

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S2/24/21

A Bill

HOUSE BILL 1356

5 By: Representative Dotson
6 By: Senator B. Ballinger
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PROCESS OF EVALUATION OF STATE
10 BOARDS AND COMMISSIONS; TO REQUIRE SUBMISSION OF A
11 REPORT; TO RECOMMEND THE ABOLITION OF A STATE BOARD
12 OR COMMISSION FOR FAILURE TO SUBMIT A REPORT; AND FOR
13 OTHER PURPOSES.
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Subtitle

16 TO AMEND THE PROCESS OF EVALUATION OF
17 STATE BOARDS AND COMMISSIONS; TO REQUIRE
18 SUBMISSION OF A REPORT; AND TO RECOMMEND
19 THE ABOLITION OF A STATE BOARD OR
20 COMMISSION FOR FAILURE TO SUBMIT A
21 REPORT.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 25-1-106 is amended to read as follows:

28 25-1-106. Evaluation of necessity of various commissions and boards.

29 (a) For purposes of this section, "constitutional board or commission"
30 means the Arkansas State Game and Fish Commission, the State Highway
31 Commission, and all boards or commissions charged with the management or
32 control of all charitable, penal or correctional institutions, or an
33 institutions of higher learning under Arkansas Constitution, Amendment 33.

34 (b) ~~Any part-time~~ A state board or commission that has not convened a
35 meeting or has convened without a quorum for two (2) consecutive, regularly
36 scheduled meeting dates within ~~a~~ the preceding two-year period shall vote to



1 elect a new chair and vice chair.

2 ~~(b)(1)(c)(1)~~ If a ~~part-time~~ state board or commission has not convened
3 a regularly scheduled meeting or has convened without a quorum for four (4)
4 consecutive, regularly scheduled meeting dates within a the preceding two-
5 year period, the Joint Performance Review Committee shall reevaluate the
6 purpose, need, and effectiveness of the state board or commission.

7 (2) The Joint Performance Review Committee shall report its
8 findings and any recommendations concerning the existence of the state board
9 or commission to the Legislative Council no later than December 1 of each
10 even-numbered year and shall draft legislation to implement the
11 recommendations.

12 ~~(e)(d)(1)~~ No later than August 1 of each even-numbered year, each
13 ~~part-time~~ state board and commission shall provide the Joint Performance
14 Review Committee with a ~~list~~ report of the regularly scheduled meeting dates
15 for the state board or commission for the previous two (2) fiscal years,
16 including the attendance record of each member and the number of meetings
17 that were convened.

18 (2) If a state board or commission, other than a constitutional
19 board or commission, has not submitted the report required in subdivision
20 (d)(1) of this section to the Joint Performance Review Committee by August 1
21 of each even-numbered year, the authority of the state board or commission
22 may be suspended on August 1 of the even-numbered year by the Joint
23 Performance Review Committee at the next Joint Performance Review Committee
24 meeting, and the state board or commission may not take any action, including
25 the expenditure of funds, until the report required in subdivision (d)(1) of
26 this section is provided to the Joint Performance Review Committee.

27 (3) If a state board or commission, other than a constitutional
28 board or commission, has not submitted the report required in subdivision
29 (d)(1) of this section to the Joint Performance Review Committee by December
30 1 of the even-numbered year, the Joint Performance Review Committee may
31 direct the Bureau of Legislative Research to draft legislation that:

32 (A) Abolishes the state board or commission upon sine die
33 adjournment of the next regular session of the General Assembly;

34 (B) Allows the reversion of all authority of the state
35 board or commission to the General Assembly or to the General Assembly's
36 designee; and

1 (C) Requires all funds, income, and revenue to revert to
2 the General Revenue Fund Account or other fund or account as provided by the
3 General Assembly.

4 (4) This section does not prohibit the General Assembly from:

5 (A) Abolishing a state board or commission, other than a
6 constitutional board or commission, that has submitted a report; or

7 (B) Considering any other legislation relative to a state
8 agency subject to this chapter.

9 (5) Except as otherwise provided, abolition of a state board or
10 commission does not affect rights and duties that mature, penalties that were
11 incurred, civil or criminal liabilities that arose, or proceedings that were
12 begun before the effective date of the abolition of the board or commission.

13 (e)(1) If a constitutional board or commission has not convened a
14 regularly scheduled meeting or has convened without a quorum for four (4)
15 consecutive, regularly scheduled meeting dates within the preceding two-year
16 period, the Joint Performance Review Committee shall reevaluate the purpose,
17 need, and effectiveness of the constitutional state board or commission.

18 (2) The Joint Performance Review Committee shall report its
19 findings and any recommendations concerning the constitutional board or
20 commission to the Legislative Council no later than December 1 of each even-
21 numbered year and may draft legislation to implement the recommendations.

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23 */s/Dotson*

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26 **APPROVED: 3/8/21**