

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 959

"TO ABOLISH DORMANT BOARDS AND COMMISSIONS AND TO CLARIFY THE LAW
CONCERNING ONGOING BOARDS AND COMMISSIONS."

Amendment No. 1 to Senate Bill No. 959.

Amend Senate Bill No. 959 as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-17-1903 is repealed.

~~6-17-1903. Minority Teacher Recruitment Advisory Council—Creation.~~

~~(a) There is created a Minority Teacher Recruitment Advisory Council.~~

~~(b)(1) The council shall meet at least three (3) times a year to provide advice and counsel to the Equity Assistance Center.~~

~~(2) Members shall be appointed by the Governor.~~

~~(3) At least four (4) members of the council shall be members of a racial minority.~~

~~(4) The members of the council shall serve staggered terms of four (4) years.~~

~~(5) The members of the council shall annually elect a chair.~~

SECTION 2. Arkansas Code §§ 6-61-115 through 6-61-120 are repealed.

~~6-61-115. Arkansas Institution for Advocacy for the Blind.~~

~~(a) There is created the Arkansas Institution for Advocacy for the Blind. The institution shall be an institution of learning to train individuals to become advocates for the blind and to provide the information to the public concerning the needs and rights of blind citizens.~~

~~(b) The institution may provide educational services through a cooperative venture with one (1) or more institutions of higher education.~~

~~(c) The educational program of the institution shall not duplicate any social, rehabilitative, or educational programs for the blind that are in existence in the state on July 30, 1999.~~

~~6-61-116. Arkansas Board for the Institution for Advocacy for the Blind—Created.~~

~~(a) There is created the Arkansas Board for the Institution for Advocacy for the Blind.~~

~~(b)(1) The members of the board shall be appointed by the Governor as follows:~~



- ~~(A) Two (2) members shall be persons certified or degreed in the education of children who are visually impaired;~~
~~(B) One (1) member shall be a person who is legally blind;~~
~~(C) One (1) member shall be the parent of a legally blind child; and~~
~~(D) One (1) member shall be appointed from the general public.~~
- ~~(2) Appointments shall be made so that no more than two (2) members of the board shall reside in the same congressional district.~~
~~(3) The racial makeup of the board should reflect the racial population of the state as accurately as possible.~~
- ~~(c) The members of the board shall serve for terms of five (5) years. The initial appointees shall determine their terms by lot so that the term of one (1) member shall expire each year.~~
~~(d) The members of the board shall annually elect a chair.~~
~~(e) Meetings of the board shall be held during evening hours or on Saturdays. At least twenty (20) minutes shall be reserved at the end of each board meeting for members of the public to address the board.~~
~~(f) Each member of the board may receive expense reimbursement in accordance with § 25-16-902.~~

~~6-61-117. Arkansas Board for the Institution for Advocacy for the Blind — Powers.~~

- ~~The Arkansas Board for the Institution for Advocacy for the Blind may:~~
- ~~(1) Enter into cooperative ventures with one (1) or more institutions of higher education for the provision of facilities, equipment, and staff necessary for the institution; and~~
~~(2) Accept donations, gifts, and contributions in money, services, materials, or otherwise from any source and use or expend such moneys, services, materials, or other contributions in carrying on its operations, and accept appropriations from the state upon such terms and conditions as may be imposed by law to be used in the furtherance of this section, § 6-61-115, and § 6-61-116.~~

~~6-61-118. Arkansas Institution for Advocacy for the Deaf.~~

- ~~(a) There is created the Arkansas Institution for Advocacy for the Deaf. The institution shall be an institution of learning to train individuals to become advocates for the deaf and to provide the information to the public concerning the needs and rights of deaf citizens.~~
~~(b) The institution may provide educational services through a cooperative venture with one (1) or more institutions of higher education.~~
~~(c) The educational program of the institution shall not duplicate any social, rehabilitative, or educational programs for the deaf that are in existence in the state on July 30, 1999.~~

~~6-61-119. Arkansas Board for the Institution for Advocacy for the Deaf — Created.~~

- ~~(a) There is created the Arkansas Board for the Institution for Advocacy for the Deaf.~~
~~(b)(1) The members of the board shall be appointed by the Governor as follows:~~
- ~~(A) Two (2) members shall be persons certified or degreed~~

~~in the education of children who are deaf;~~

~~(B) One (1) member shall be a person who is legally deaf;~~

~~(C) One (1) member shall be the parent of a legally deaf child; and~~

~~(D) One (1) member shall be appointed from the general public.~~

~~(2) Appointments shall be made so that no more than two (2) members of the board shall reside in the same congressional district.~~

~~(3) The racial makeup of the board should reflect the racial population of the state as accurately as possible.~~

~~(c) The members of the board shall serve for terms of five (5) years. The initial appointees shall determine their terms by lot so that the term of one (1) member shall expire each year.~~

~~(d) The members of the board shall annually elect a chair.~~

~~(e) Meetings of the board shall be held during evening hours or on Saturdays. At least twenty (20) minutes shall be reserved at the end of each board meeting for members of the public to address the board.~~

~~(f) Each member of the board may receive expense reimbursement in accordance with § 25-16-902.~~

~~6-61-120. Arkansas Board for the Institution for Advocacy for the Deaf — Powers.~~

~~The Arkansas Board for the Institution for Advocacy for the Deaf may:~~

~~(1) Enter into cooperative ventures with one (1) or more institutions of higher education for the provision of facilities, equipment, and staff necessary for the institution; and~~

~~(2) Accept donations, gifts, and contributions in money, services, materials, or otherwise from any source and use or expend such moneys, services, materials, or other contributions in carrying on its operations, and accept appropriations from the state upon such terms and conditions as may be imposed by law to be used in the furtherance of this section, § 6-61-118, and § 6-61-119.~~

SECTION 3. Arkansas Code § 8-4-314 is repealed.

~~8-4-314. Compliance Advisory Panel — Small Business Stationary Source Technical and Environmental Compliance Assistance Program.~~

~~(a) There shall be created a Compliance Advisory Panel, the "panel", composed of seven (7) individuals.~~

~~(b) The panel shall consist of:~~

~~(1) Two (2) members who are not owners or representatives of owners of small business stationary sources selected by the Governor to represent the general public;~~

~~(2) Two (2) members selected by the Speaker of the House of Representatives who are owners or who represent owners of small business stationary sources;~~

~~(3) Two (2) members selected by the President Pro Tempore of the Senate who are owners or who represent owners of small business stationary sources; and~~

~~(4) One (1) member selected by the Director of the Arkansas Department of Environmental Quality.~~

~~(c)(1) Panel members shall serve a term of four (4) years.~~

~~(2) In the event of a vacancy in the membership of the panel~~

~~concerning a member selected by the General Assembly or the Governor, the Governor shall appoint a person meeting the applicable eligibility requirements of the vacated position to fill the vacancy for the remainder of the unexpired term.~~

~~(3) In the event of a vacancy in the membership of the panel concerning the member appointed by the director, the director shall appoint a person to fill the vacancy for the remainder of the unexpired term.~~

~~(d)(1) The panel shall hold at least one (1) regular meeting in each calendar year at a time and place determined by the panel.~~

~~(2) Special meetings may be called at the discretion of the chair.~~

~~(e) The panel shall select a chair and vice chair during the first annual meeting of each four year term.~~

~~(f) Four (4) members of the panel shall constitute a quorum to transact business.~~

~~(g) The members of the panel may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

~~(h) The panel shall:~~

~~(1) Render advisory opinions concerning the effectiveness of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, the "program", difficulties encountered, and degree and severity of enforcement;~~

~~(2) Make periodic reports to the Administrator of the United States Environmental Protection Agency concerning the compliance of the program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;~~

~~(3) Review information for small business stationary sources to assure such information is understandable by the layperson; and~~

~~(4) Have the program serve as the secretariat for the development and dissemination of such reports and advisory opinions.~~

SECTION 4. Arkansas Code §§ 13-5-603 and 13-5-604 are repealed.

~~13-5-603. Arkansas Post Museum Advisory Committee — Members.~~

~~(a) The Governor shall establish the Arkansas Post Museum Advisory Committee, to consist of not fewer than seven (7) nor more than nine (9) members as determined by the Governor.~~

~~(b)(1) All members shall be appointed for terms of five (5) years.~~

~~(2) All vacancies on the committee shall be filled by appointment by the Governor.~~

~~(c) At least one (1) of the members of the committee shall be a historian by profession.~~

~~(d)(1) The members of the committee shall serve without pay.~~

~~(2) The State Parks Division of the Department of Parks and Tourism is authorized to reimburse the committee members for expenses in accordance with § 25-16-901 et seq.~~

~~13-5-604. Arkansas Post Museum Advisory Committee — Duties.~~

~~(a)(1) The members of the Arkansas Post Museum Advisory Committee shall serve in an advisory capacity to the State Parks Division of the Department of Parks and Tourism in the establishment of policies and procedures for the development and operation of the Arkansas Post Museum.~~

~~(2) However, final authority for all matters relating to the~~

~~development and operation of the museum shall rest with the Director of the Department of Parks and Tourism.~~

~~(b) The committee shall develop and coordinate efforts to encourage gifts to the museum, under the supervision of the Director of the Arkansas Post Museum and with the approval of the Director of the State Parks Division of the Department of Parks and Tourism.~~

SECTION 5. Arkansas Code Title 15, Subchapter 4, Chapter 26, concerning the Arkansas Delta Development Commission, is repealed.

~~15-4-2601. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Commission" means the Arkansas Delta Development Commission;~~

~~(2) "Delta region" means Arkansas, Ashley, Baxter, Bradley, Calhoun, Chicot, Clay, Cleveland, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Fulton, Grant, Greene, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, Randolph, Searcy, Sharp, St. Francis, Stone, Union, Van Buren, White, and Woodruff counties;~~

~~(3) "Director" means the Executive Director of the Arkansas Delta Development Commission; and~~

~~(4) "Priority ranking" means the ranking by counties made by the commission under § 15-4-2605.~~

~~15-4-2602. Establishment.~~

~~(a) There is created a commission to be known as the "Arkansas Delta Development Commission".~~

~~(b) The commission shall consist of eleven (11) members, each of whom shall be a resident of the Delta region.~~

~~(c)(1) Two (2) members shall be appointed by the Speaker of the House of Representatives.~~

~~(2) Two (2) members shall be appointed by the President Pro Tempore of the Senate.~~

~~(3) Six (6) members shall be appointed by the Governor, and one (1) of the six (6) shall be a cochair of the commission.~~

~~(4) One (1) member shall be appointed jointly by the Speaker of the House of Representatives and the President Pro Tempore of the Senate and shall be a cochair of the commission.~~

~~(d)(1) The cochairs shall each serve a one year term.~~

~~(2) The remaining nine (9) members shall serve three year staggered terms, to be determined by lot at the first meeting of the commission so that three (3) serve one year terms, three (3) serve two year terms, and three (3) serve three year terms.~~

~~(e)(1) The cochair appointed by the Governor may be removed for cause by the Governor.~~

~~(2) The cochair appointed jointly by the Speaker of the House of Representatives and the President Pro Tempore of the Senate may be removed for cause by the Speaker of the House of Representatives and the President Pro Tempore of the Senate acting jointly.~~

~~(3) Any of the remaining nine (9) members may be removed for cause by the cochairs acting jointly.~~

~~(f) Any vacancy arising in the membership of the commission for any~~

~~reason other than expiration of the regular terms for which the members were appointed shall be filled by appointment by the person or persons who appointed the vacating member.~~

~~(g) Each member of the commission may receive expense reimbursement and stipends in accordance with § 25-16-905.~~

~~15-4-2603. Meetings.~~

~~(a) The Arkansas Delta Development Commission shall meet quarterly and at other such times as the cochairs acting jointly shall designate.~~

~~(b) At least two (2) times annually, the commission shall meet in a place or places within the Delta region that the commission shall deem appropriate.~~

~~(c) A quorum shall consist of not fewer than six (6) members present at any regular or special meeting, and a majority affirmative vote of members attending shall be necessary for the disposition of any business.~~

~~15-4-2604. Staff.~~

~~(a) The Arkansas Delta Development Commission may employ an executive director and fix his or her compensation, duties, authority, and responsibilities.~~

~~(b) The Executive Director of the Arkansas Delta Development Commission may hire support staff and other personnel as necessary to properly discharge his or her duties.~~

~~(c) The director shall be custodian of all property held in the name of the commission and shall be, ex officio, the disbursing agent of all funds available for its use.~~

~~15-4-2605. Duties.~~

~~(a) The Arkansas Delta Development Commission shall:~~

~~(1) Develop a comprehensive economic profile of each county in the Delta region;~~

~~(2) Develop, in cooperation with state, county, and local governments, a coordinated plan to identify those Delta region counties most in need of economic assistance;~~

~~(3) Develop priority rankings to ensure that greater resources are directed to the most distressed Delta region counties, while ensuring that all Delta region counties receive some assistance;~~

~~(4) Provide:~~

~~(A) Assistance to Delta region counties to help them meet their cost share responsibilities to other state programs; and~~

~~(B) Cost share assistance on the basis of each county's priority ranking; and~~

~~(5) Monitor county priority rankings to ensure that rankings are revised when necessary or appropriate.~~

~~(b) The commission shall adopt and may modify rules for the conduct of its business and shall keep a public record of its transactions, findings, and determinations.~~

~~(c)(1) The commission shall be charged with the duty of administering the provisions of this subchapter.~~

~~(2) By resolution, the commission may delegate to the Executive Director of the Arkansas Delta Development Commission any of the powers or duties vested in or imposed upon it by this subchapter. These delegated~~

~~powers and duties may be exercised by the director in the name of the commission.~~

~~(d) The commission may promote the development, retention, expansion, and support of economic opportunities in the Delta region through coordination with all state agencies, any available assistance programs, and through partnerships with private enterprises in the Delta region.~~

~~(e) The commission shall provide moneys to public and private nonprofit programs operating in or for the Delta region to fund research, technical assistance, and any construction of facilities necessary for any such programs.~~

~~(f)(1) The commission may receive gifts, grants, donations, fee conveyances, or transfers of money and property, both real and personal, from private and public sources or federal sources, or either, and sell or dispose of such property, real and personal, or either, as the commission deems advisable.~~

~~(2) Any funds and income from any property so furnished shall be placed in the State Treasury in the Arkansas Delta Region Trust Fund and shall be expended in the same manner as other state moneys are expended, upon vouchers drawn by the director.~~

~~(g) The commission shall prepare and publicize through the various appropriate media, including paid advertisements in instances in which appropriations have been made available for that purpose, information for the purpose of bringing into and establishing new industry in the state.~~

~~(h) The commission shall report its activities and progress to the Legislative Council by October 1 each year.~~

~~15-4-2606. Cooperative priority.~~

~~(a) All state agencies shall actively cooperate with the Arkansas Delta Development Commission.~~

~~(b) All state agencies shall to the fullest extent allowed by law give priority to the commission's Delta region program.~~

~~15-4-2607. Purpose.~~

~~The Arkansas Delta Development Commission shall:~~

~~(1) Be the chief advisory and oversight body in conjunction with the Department of Rural Services regarding representation of the state to the Delta Regional Authority;~~

~~(2) Administer any federal block grant funds submitted to the state under the Delta Regional Authority appropriation or action of the Delta Regional Authority Board; and~~

~~(3) Make recommendations for the appointment of members and alternates to the Delta Regional Authority.~~

~~15-4-2608. Funding.~~

~~(a) There is established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a fund to be known as the "Arkansas Delta Region Trust Fund".~~

~~(b) The fund shall consist of funds received by the Arkansas Delta Development Commission and any other moneys as may be provided by the General Assembly, there to be used for the administration and operations of the commission.~~

SECTION 6. Arkansas Code § 19-5-1124 is repealed.

~~19-5-1124. Arkansas Delta Region Trust Fund.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Delta Region Trust Fund".~~

~~(b) The fund shall consist of funds received by the Arkansas Delta Development Commission and any other moneys provided by the General Assembly, there to be used for the administration and operations of the commission.~~

SECTION 7. Arkansas Code Title 20, Chapter 15, Subchapter 16, concerning the Prostate Cancer Act of 1999, is repealed.

~~20-15-1601. Title.~~

~~This subchapter shall be known and may be cited as the "Prostate Cancer Act of 1999".~~

~~20-15-1602. Legislative findings.~~

~~(a) The General Assembly finds that:~~

~~(1) Prostate cancer is the most common cancer and the second leading cause of cancer death among men, causing approximately one hundred eighty-four thousand five hundred (184,500) new cases and approximately thirty-nine thousand two hundred (39,200) deaths in the United States annually. This means that approximately two thousand four hundred (2,400) Arkansas men will develop prostate cancer in any year and approximately five hundred (500) men will die of it;~~

~~(2) The elderly population and rural nature of Arkansas combine to make prostate cancer a greater problem here than in most states. Prostate cancer is rarely diagnosed in men younger than fifty (50) years of age, and the rate of prostate cancer increases faster with age than does any other malignancy. The median age of diagnosis is seventy-two (72) years. Men living in rural areas are diagnosed with higher stage prostate cancer than men living in urban areas;~~

~~(3) In the United States, African American men face a far greater risk from prostate cancer than do Caucasian American men. Caucasian American men will contract prostate cancer at a rate of one hundred forty-seven and three tenths (147.3) per one hundred thousand (100,000). African American men will contract prostate cancer at a rate of two hundred twenty-two and nine tenths (222.9) per one hundred thousand (100,000). Caucasian Americans will suffer twenty three and seven tenths (23.7) deaths per one hundred thousand (100,000) from prostate cancer each year, while African American men will suffer fifty four and eight tenths (54.8) deaths per one hundred thousand (100,000);~~

~~(4) In Arkansas, twenty seven percent (27%) of African American men are over forty (40) years of age, and forty seven percent (47%) live in rural areas. African American men are less likely to participate in screening than men in other subpopulations despite the fact that they have an increased risk. Only forty two percent (42%) of African American men fifty (50) to seventy (70) years of age have undergone digital rectal examinations in their lifetimes, versus fifty nine percent (59%) of Caucasian American men in the same age range;~~

~~(5) Men who have prostate cancer detected in the earlier stages have significantly better five-year survival rates of ninety four percent~~

~~(94%), compared to those men who have their cancer diagnosed in advanced states, thirty percent (30%). Despite this positive statistical finding, widespread prostate cancer screening remains controversial because of the variability of the growth of the disease, the slow growing nature of many prostate cancers, the limited accuracy of screening tests, and the significant side effects of treatment;~~

~~(6) About seven thousand (7,000) Americans were expected to get testicular cancer in 2001, with an estimated three hundred twenty five (325) deaths. Compared with prostate cancer, testicular cancer is relatively rare. However, in men fifteen (15) to thirty four (34) years of age, it ranks as the most common cancer. For unknown reasons, the disease is about four (4) times more common in Caucasian American men than in African American men;~~

~~(7) Only fifteen (15) years ago, a diagnosis of testicular cancer was grim news. Ten (10) times as many patients died then as now. But dramatic advances in therapeutic drugs in the last two (2) decades, along with improved diagnostics and better tests to gauge the extent of the disease, have boosted survival rates remarkably. Now, testicular cancer often is completely curable, especially if found and treated early. About seventy percent (70%) of men with advanced testicular cancer can be cured, according to the National Cancer Institute;~~

~~(8) Advocates of screening hope to save the lives of thousands of men dying of prostate cancer. Opponents of screening fear that needless suffering will result from the treatment of men with occult disease who are not destined to develop clinical symptoms;~~

~~(9)(A) The high death rate from prostate cancer in African-Americans suggests a need for special attention to reduce this mortality rate. In November 1997, the American Cancer Society, the National Cancer Institute, and the Centers for Disease Control and Prevention sponsored a leadership conference on prostate cancer. The resulting Prostate Cancer National Blueprint for Action calls for:~~

~~(i) Research in basic and behavioral science;~~
~~(ii) Health promotion and education based on science;~~

~~(iii) Education and support for patients; and~~
~~(iv) Public policy action.~~

~~(B) The Prostate Cancer National Blueprint for Action also recommends that primary care practitioners be educated to interact with patients and participate in discussions that will lead to informed decisions; and~~

~~(10) The State of Arkansas should take the lead in combatting prostate and testicular cancer because of our population's characteristics and the high risk of prostate and testicular cancer.~~

~~(b)(1) It is the intent of the General Assembly in enacting this subchapter to fund services with respect to large population screening for prostate and testicular cancer and to provide educational services to the men of Arkansas regarding prostate and testicular cancer.~~

~~(2) At least fifty percent (50%) of all funding available to administer this subchapter shall be used to provide for the early detection, diagnosis, or treatment of prostate and testicular cancer and for prostate and testicular cancer education and awareness.~~

~~20-15-1603. Oversight Committee on Prostate and Testicular Cancer.~~

~~(a) The Oversight Committee on Prostate and Testicular Cancer is created and shall be composed of seven (7) members as follows:~~

~~(1) One (1) individual from the private medical community who shall be a practicing urologist, a practicing radiation therapist, or a practicing medical oncologist;~~

~~(2) One (1) faculty member from the Arkansas Cancer Research Center of the University of Arkansas for Medical Sciences;~~

~~(3) One (1) representative from the American Cancer Society;~~

~~(4) One (1) public health educator;~~

~~(5) The Director of the Division of Health of the Department of Health and Human Services or the director's designee; and~~

~~(6) Two (2) men's advocates, one (1) of whom shall be an African American survivor of prostate or testicular cancer and one (1) of whom shall be a representative of the Arkansas Prostate Cancer Foundation.~~

~~(b) The Governor shall appoint the members, subject to confirmation by the Senate.~~

~~(c) No more than two (2) of the members shall be appointed from any one (1) of the four (4) congressional districts of the state.~~

~~(d) The members shall serve for terms of four (4) years, except that the initial members shall draw lots to result in:~~

~~(1) Two (2) to serve until January 1, 2004;~~

~~(2) Two (2) to serve until January 1, 2005; and~~

~~(3) Three (3) to serve until January 1, 2006.~~

~~(e) The Chancellor of the University of Arkansas for Medical Sciences, with the concurrence of the committee, shall designate one (1) of the committee members as the chair.~~

~~(f) In case of a vacancy occurring in any of the offices by death, resignation, or otherwise, the Governor shall fill the office by appointment for the unexpired term, subject to confirmation by the Senate.~~

~~(g) A quorum of the committee shall consist of four (4) members.~~

~~(h) Members shall not be entitled to compensation for their services but shall be eligible to receive reimbursement for mileage and reimbursement for expenses in accordance with § 25-16-902.~~

~~20-15-1604. Powers and duties of the Oversight Committee on Prostate and Testicular Cancer.~~

~~(a) Subject to the availability of funding, the Oversight Committee on Prostate and Testicular Cancer shall:~~

~~(1) Provide for the early detection, diagnosis, and treatment of prostate and testicular cancer according to the following principles:~~

~~(A) Prostate and testicular cancer education and awareness will help to ensure early detection and to conduct surveillance activities across the state; and~~

~~(B)(i) Screening of men for prostate and testicular cancer will act as an early detection health care measure.~~

~~(ii) After screening, medical referrals and financial assistance will help to ensure access to services necessary for definitive diagnosis, including nonradiological techniques and biopsy.~~

~~(iii) If a positive diagnosis is made, necessary advocacy and financial assistance will help the person obtain necessary treatment;~~

~~(2) Financially support research efforts into the cause, cure,~~

~~prevention, detection, and treatment of prostate and testicular cancer;~~

~~(3) Develop, formulate, and distribute information related to prostate and testicular cancer, including guidelines for detection, treatment, and overall management;~~

~~(4) Coordinate a large scale screening program in Arkansas to gather data regarding the validity of such a program and then expand the screening program if it proves to be valuable;~~

~~(5) Fund innovative biomedical and behavioral research with emphasis on complementing existing research efforts rather than duplicating research already funded by the federal government or other entities; and~~

~~(6) Fund endowed academic chairs, professorships, symposia, and other special projects related to prostate and testicular cancer.~~

~~(b)(1) All research, public education, professional education, and treatment grants pertaining to prostate and testicular cancer shall be awarded on the basis of the priorities established for the program and the scientific and social merit of the proposed research as determined by a peer-review process governed by the committee.~~

~~(2) The peer review process for the selection of research grants awarded under this program shall be generally modeled on that used by the National Institutes of Health in its grant making process.~~

~~(c) Recipients of Arkansas State Cancer Program support may include not for profit organizations, including public and private groups in the community and higher education.~~

~~(d) Awardees may be awarded grants for the full or partial cost of conducting sponsored research grants and contracts.~~

~~(e) The committee shall coordinate with other agencies and organizations, including the Division of Health of the Department of Health and Human Services, as funds become available, to establish, promote, and maintain a prostate and testicular cancer prevention and treatment education program to raise public awareness, educate consumers, and educate and train health professionals and service providers.~~

~~(f) The Arkansas Minority Health Commission shall support the work of the committee by:~~

~~(1) Providing education and awareness programs;~~

~~(2) Supporting research;~~

~~(3) Supporting screening programs; and~~

~~(4) Distributing information on the prevention, treatment, and detection of prostate and testicular cancer in the male population of Arkansas.~~

SECTION 8. Arkansas Code § 20-15-1803(b)(1)(B)(i), concerning the membership of the Arkansas HIV-AIDS Minority Task Force, is amended to read as follows:

(B)(i) Three (3) members who are affiliated with minority community-based advocacy or service provider organizations as follows:

(a) One (1) member who is a woman; and

~~(b) One (1) member who is Hispanic;~~

~~(c) One (1) member who is African American;~~

and

~~(d) One (1) member who represents a minority population other than Hispanic or African American~~

(b) Two (2) members who are Hispanic, African

American, or a member of a minority population other than Hispanic or African American.

SECTION 9. Arkansas Code Title 23, Chapter 91, Subchapter 3 is repealed.

~~23-91-301. Purpose.~~

~~(a)(1) The purpose of this subchapter is to provide for the establishment of a plan for a Long Term Care Liability Insurance Plan, if the Insurance Commissioner determines, after a hearing, that long term care liability insurance is not reasonably available in this state.~~

~~(2) If the commissioner makes such a determination, the commissioner shall prepare a voluntary plan which will provide that insurance coverage.~~

~~(b) The plan shall provide coverage for professional liability for any long term care providers licensed by the State of Arkansas.~~

~~(c) The plan shall provide insurance for long term care providers, as set forth in this subchapter but shall not reduce or eliminate the liability of the long term care providers for the matters covered by the plan other than to provide insurance therefor.~~

~~23-91-302. Governing board.~~

~~(a) There is created a governing board of five (5) members to be appointed by the Governor, which shall meet as necessary to review and prescribe operating procedures and rules to implement any plan promulgated pursuant to this subchapter. The governing board shall be composed of the following members:~~

~~(1) Two (2) representatives from insurers licensed to operate in this state;~~

~~(2) One (1) representative who is a licensed insurance agent in this state;~~

~~(3) One (1) consumer representative; and~~

~~(4) One (1) representative from the long term care industry.~~

~~(b) In addition, there shall be four (4) ex officio members of the governing board, who shall be:~~

~~(1) The Insurance Commissioner;~~

~~(2) The Director of the Department of Human Services;~~

~~(3) A member of the Senate appointed by the President Pro Tempore of the Senate; and~~

~~(4) A member of the House of Representatives appointed by the Speaker of the House of Representatives.~~

~~23-91-303. Plan for coverage — Contents.~~

~~(a) The plan shall:~~

~~(1) Give consideration to:~~

~~(A) The need for adequate and readily accessible coverage;~~

~~(B) Optional methods of improving the market affected;~~

~~(C) The inherent limitations of the insurance mechanism;~~

~~(D) The need for reasonable underwriting standards; and~~

~~(E) The requirement and immediate implementation of~~

~~reasonable loss prevention measures;~~

~~(2) Establish procedures for participants to have their~~

~~grievances reviewed by the governing board; and~~

~~(3) Establish a rating plan which shall be actuarially sound.~~

~~(b) On behalf of its participants, the plan may:~~

~~(1) Issue policies of insurance to participants;~~

~~(2) Underwrite, adjust, and pay losses on insurance issued by the plan;~~

~~(3) Appoint a service company or companies to perform the functions enumerated in this subsection, including the functions of a plan administrator;~~

~~(4) Obtain reinsurance for any part or all of its risks; and~~

~~(5) Obtain excess of loss coverages.~~

~~(c) The plan shall provide for:~~

~~(1) The method of classifying risks, including appropriate consideration of quality assurance procedures in effect, such as gathering and maintaining reports and statistics concerning compliance therewith, voluntary and permissive use of monitoring devices by the facilities, and other procedures;~~

~~(2) The making, filing, and approval authority of rates which are not excessive, inadequate, or unfairly discriminatory and policy forms applicable to the risks insured by the plan;~~

~~(3) The adjusting and processing of claims;~~

~~(4) The commission rates to be paid to agents or brokers for coverages written by the plan;~~

~~(5) Any other insurance or investment functions that are necessary for the purpose of providing adequate and readily accessible coverage;~~

~~(6) The method of operation of the plan;~~

~~(7) The examination of the plan, including the activities of the plan administrator;~~

~~(8) The establishment of procedures to conduct necessary analyses at reasonable intervals to appropriately evaluate the Arkansas long-term care liability insurance market;~~

~~(9) The establishment of procedures and guidelines to prevent a company from transferring and causing to be transferred substantially all of its long term care liability exposure to the plan, unless the Insurance Commissioner finds after notice and hearing that it is in the best interests of Arkansas citizens to allow such a practice; and~~

~~(10) Other matters as may be necessary and proper for the execution of the board's powers, duties, and obligations under this subchapter.~~

~~23-91-304. Coverages provided.~~

~~(a) The plan shall provide insurance for professional liability for long term care providers for actual damages and noneconomic compensatory damages.~~

~~(b) The plan shall not provide coverage for punitive damages nor shall it cover such other standard exceptions in liability contracts.~~

~~(c) The risks assumed by the plan shall include the obligation to pay all actual damages, noneconomic compensatory damages, and costs of defense.~~

~~(d) The plan shall provide insurance on an occurrence basis, with limitations of one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) annual aggregate, with such deductibles as shall~~

~~be specified in the individual coverage contract.~~

~~(e) The plan administrator shall have the sole and exclusive right to defend all covered claims and to make all determinations as to settlement of covered claims.~~

~~23-91-305. Funding.~~

~~(a) As a precondition to establishing the plan, the plan shall be capitalized from independent sources, including participants, in an amount sufficient to fund the initial consulting, actuarial, legal, and other professional expenses necessary to establish the plan.~~

~~(b) The plan shall be established and maintained through a periodic premium payment by the participants in an amount determined by the governing board of the plan to be sufficient to render the plan self supporting and actuarially sound to fund the plan risks assumed by the plan and to fund expenses of the plan.~~

~~(c)(1) Provision shall be made for adjustment of contributions for participants based on experience rating adjustments for participants based on their loss experience.~~

~~(2) The information provided to the plan for the purpose of making this determination shall be submitted in the form provided by the Insurance Commissioner. The form shall be confidential and not discoverable or admissible at trial, and no waiver of objection or privilege shall be implied from the submission, except that any document or fact contained in, or referred to, in such a submission which is otherwise discoverable or admissible under the prevailing rules of evidence shall continue to be discoverable or admissible notwithstanding the previous provisions of this subsection.~~

~~23-91-306. Information for individuals.~~

~~The plan or its agent shall provide to any person seeking the insurance available in each plan information about the services prescribed in the plan, including full information on the requirements and procedures for participation in the plan.~~

~~23-91-307. No liability in creating plan.~~

~~There shall be no liability on the part of and no cause of action shall arise against the Insurance Commissioner, the commissioner's representatives, or any plan, its participants, or its employees for any good faith action taken by them in the performance of their powers and duties in creating any plan pursuant to this subchapter.~~

~~23-91-308. Rules and regulations.~~

~~The Insurance Commissioner shall have the authority to promulgate rules and regulations consistent with this subchapter and necessary to effectuate the purpose of this subchapter.~~

~~23-91-309. Termination.~~

~~(a) If the governing board finds after investigation that there is sufficient availability and competition in the marketplace, the governing board shall request that the Insurance Commissioner hold a public hearing to determine if it is in the best interest of Arkansas citizens to suspend operation of or dissolve the plan. If after the hearing the commissioner~~

~~determines that there is sufficient availability and competition in the voluntary long term care liability insurance market and it is in the best interest of Arkansas citizens, the commissioner may:~~

- ~~(1) Suspend operations of the plan;~~
- ~~(2) Suspend policy issuance by the plan; or~~
- ~~(3) Dissolve the plan.~~

~~(b) If the commissioner determines that funds remain in the plan after termination and all claims have been paid, the commissioner shall apportion the remaining funds among the participants in an equitable manner.~~

SECTION 10. Arkansas Code § 25-1-302(a), concerning specified executive branch boards and commissions of which members shall not be members of the General Assembly, is amended to read as follows:

(a) As soon as possible after April 13, 1999, the appointing authorities shall replace members of the General Assembly serving on executive branch boards and commissions identified below with persons who are not members of the General Assembly:

- (1) Arkansas Alcohol and Drug Abuse Coordinating Council, § 20-64-1002;
- (2) Arkansas Alternative Dispute Resolution Commission, § 16-7-102;
- (3) [Repealed];
- (4) Capitol Arts and Grounds Commission, § 22-3-502;
- (5) Arkansas Child Abuse/Rape/Domestic Violence Commission, § 20-82-201;
- (6) Supervisory Board for the Arkansas Crime Information Center, § 12-12-202;
- (7) Arkansas Early Childhood Commission, § 20-78-501;
- (8) State Interagency Council, § 20-14-508;
- (9) Arkansas Entertainers Hall of Fame Board, § 13-9-101;
- (10) Trauma Advisory Council, § 20-13-807;
- (11) Martin Luther King, Jr. Commission, § 25-24-101;
- (12) Mansion Advisory Council, § 22-3-806;
- (13) Arkansas Minority Health Commission, § 20-2-102;
- (14) Arkansas Natural and Cultural Resources Council, § 15-12-101;
- (15) Arkansas Natural Heritage Commission, § 15-20-304;
- (16) Arkansas Pygmalion Commission on Nontraditional Education, uncodified Act 1288 of 1993, as amended;
- (17) Arkansas Rural Development Commission, § 15-6-104;
- (18) [Repealed];
- (19) School Motor Vehicle Self-Insurance Advisory Committee, § 6-21-711;
- (20) Arkansas Science and Technology Authority, § 15-3-103;
- (21) Arkansas Sentencing Commission, § 16-90-802;
- (22) Arkansas Building Authority Council, § 22-2-106;
- (23) State and Public School Life and Health Insurance Board, § 21-5-402;
- ~~(24) Compliance Advisory Panel of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, § 8-4-314;~~
- ~~(25)~~(24) Arkansas Transitional Employment Board, § 20-76-105;
- ~~(26)~~(25) Arkansas Public Transportation Coordination Council, §

27-3-103;

~~(27)~~(26) Board of Visitors for the University of Arkansas at Pine Bluff, § 6-64-304;
~~(28)~~(27) Workers' Compensation Commission, § 11-9-201; and
~~(29)~~(28) State Board of Workforce Education and Career Opportunities, § 25-30-101.

SECTION 11. Arkansas Code § 25-16-905 is amended to read as follows:
25-16-905. Stipend – Authorization for \$110.

Each of the following state boards, by a majority vote of the total membership of the board cast during its first regularly scheduled meeting of each calendar year, may authorize payment to its members of a stipend not to exceed one hundred ten dollars (\$110) per day for each meeting, examination, evaluation, or inspection attended or for any day while performing any proper business of the board, and the board members shall receive no other compensation, expense reimbursement, or in-lieu-of payments except as provided in § 25-16-902:

- (1) Arkansas State Board of Dental Examiners;
- (2) Arkansas State Medical Board;
- (3) State Board of Optometry;
- (4) Sex Offenders Assessment Committee;
- (5) Arkansas State Board of Chiropractic Examiners; and
- (6) ~~Arkansas Delta Development Commission; and~~
- ~~(7)~~ Arkansas Community Assistance Commission.

SECTION 12. Arkansas Code Title 25, Chapter 40 is repealed.

~~25-40-101. Arkansas Task Force on Hispanic Affairs – Creation – Membership.~~

~~(a) There is established a task force to be known as the “Arkansas Task Force on Hispanic Affairs”.~~

~~(b) The task force shall consist of fifteen (15) members as follows:~~

- ~~(1) Five (5) persons appointed by the Governor;~~
- ~~(2) Five (5) persons appointed by the President Pro Tempore of the Senate; and~~
- ~~(3) Five (5) persons appointed by the Speaker of the House of Representatives.~~

~~(c) The appointed task force members shall be:~~

~~(1) Individuals who have demonstrated an understanding of the Latino and Hispanic community and the issues affecting the development of this community in Arkansas based on the individuals' professional or life experiences; and~~

~~(2) Residents of the State of Arkansas at the time of appointment and throughout their terms.~~

~~(d)(1) In 2005, five (5) members shall be appointed by the Speaker of the House of Representatives as follows:~~

- ~~(A) Two (2) for a term to expire June 30, 2007;~~
- ~~(B) Two (2) for a term to expire June 30, 2008; and~~
- ~~(C) One (1) for a term to expire June 30, 2009.~~

~~(2) In 2005, five (5) members shall be appointed by the President Pro Tempore of the Senate as follows:~~

- ~~(A) Two (2) for a term to expire June 30, 2007;~~
- ~~(B) Two (2) for a term to expire June 30, 2008; and~~

~~(C) One (1) for a term to expire June 30, 2009.~~
~~(3) In 2005, five (5) members shall be appointed by the Governor as follows:~~

~~(A) Two (2) for a term to expire June 30, 2007;~~
~~(B) Two (2) for a term to expire June 30, 2008; and~~
~~(C) One (1) for a term to expire June 30, 2009.~~
~~(4) Subsequent appointments shall be for a term of four (4) years.~~

~~(5)(A) In selecting the members of the task force, the appointing officials shall solicit input from the Latino organizations, Latino serving institutions, and the Latino community.~~

~~(B) The appointing officials shall consider the following factors when appointing members to the task force:~~

~~(i) At least two (2) members of the task force shall be between sixteen (16) and eighteen (18) years of age;~~

~~(ii) At least two (2) members of the task force shall have professional or substantial life experiences in each of the following areas:~~

~~(a) Health;~~
~~(b) Education to include grades prekindergarten through twelve (preK-12);~~

~~(c) Higher education;~~
~~(d) Immigration;~~
~~(e) Community service; and~~
~~(f) Small business; and~~

~~(iii) Twelve (12) of the fifteen (15) members shall be chosen from each of the four (4) congressional districts with at least three (3) members from each congressional district.~~

~~25-40-102. Organization of task force.~~

~~(a) The Arkansas Task Force on Hispanic Affairs shall select a chair at the first organizational meeting.~~

~~(b)(1) If for any reason a vacancy occurs in an appointed position, the vacancy shall be filled by appointment by the official who made the appointment.~~

~~(2) The new appointee shall serve for the remainder of the unexpired term.~~

~~(c)(1) The task force shall meet at least quarterly, but no meetings shall be held outside the State of Arkansas.~~

~~(2) A majority of the members of the task force shall constitute a quorum for the purpose of transacting business.~~

~~(3) All actions of the task force shall be by a majority vote of the full membership of the task force.~~

~~25-40-103. Duties of task force.~~

~~The duties of the Arkansas Task Force on Hispanic Affairs shall include:~~

~~(1) Developing, coordinating, and assisting other public and private organizations with the understanding of Latino and Hispanic culture;~~

~~(2) Gathering and disseminating information and conducting hearings, conferences, and special studies on problems and programs impacting Latinos and Hispanics;~~

- ~~(3) Conducting training programs for community leadership;~~
- ~~(4) Conducting quarterly public forums that will allow the Latino community at large to have input into the duties of the task force to voice their needs and concerns;~~
- ~~(5) Advising Arkansas' elected officials and state agencies on issues concerning the Latino community in Arkansas;~~
- ~~(6) Proposing solutions to specific problems to elected officials, government agencies, and community organizations;~~
- ~~(7) Promoting diversity, bridging cultural barriers, and strengthening relations among all citizens of Arkansas; and~~
- ~~(8) Promoting community and volunteer service among Latinos in Arkansas.~~

~~25-40-104. Staff support.~~

~~General staff support, facilities, and operating assistance for the Arkansas Task Force on Hispanic Affairs shall be provided by the Bureau of Legislative Research.~~

~~25-40-105. Expense reimbursement.~~

~~Members of the Arkansas Task Force on Hispanic Affairs shall serve without pay but may receive expense reimbursement in accordance with § 25-16-902, to the extent funds are available.~~

SECTION 13. Uncodified Section 2 of Act 755 of 2003, concerning the Arkansas Commission on Eye and Vision Care of School Age Children, is amended to add an additional subsection to read as follows:

(g) Members of the commission appointed by the Governor shall have no fixed term and shall serve at the will of the Governor and until a successor is appointed by the Governor."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Capps

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Secretary