

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/31/99

A Bill

Act 1414 of 1999
SENATE BILL 620

5 By: Senators Bradford, Beebe
6

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT ALL LEGISLATOR POSITIONS ON
9 EXECUTIVE BRANCH BOARDS AND COMMISSIONS SHALL
10 HEREAFTER BE FILLED BY NONLEGISLATORS; AND FOR OTHER
11 PURPOSES. "

Subtitle

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14 "TO PROVIDE THAT ALL LEGISLATOR POSITIONS
15 ON EXECUTIVE BRANCH BOARDS AND
16 COMMISSIONS SHALL HEREAFTER BE FILLED BY
17 NONLEGISLATORS. "

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. In recognition of the Arkansas Supreme Court's decision in
23 State Board of Workforce Education and Career Opportunities v. Miles King,
24 Number 99-04, it is the intent of this act to replace all legislator members
25 of executive branch boards and commissions with appointees who are not members
26 of the Senate or House of Representatives.
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28 SECTION 2. (a) As soon as possible after the effective date of this
29 act, the appointing authorities shall replace members of the General Assembly
30 servicing on executive branch boards and commissions identified below with
31 persons who are not members of the General Assembly:

- 32 (1) Advisory Committee on Accountability;
33 (2) Arkansas Alcohol and Drug Abuse Coordinating Council;
34 (3) Arkansas Alternative Dispute Resolution Commission;
35 (4) Arkansas Aviation and Aerospace Commission;
36 (5) Commission to Assist Persons Who Have Suffered Catastrophic

Financial Loss;

(6) Capitol Arts & Ground Commission;

(7) Catastrophic Financial Loss Commission;

(8) Arkansas Child Abuse/Rape/Domestic Violence Commission;

(9) Supervisory Board for the Arkansas Crime Information Center;

(10) Crowley's Ridge Trail Commission;

(11) Community Work, Recreation & Youth Opportunities;

(12) Early Childhood Commission;

(13) State Interagency Council;

(14) Arkansas Entertainers Hall of Fame Board;

(15) Trauma Advisory Council;

(16) Arkansas Health Resource Commission;

(17) Martin Luther King Jr. Commission;

(18) Mansion Advisory Council;

(19) Arkansas Minority Health Commission;

(20) Arkansas Natural and Cultural Resources Council;

(21) Arkansas Natural Heritage Commission;

(22) Commission on Improving Public Schools' Basic Skills

Opportunities Through Technology;

(23) Arkansas Pygmalion Commission on Nontraditional Education;

(24) Quality Management Board;

(25) Arkansas Rural Development Commission;

(26) School Self-Insurance Advisory Committee;

(27) School Motor Vehicle Self-Insurance Advisory Committee;

(28) School Transportation Funding Commission;

(29) Arkansas Science and Technology Authority;

(30) Arkansas Sentencing Commission;

(31) State Building Services Council;

(32) Arkansas State Employee & Public School Personnel Board;

(33) Compliance Advisory Panel of the Small Business Stationary

Source Technical and Environmental Compliance Assistance

Program;

(34) Trauma Advisory Council;

(35) Arkansas Task Force on Timber Land Assessment;

(36) Transitional Employment Assistance Program Advisory Council;

(37) Arkansas Public Transportation Coordination Council;

1 (38) Arkansas Tuition Trust Authority;

2 (39) University of Arkansas at Pine Bluff Board of Visitors;

3 (40) Arkansas Women's Commission;

4 (41) Workers' Compensation Commission; and

5 (42) State Board of Workforce Education and Career Opportunities.

6 (b) Hereafter, and notwithstanding any law to the contrary, no member
 7 of the General Assembly shall be appointed to any executive branch board or
 8 commission identified in subsection (a). The President Pro Tempore of the
 9 Senate and the Speaker of the House, in consultation with the Attorney
 10 General's office, shall make a determination concerning any other board or
 11 commission having legislative members. If the President Pro Tempore of the
 12 Senate and the Speaker of the House determine that legislative service on the
 13 board or commission would violate the Arkansas Supreme Court's decision in
 14 State Board of Workforce Education and Career Opportunities vs. Miles King,
 15 No. 99-04, they shall notify the appointing authority, who shall appoint a
 16 person who is not a member of the General Assembly as a replacement for the
 17 legislative member.

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 19 SECTION 3. All provisions of this act of a general and permanent nature
 20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 21 Revision Commission shall incorporate the same in the Code.

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 23 SECTION 4. If any provision of this act or the application thereof to
 24 any person or circumstance is held invalid, such invalidity shall not affect
 25 other provisions or applications of the act which can be given effect without
 26 the invalid provision or application, and to this end the provisions of this
 27 act are declared to be severable.

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 29 SECTION 5. All laws and parts of laws in conflict with this act are
 30 hereby repealed.

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 32 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
 33 Eighty-second General Assembly that the Arkansas Supreme Court has ruled that
 34 service by members of the General Assembly on executive branch boards and
 35 commissions which exercise the sovereign powers of this state is
 36 unconstitutional; that this act will avoid further litigation and cure

1 uncertainty as to whether service on the several boards and commissions
2 constitutes unconstitutional service; and that this act should go into effect
3 immediately in order to settle the issue without further litigation.
4 Therefore, an emergency is declared to exist and this act being immediately
5 necessary for the preservation of the public peace, health and safety shall
6 become effective on the date of its approval by the Governor. If the bill is
7 neither approved nor vetoed by the Governor, it shall become effective on the
8 expiration of the period of time during which the Governor may veto the bill.
9 If the bill is vetoed by the Governor and the veto is overridden, it shall
10 become effective on the date the last house overrides the veto.

11 */s/ Bradford*

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14 APPROVED: 4/13/1999
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