

*.As Engrossed: 4/8/93*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **First Extraordinary Session, 1992**  
4 **By: Representative Mahony**

# **A Bill**

**ACT 1251 OF 1993**  
**HOUSE BILL 1721**

## **For An Act To Be Entitled**

8 "AN ACT TO PROVIDE THAT WHEN ANY MEMBER OF A STATE  
9 COMMISSION, BOARD, COUNCIL, COMMITTEE, OR SIMILAR BODY IS  
10 DISQUALIFIED OR IS OTHERWISE TEMPORARILY UNABLE OR  
11 UNWILLING TO SERVE, THE GOVERNOR OR OTHER APPOINTING  
12 AUTHORITY MAY APPOINT A PERSON TO SIT AS A SPECIAL MEMBER  
13 OF THE ENTITY DURING THE REGULAR MEMBER'S ABSENCE; AND FOR  
14 OTHER PURPOSES."

## **Subtitle**

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17 "TO PROVIDE FOR THE APPOINTMENT OF SPECIAL MEMBERS TO  
18 STATE BOARDS AND COMMISSIONS UNDER CERTAIN CONDITIONS."

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

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22 SECTION 1. When any member of a state commission, board, council,  
23 committee, or similar body is disqualified or is otherwise temporarily unable  
24 or unwilling to serve *in regard to any matter or matters pending before the*  
25 *entity*, the Governor or other appointing authority may appoint a qualified  
26 person to serve as a special member of the entity *to hear and participate in*  
27 *the decision on the particular matter or matters.*

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29 SECTION 2. *The special board member appointed under this section shall*  
30 *have all authority and responsibility with respect to the particular matter or*  
31 *matters before the entity of a regular board member but shall have no*  
32 *authority or responsibility with respect to any other matter or matters before*  
33 *the board.*

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35 SECTION 3. *The chairman of the entity requesting a special board member*  
36 *shall inform the Governor or other appointing authority of the request in*

**jjd393**

1 writing no later than twenty-four (24) hours prior to the meeting in which the  
2 special board member shall serve.

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4 SECTION 4. A person appointed as a special member of a state  
5 commission, board, council, committee, or similar body pursuant to the  
6 provisions of this act shall be entitled to receive per diem and expense  
7 reimbursement in the same amount and under the same procedure as prescribed  
8 for regular members. The per diem and expense reimbursement shall be paid  
9 from the same source as per diem and expense reimbursement payment to regular  
10 members.

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12 SECTION 5. All provisions of this act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 6. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

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22 SECTION 7. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

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25 SECTION 8. EMERGENCY. It is hereby found and determined by the General  
26 Assembly that the Arkansas Supreme Court has ruled in a recent decision that  
27 there is no statutory procedure in place for the appointment of special  
28 Commissioners to decide matters which come before the State Highway Commission  
29 when Commissioners are disqualified; that it is unclear whether there is  
30 authority for the appointment of special members to other state commissions,  
31 boards, councils, committees, or similar bodies when members are disqualified  
32 or are otherwise unable or unwilling to participate in matters before the  
33 entities; that it is in the best interests of all persons concerned that  
34 specific authority be provided for the appointment of special members to hear  
35 and participate in the determination of matters before a state commission,

1 board, council, committee, or similar body when the regular members are  
2 disqualified or are otherwise unable or unwilling to participate in matters  
3 before the entity; that this act is designed to accomplish this purpose and  
4 should be given effect immediately. Therefore, an emergency is hereby  
5 declared to exist and this act being necessary for the immediate preservation  
6 of the public peace, health and safety shall be in full force and effect from  
7 and after its passage and approval.

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*/s/Jodie Mahony*

APPROVED: 4/20/93

***As Engrossed: 4/8/93***

**HB 1721**

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