

*As Engrossed: 2/23/95 4/6/95*

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 1192 OF 1995**  
**HOUSE BILL 1539**

4 **By: Representatives Ferrell and D.Wood**

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

8 "AN ACT TO REPEAL ARKANSAS CODE 6-43-104 (c) AND AMEND  
9 ARKANSAS CODE 25-17-212; TO PROVIDE THAT ARKANSAS CODE 21-  
10 8-304 RELATING TO ETHICS, CONFLICTS OF INTEREST, OR  
11 NEPOTISM WHICH IS APPLICABLE TO STATE AGENCIES AND STATE  
12 EMPLOYEES GENERALLY SHALL HEREAFTER BE APPLICABLE TO THE  
13 ARKANSAS SCHOOL FOR THE BLIND, THE ARKANSAS SCHOOL FOR THE  
14 DEAF, AND TO THE BOARD OF TRUSTEES AND EMPLOYEES OF THOSE  
15 INSTITUTIONS; AND FOR OTHER PURPOSES."

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## **Subtitle**

18 "TO REPEAL ARKANSAS CODE 6-43-104 (c)  
19 AND AMEND ARKANSAS CODE 25-17-212 AND TO  
20 PROVIDE THAT § 21-8-304 RELATING TO  
21 ETHICS AND NEPOTISM SHALL BE APPLICABLE  
22 TO SCHOOLS FOR THE BLIND AND DEAF."

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

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26 SECTION 1. Arkansas Code 6-43-104 (c) is repealed.

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28 SECTION 2. Arkansas Code 25-17-212 is amended to read as follows:

29 "25-17-212. Appointment and powers of superintendents.

30 (a) The Board of Correction shall select the superintendent of the  
31 institution committed to its care and shall exercise those powers of  
32 supervision and control which are not hereinafter specifically reserved to the  
33 superintendent.

34 (b) The superintendent shall be required to give his entire time to the  
35 management and operation of the institution and shall be selected because of  
36 his previous training and fitness to care for the institution entrusted to his

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1 care.

2 (c) The Board of Correction shall fix the salaries of officers and  
3 employees not already fixed by law.

4 (d) The superintendent authorized by subsection (a) of this section  
5 shall be required to give bond and a sum fixed by the Board of Correction,  
6 payable to the State of Arkansas, for the faithful discharge of his duties and  
7 the proper accounting for all money and property coming into his possession in  
8 his capacity as superintendent. The bond shall be made by any surety company  
9 authorized to do business in Arkansas, approved by the Governor, filed in the  
10 office of the Secretary of State, and paid for by the state out of current  
11 expenses appropriated to the institution.

12 (e) The immediate conduct and management of the institution shall be  
13 entrusted to the superintendent.

14 (f)(1) The superintendent shall have power to select and engage all  
15 employees of the institution at salaries fixed by the governing board,  
16 reporting the selections for approval to the board at the next regular meeting  
17 thereof.

18 (2) The superintendent shall have the sole power to remove  
19 employees of the institution and may remove any employee at any time in his  
20 discretion for cause, but in case of removal for cause he shall report the  
21 removal and the grounds therefor to the governing board."

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23 SECTION 3. Arkansas Code 21-8-304 relating to nepotism, ethics or  
24 conflicts of interest which are applicable to state agencies and state  
25 employees generally shall hereafter be applicable to the Arkansas School for  
26 the Blind and the Arkansas School for the Deaf and to the Board of Trustees  
27 and employees of those institutions.

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

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33 SECTION 5. If any provision of this act or the application thereof to  
34 any person or circumstance is held invalid, such invalidity shall not affect  
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

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

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7 SECTION 7. EMERGENCY. It is found and determined by the General  
8 Assembly of the State of Arkansas that it is important to the education and  
9 welfare of the students at the Arkansas School for the Blind and the Arkansas  
10 School for the Deaf that they receive instruction from caring and qualified  
11 individuals; that there is currently a demand for persons qualified in deaf  
12 and blind instruction; that persons who are qualified to give instruction in  
13 blind and deaf education oftentimes are related to other persons also  
14 qualified to give that instruction; that enabling such persons to work  
15 together to provide quality education benefits the students at the Arkansas  
16 School for the Blind and the Arkansas School for the Deaf; that in order to  
17 ensure that such qualified persons are not precluded from providing much  
18 needed services to the Arkansas School for the Blind or the Arkansas School  
19 for the Deaf it is necessary that this act become effective immediately.  
20 Therefore, an emergency is hereby declared to exist and this act being  
21 necessary for the immediate preservation of the public peace, health and  
22 safety shall be in full force and effect from and after its passage and  
23 approval.

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26 /s/Rep. Ferrell, et al

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28 APPROVED: 4-11-95

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