

2 State of Arkansas  
3 90th General Assembly  
4 Regular Session, 2015

# A Bill

HOUSE BILL 1271

5  
6 By: Representatives Harris, Dotson

7 Filed with: House Committee on State Agencies and Governmental Affairs  
8 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

9  
10 AN ACT TO AMEND THE MEMBERSHIP OF VARIOUS STATE  
11 BOARDS AND COMMISSIONS; TO REQUIRE THE ELECTION OF  
12 SOME MEMBERS OF THE STATE BOARDS AND COMMISSIONS; AND  
13 FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 TO AMEND THE MEMBERSHIP OF VARIOUS STATE  
17 BOARDS AND COMMISSIONS; AND TO REQUIRE  
18 THE ELECTION OF SOME MEMBERS OF THE STATE  
19 BOARDS AND COMMISSIONS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code § 6-11-101 is amended to read as follows:  
26 6-11-101. Members.

27 (a)(1) The State Board of Education shall be composed of nine (9)  
28 members, eight (8) of whom are elected in the manner required under the  
29 general election laws of this state and one (1) appointed as follows:

30 ~~(1)(A)~~ Two (2) members ~~to be selected~~ elected from each of  
31 the congressional districts of the state ~~as they exist on the July 31, 2007;~~  
32 and

33 ~~(2)(B)~~ One (1) member to be appointed at large from within  
34 the state by the Governor.

35 (2) A candidate shall file for office with the Secretary of  
36 State in the manner required under the general election laws of this state.

1           (b)(1) ~~The term of office of a member of the state board shall be for~~  
2 ~~a single term of seven (7) years;~~

3                   (1)(A) Shall be four (4) years.

4                           (B) The terms shall be staggered as follows:

5                                   (i) One (1) member from each congressional district  
6 shall serve an initial term of two (2) years;

7                                   (ii) One (1) member from each congressional district  
8 shall serve an initial term of four (4) years; and

9                                   (iii) The member at large shall serve an initial  
10 term of four (4) years;

11                           (2) Shall be limited to two (2) four-year terms; and

12                           (3) Shall begin on January 1 and end on December 31.

13           ~~(2)(A) Any member appointed to the state board to fill a vacancy~~  
14 ~~for an uncompleted term with less than three (3) years remaining on the~~  
15 ~~original term may be reappointed to an additional term of seven (7) years.~~

16                   ~~(B) No member serving three (3) or more years on the state~~  
17 ~~board may be reappointed.~~

18                   ~~(3) No current or new member shall be allowed to resign in order~~  
19 ~~to be appointed to a new term on the state board.~~

20                   ~~(4) Nothing in this section shall be construed to change the~~  
21 ~~terms of any member of the state board who was appointed prior to June 3,~~  
22 ~~2004.~~

23           ~~(e) The membership of the state board shall reflect the diversity in~~  
24 ~~general education.~~

25           ~~(d)(1) No person may serve as a member of the state board unless he or~~  
26 ~~she is a qualified elector and is a person of high moral standards and~~  
27 ~~recognized ability.~~

28           ~~(2)(c) A member of the state board:~~

29                           (1) Shall be a qualified elector who is twenty-five (25) years  
30 of age or older;

31                           (2) For a position representing a congressional district, shall  
32 be a resident of the congressional district from which he or she is seeking  
33 election for one (1) year preceding the election; and

34                           (3) Shall not be:

35                                   (A) Neither the The Commissioner of Education nor any;

36                                   (B) A candidate for any other public office;

- 1                   (C) The holder of a public office in the state;
- 2                   (D) schoolteacher An employee of a public school or school
- 3 district in this state;
- 4                   (E) A county or city superintendent;
- 5                   (F) An employee of a state-supported college or
- 6 university, institution of higher education; or
- 7                   (G) A member of any board of trustees of any state a
- 8 state-supported institution of higher learning shall serve as a member of the
- 9 state board education in this state.

10           ~~(e)(d)~~ The members of the state board shall be appointed by the  
 11 Governor, subject to the confirmation of the Senate and shall take the oath  
 12 of office for officers prescribed by the Arkansas Constitution.

13           ~~(f)(1)(e)(1)~~ Whenever a vacancy occurs in the membership of the state  
 14 board by death, resignation, or removal from office, the Governor shall  
 15 appoint a successor who shall serve the remainder of the unexpired term of  
 16 the member ~~that~~ whom he or she succeeded, subject to all other provisions of  
 17 this section.

18           (2) ~~Resignation, removal from the district from which he or she~~  
 19 ~~is appointed, disqualification, incapacitation from mental or physical~~  
 20 ~~disability or otherwise, or change in status from the eligibility~~  
 21 ~~requirements for membership on the state board shall automatically create a~~  
 22 ~~vacancy in the membership of the state board, and no such member shall~~  
 23 ~~thereafter exercise any of the functions of membership on the state board~~  
 24 ~~even though his or her successor has not been appointed~~ The Governor shall  
 25 fill a vacancy with a person who meets the qualifications for the position  
 26 vacated.

27           ~~(g)(1)~~ Members of the state board shall be subject to removal from  
 28 office by the Governor when the actions or condition of a member shall be  
 29 considered as sufficient cause for removal.

30           ~~(2)~~ However, before a member may be removed for cause, this  
 31 cause must have been accepted as true, good, and sufficient by a majority  
 32 written vote of all members of the state board after a formal hearing at a  
 33 regular or special session of the state board.

34           ~~(h)(f)~~ The members of the state board shall serve without remuneration  
 35 but may receive expense reimbursement and stipends in accordance with § 25-  
 36 16-901 et seq., as follows:

1           (1) Actual expenses while attending regular and special meetings  
2 of the state board; and

3           (2) A per diem allowance when in attendance at regular or  
4 special meetings of the state board.

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6           SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY.

7           (a) The first election of members of the State Board of Education  
8 under this act shall be the 2016 general election.

9           (b)(1) The term of a person who is a member of the state board on the  
10 effective date of this act or who is appointed to the state board after the  
11 effective date of this act and before the 2016 general election shall expire  
12 on December 31, 2016.

13           (2) A person who is a member of the state board before the 2016  
14 general election and who meets all other qualifications for members under  
15 this act is eligible to be a candidate for a position on the state board in  
16 the 2016 general election.

17           (c) At the first regular meeting of the state board following the  
18 election, the members representing each of the four (4) congressional  
19 districts shall draw for staggered terms as provided under this act.

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22 Referred by the Arkansas House of Representatives

23 Prepared by: VJF  
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