

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 309 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/4/09

A Bill

SENATE BILL 91

5 By: Senators H. Wilkins, Bryles, B. Johnson, Faris, Altes, G. Baker, Bledsoe, Bookout, Crumbly, Elliott,
6 Glover, Hendren, Horn, G. Jeffress, J. Jeffress, D. Johnson, Laverty, Luker, P. Malone, B. Pritchard,
7 Salmon, T. Smith, Steele, J. Taylor, Teague, Trusty, Whitaker, Wilkinson, D. Wyatt
8 By: Representatives Hardy, Allen, T. Baker, Blount, Cook, Davis, Flowers, Gaskill, W. Lewellen, Rainey,
9 Saunders, Williams, Word

10
11
12 **For An Act To Be Entitled**

13 AN ACT CONCERNING THE MARTIN LUTHER KING, JR.
14 COMMISSION; AND FOR OTHER PURPOSES.

15
16 **Subtitle**

17 CONCERNING THE MARTIN LUTHER KING, JR.
18 COMMISSION.
19

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

22
23 SECTION 1. Arkansas Code § 25-24-101 is amended to read as follows:
24 25-24-101. Creation – Members.

25 (a) There is hereby created a commission to be known as the “Martin
26 Luther King, Jr. Commission”.

27 ~~(b) The commission shall consist of twenty-six (26) members;~~

28 ~~(1) A representative of the Governor’s Office, to be appointed~~
29 ~~by the Governor and to serve at the pleasure of the Governor;~~

30 ~~(2) Four (4) members to be appointed by and serve at the~~
31 ~~pleasure of the President Pro Tempore of the Senate;~~

32 ~~(3) Four (4) members to be appointed by and serve at the~~
33 ~~pleasure of the Speaker of the House of Representatives;~~

34 ~~(4) Thirteen (13) members of the general public, to be appointed~~
35 ~~by the Governor, who shall be residents of the state, shall represent the~~



1 various geographical areas of the state and various civic, social, religious,
2 educational, labor, business, and artistic organizations, and shall be
3 committed to resolving conflict and to upholding the humanitarian philosophy
4 of Dr. King; and

5 ~~(5) Four (4) members of the general public, to be appointed by~~
6 ~~the Governor, who shall be residents of the state between the ages of sixteen~~
7 ~~(16) and nineteen (19), no more than one (1) of whom shall reside in the same~~
8 ~~congressional district.~~

9 ~~(c)(1) Members representing the general public appointed by the~~
10 ~~Governor shall serve for a term of three (3) years.~~

11 ~~(2) No member of the commission shall serve more than two (2)~~
12 ~~consecutive terms.~~

13 ~~(3) Vacancies in the membership shall be filled for the balance~~
14 ~~of the unexpired term in the same manner as the original appointments were~~
15 ~~made.~~

16 ~~(d)(1) The Governor shall designate one (1) cochair of the commission~~
17 ~~from the general public membership.~~

18 ~~(2) The Speaker of the House of Representatives and the~~
19 ~~President Pro Tempore of the Senate shall jointly designate one (1) cochair~~
20 ~~of the commission.~~

21 (b) The commission shall consist of thirteen (13) members as follows:

22 (1)(A) Five (5) members appointed by the Governor.

23 (B) The Governor shall appoint one (1) member from each
24 Congressional district;

25 (2)(A) Four (4) members appointed by the President Pro Tempore
26 of the Senate.

27 (B) The President Pro Tempore of the Senate shall appoint
28 one (1) member from each Congressional district; and

29 (3)(A) Four (4) members appointed by the Speaker of the House
30 of Representatives.

31 (B) The Speaker of the House of Representatives shall
32 appoint one (1) member from each Congressional district.

33 (c)(1) Of the initial appointments by the Governor:

34 (A) One (1) member shall serve a term of one (1) year;

35 (B) One (1) member shall serve a term of two (2) years;

36 (C) One (1) member shall serve a term of three (3) years;

1 and

2 (D) Two (2) members shall serve terms of four (4) years;

3
4 (2) Of the initial appointments by the President Pro Tempore of
5 the Senate:

6 (A) One (1) member shall serve a term of one (1) year;

7 (B) One (1) member shall serve a term of two (2) years;

8 (C) One (1) member shall serve a term of three (3) years;

9 and

10 (D) One (1) member shall serve a term of four (4) years.

11 (3) Of the initial appointments by the Speaker of the House of
12 Representatives:

13 (A) One (1) member shall serve a term of one (1) year;

14 (B) One (1) member shall serve a term of two (2) years;

15 (C) One (1) member shall serve a term of three (3) years;

16 and

17 (D) One (1) member shall serve a term of four (4) years.

18 (4) The appointing authority shall determine the lengths of
19 terms of his or her initial appointees.

20 (5) Except as provided in subdivision (c)(1)(E)(ii) of this
21 section, all succeeding appointments shall be for terms of four (4) years.

22 (6) The Governor shall select annually a chair from the
23 membership of the commission.

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

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

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

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

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

36 ~~(f)(g)~~ A majority of the commission shall constitute a quorum for the

1 transaction of business.

2 ~~(g)~~(h) Members of the commission shall serve without compensation *but*
3 ~~to the extent moneys are appropriated therefor,~~ *may receive expense*
4 reimbursement in accordance with § 25-16-901 et seq.

5
6 SECTION 2. Arkansas Code § 25-24-102 is amended to read as follows:

7 25-24-102. Duties.

8 The Martin Luther King, Jr. Commission shall have the following duties:

9 (1) To promote racial harmony, understanding, respect, and
10 goodwill among all citizens;

11 (2) To promote principles of nonviolence, peace, and social
12 justice;

13 (3) To promote among the people of Arkansas, by appropriate
14 activities, both awareness and appreciation of the civil rights movement and
15 advocacy of the principles and legacy of Martin Luther King, Jr.;

16 (4) To develop, coordinate, and advise the Governor and the
17 General Assembly of appropriate ceremonies and activities throughout the
18 state relating to the observance of Martin Luther King, Jr.'s birthday,
19 including without limitation providing advice and assistance to local
20 governments and private organizations with respect to the observance of
21 Martin Luther King, Jr.'s birthday; and

22 (5) To receive donations and contributions from individuals and
23 public and private organizations in order to carry out its responsibilities;

24 (6)(A) To establish a Martin Luther King, Jr. Youth Commission
25 to educate young persons on the principles and legacy of Martin Luther King,
26 Jr.

27 (B) Members of the Martin Luther King, Jr. Youth
28 Commission may receive expense reimbursement in accordance with § 25-16-901
29 et seq.; and

30 (7) To enable the people of Arkansas to reflect on the life and
31 teachings of Martin Luther King, Jr. through educational endeavors, cultural
32 performances, exhibitions, and events that are multiethnic and family
33 oriented.

34
35 SECTION 3. Arkansas Code § 25-24-103 is amended to read as follows:

36 25-24-103. ~~Powers~~ Staff of commission.

1 (a) The Governor shall appoint an executive director of the Martin
2 Luther King, Jr. Commission.

3 (2) The executive director shall serve at the pleasure of the
4 Governor.

5 (b) The Martin Luther King, Jr. Commission may employ ~~such~~ staff and
6 consultants as authorized by law and fix their compensation, duties,
7 authority, and responsibilities.

8
9 SECTION 4. NOT TO BE CODIFIED. (a) The appointing authorities under
10 § 25-24-101(b) and (c) shall make their appointments to the Martin Luther
11 King, Jr. Commission within sixty (60) days of the effective date of this
12 act.

13 (b) The terms of the current twenty-six (26) members of the commission
14 shall end upon the appointment of the thirteen (13) members by the appointing
15 authorities under § 25-24-101(b) and (c).

16
17 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that the Martin Luther King, Jr.
19 Commission serves an important and valuable role in this state, that the
20 commission requires restructuring to fulfill its functions and advance its
21 goals, and that the ideal time to commence this restructuring is at the
22 beginning of the state's fiscal year. Therefore, an emergency is declared to
23 exist and this act being necessary for the preservation of the public peace,
24 health, and safety shall become effective on July 1, 2009.

25
26 */s/ H. Wilkins*

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28 **APPROVED: 3/04/2009**