees;

18 (G) Have full control over the governance of the internal
19 affairs of the University of Arkansas at Pine Bluff.

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21 SECTION 3. The Board of Visitors of the University of Arkansas at Pine
22 Bluff is hereby abolished.

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24 SECTION 4. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 5. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 6. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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