

ARKANSAS GENERAL ASSEMBLY



Senator Jane English, Co-Chair

Representative Jimmy Gazaway, Co-Chair

JOINT PERFORMANCE REVIEW COMMITTEE

November 15, 2022

Senator Terry Rice, Co-Chair
Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council
State Capitol, Room 315
Little Rock, AR 72201

Transmitted Via Email: (Terry.Rice@senate.ar.gov) (jeff@jeffwardlaw.com)

RE: Joint Performance Review Committee Reporting Requirements for Act 276 of 2021

Senator Rice and Representative Wardlaw:

According to Arkansas Code Annotated § 25-1-106, as amended by Act 276 of 2021, no later than August 1 of each even-numbered year, each state board and commission shall provide the Joint Performance Review Committee with a report of the regularly scheduled meeting dates for the state board or commission for the previous two (2) fiscal years, including the attendance record of each member and the number of meetings that were convened.

The Joint Performance Review Committee is required to report its findings and any recommendations concerning the constitutional board or commission to the Legislative Council no later than December 1 of each even-numbered year and may draft legislation to implement the recommendations.

Findings

Arkansas Code Annotated § 25-1-106 does not include a definitive list identifying the boards and commissions that are required to comply with this Act. Specifically, when it comes to defining Amendment 33 entities.

According to the “Aggregated List of State, Federal, and Other Entities Mentioned in the Arkansas Code of 1987 Annotated – Updated September 2021,” the following is noted:

1. There are approximately 231 boards and commissions.
2. There are approximately 56 Potential Arkansas Constitution Amendment 33 Entities.

Approximately 89 boards and commissions have complied with the requirements of Arkansas Code Annotated § 25-1-106. It is evident by the responses received, that many boards and commission were unaware of Act 276 of 2021, and the additional reporting requirements. Attached is a list of boards and commissions who have complied as well as those who have not complied. **[Attachments A and B]**

Recommendations:

1. Based on the numbers of respondents, many boards and commissions are unaware of the additional reporting requirements of Act 276 of 2021.
 - a. Identify a definitive list of the boards and commissions required to comply.
 - b. Develop a method to make boards and commissions aware of the requirements.
 - c. The Joint Performance Review Committee is not recommending any draft legislation under Arkansas Code Annotated § 25-1-106 with regard to any state board or commission or constitutional board or commission (as that is a specific action that is set out in the statute).

Please contact us if there are questions.

Respectfully submitted,

Senator Jare English (bb)

Senate Co-Chair
Joint Performance Review

Representative Jimmy Gazaway (bb)

House Co-Chair
Joint Performance Review

Attachments (3)

- Attachment A - List of Boards and Commissions in Compliance
- Attachment B – List of Board and Commissions Not in Compliance
- Act 276 of 2021

cc: Marty Garrity, Executive Secretary, Legislative Council (*via email*)

ATTACHMENT A

POTENTIAL ARKANSAS CONSTITUTION AMENDMENT 33 ENTITIES AND BOARDS AND COMMISSIONS

WHO HAVE COMPLIED WITH ACT 276 OF 2021

*Based on the listing of the “Aggregated List of State, Federal, and Other Entities Mentioned in the
Arkansas Code of 1987 Annotated – Updated September 2021”*

Potential Arkansas Constitution Amendment 33 Entities Who Have Complied with Act 276 of 2021**Arkansas State Board of Nursing****Arkansas State Board of Pharmacy****Arkansas State Board of Physical Therapy****Arkansas State Medical Board****Boards and Commissions Who Have Complied with Act 276 of 2021****Advisory Board for Interpreters between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf****Advisory Committee on Petroleum Storage Tanks****Arkansas 911 Board****Arkansas Abstracters' Board****Arkansas Agriculture Board****Arkansas Appraiser Licensing and Certification Board****Arkansas Board of Dispensing Opticians****Arkansas Board of Examiners in Counseling****Arkansas Board of Hearing Instrument Dispensers****Arkansas Board of Podiatric Medicine****Arkansas Commission on Law Enforcement Standards and Training****Arkansas Council for Military Children****Arkansas Dietetics Licensing Board****Arkansas Early Childhood Commission****Arkansas Ethics Commission****Arkansas Fire and Police Pension Review Board****Arkansas Fire Protection Licensing Board****Arkansas Fire Protection Services Board****Arkansas Forestry Commission****Arkansas Geographic Information Systems Board****Arkansas Governor's Mansion Commission****Arkansas Home Inspector Registration Board****Arkansas Livestock and Poultry Commission**

Boards and Commissions Who Have Complied with Act 276 of 2021

Arkansas Manufactured Home Commission
Arkansas Milk Stabilization Board
Arkansas Minority Health Commission
Arkansas Motor Vehicle Commission
Arkansas Natural Resources Commission
Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board
Arkansas Pollution Control and Ecology Commission
Arkansas Psychology Board
Arkansas Real Estate Commission
Arkansas Seed Arbitration Committee
Arkansas Social Work Licensing Board
Arkansas Spinal Cord Commission
Arkansas State Board of Acupuncture and Related Techniques
Arkansas State Board of Architects, Landscape Architects, and Interior Designers
Arkansas State Board of Athletic Training
Arkansas State Board of Chiropractic Examiners
Arkansas State Board of Dental Examiners
Arkansas State Board of Nursing
Arkansas State Board of Pharmacy
Arkansas State Board of Physical Therapy
Arkansas State Board of Public Accountancy
Arkansas State Board of Registration for Foresters
Arkansas State Board of Registration for Professional Soil Classifiers
Arkansas State Board of Sanitarians
Arkansas State Claims Commission
Arkansas State Medical Board
Arkansas State Police Commission
Arkansas Tobacco Settlement Commission
Arkansas Towing and Recovery Board
Auctioneer's Licensing Board
Board of Developmental Disabilities Services
Board of Electrical Examiners of the State of Arkansas

Boards and Commissions Who Have Complied with Act 276 of 2021**Board of Examiners in Speech-Language Pathology and Audiology****Capitol Arts and Grounds Commission****Child Death and Near Fatality Multidisciplinary Review Committee****Child Death Review Committee****Child Welfare Agency Review Board****Crime Victims Reparations Board****Elevator Safety Board****Governor's Advisory Commission on National Service and Volunteerism****Health Services Permit Commission****Liquefied Petroleum Gas Board****Mississippi River Parkway Commission of Arkansas****Oil and Gas Commission****Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee****Professional Bail Bond Company and Professional Bail Bondsman Licensing Board****Red River Commission****Residential Contractors Committee****State Aid Street Committee****State Athletic Commission****State Banking Board****State Board of Barber Examiners****State Board of Collection Agencies****State Board of Election Commissioners****State Board of Examiners of Alcoholism and Drug Abuse Counselors****State Board of Health****State Board of Licensure for Professional Engineers and Professional Surveyors****State Board of Optometry****State Crime Laboratory Board****State Highway Commission****State Kidney Disease Commission****State Plant Board****Veterinary Medical Examining Board**

ATTACHMENT B

BOARDS AND COMMISSIONS AND POTENTIAL ARKANSAS CONSTITUTION AMENDMENT 33 ENTITIES WHO HAVE NOT COMPLIED WITH ACT 276 OF 2021

Based on the listing of the “Aggregated List of State, Federal, and Other Entities Mentioned in the Arkansas Code of 1987 Annotated – Updated September 2021”

Potential Arkansas Constitution Amendment 33 Entities Who Have NOT Complied with Act 276 of 2021**Academic Facilities Oversight Committee****Academic Facilities Review Board****Advisory Board of the Arkansas Center for School Safety of the Criminal Justice Institute****Advisory Committee on Public School Academic Facilities****Arkansas Apprenticeship Coordination Steering Committee****Arkansas Higher Education Coordinating Board****Arkansas Leadership Academy****Arkansas Rural Medical Practice Student Loan and Scholarship Board****Arkansas Sentencing Commission****Arkansas Workforce Investment Board and Adult Education Study Committee****Arkansas Apprenticeship Coordination Steering Committee****Board of Advisors to Arkansas State University-Searcy****Board of Corrections****Board of Directors of East Arkansas Community College****Board of Directors of the Arkansas Correctional School District****Board of Trustees of Arkansas Northeastern College****Board of Trustees of Arkansas Tech University****Board of Trustees of National Park College****Board of Trustees of Southern Arkansas University****Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf****Board of Trustees of the Arkansas State University system****Board of Trustees of the Arkansas Teacher Retirement System****Board of Trustees of the University of Arkansas****Board of Trustees of the University of Central Arkansas****Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts****Career Education and Workforce Development Board****Commission for Arkansas Public School Academic Facilities and Transportation****Commission on Closing the Achievement Gap in Arkansas****Council on Postsecondary Education and Career Readiness****criminal detention facility review committees**

Potential Arkansas Constitution Amendment 33 Entities Who Have NOT Complied with Act 276 of 2021**Critical Needs Minority Teacher Scholarship Program Committee****Electrical Energy Advancement Program Fund Board****Executive Council****Graduate Medical Education Residency Expansion Board****Graduate Nurse Educator Loan and Scholarship Board****Institutional Energy Research Committee****Minority Teacher and Administrator Preparation and Recruitment Strategic Plan****Osteopathic Rural Medical Practice Student Loan and Scholarship Board****Parole Board****Presidents Council****Professional Licensure Standards Board****Safe Schools Committee****School Leadership Coordinating Council****School Worker Defense Program Advisory Board****Section 529 Plan Review Committee****Sex Offender Assessment Committee****State Board of Education****State Board of Private Career Education****State Community College Board****State Council for the Interstate Compact on Educational Opportunity for Military Children****University of Arkansas College of Medicine Admissions Board**

Boards and Commissions Who Have NOT Complied with Act 276 of 2021

Abandoned cemetery registration board
Academic Facilities Oversight Committee
Academic Facilities Review Board
Acute Stroke Care Task Force
Advisory Board of the Arkansas Center for School Safety of the Criminal Justice Institute
Advisory Committee on Healthcare Acquired Infections
Advisory Committee on Public School Academic Facilities
Advisory Committee to the Arkansas State Board of Pharmacy
Alcoholic Beverage Control Board
Alzheimer's Disease and Dementia Advisory Council
Amusement Ride Safety Advisory Board
arbitration committee
Arkansas Alcohol and Drug Abuse Coordinating Council
Arkansas Arts Council (Advisory Council of the Arkansas Arts Council)
Arkansas Beef Council
Arkansas Breast Milk Bank
Arkansas Catfish Promotion Board
Arkansas Child Abuse/Rape/Domestic Violence Commission
Arkansas Child Death Review Panel
Arkansas Child Support Clearinghouse
Arkansas Code Revision Commission
Arkansas Commission for the Newborn Umbilical Cord Blood Initiative
Arkansas Commission on Eye and Vision Care of School-Age Children
Arkansas Corn and Grain Sorghum Promotion Board
Arkansas Cultural Institutions Trust Fund Review Committee
Arkansas Delta Music Commission
Arkansas Fair Housing Commission
Arkansas Financial Education Commission
Arkansas Fire Training Academy
Arkansas Freedom of Information Task Force
Arkansas Homeland Security Advisory Group
Arkansas Housing Trust Fund Advisory Committee

Boards and Commissions Who Have NOT Complied with Act 276 of 2021

Arkansas Intrastate Carrier Common Line Pool Advisory Procedural Board
Arkansas Leadership Academy
Arkansas Legislative Task Force on Abused and Neglected Children
Arkansas Legislative Task Force on Autism
Arkansas Mediation and Conciliation Service
Arkansas Military Affairs Council
Arkansas Military War Veterans Monument Design Selection Committee
Arkansas Museum Review Panel
Arkansas Natural and Cultural Heritage Advisory Committee
Arkansas Natural and Cultural Resources Council
Arkansas Natural Heritage Commission
Arkansas Newspaper Recycling Advisory Committee
Arkansas PANS/PANDAS Advisory Council
Arkansas Property and Casualty Advisory Association
Arkansas Public Art Advisory Board
Arkansas Public Defender Commission
Arkansas Public School Desegregation Lawsuit Resolution Task Force
Arkansas Public Service Commission
Arkansas Public Transportation Coordination Council
Arkansas Racing Commission
Arkansas Rice Research and Promotion Board
Arkansas Rural Development Commission
Arkansas Rural Medical Practice Student Loan and Scholarship Board
Arkansas Sentencing Commission
Arkansas Service Commission
Arkansas Soybean Promotion Board
Arkansas State Council for Interstate Juvenile Supervision
Arkansas State Council for the Interstate Commission for Adult Offender Supervision
Arkansas State Game and Fish Commission
Arkansas State Occupational Therapy Examining Committee
Arkansas State Respiratory Care Examining Committee
Arkansas Statewide Energy Consortium
Arkansas Suicide Prevention Council
Arkansas Tobacco Control Board

Boards and Commissions Who Have NOT Complied with Act 276 of 2021**Arkansas Trails Council****Arkansas Veterans' Commission****Arkansas Waterways Commission****Arkansas Wheat Promotion Board****Arkansas Wine Producers Council****Arkansas Workforce Development Board****Arkansas Workforce Investment Board and Adult Education Study Committee****Arkansas Workforce Investment Board and Adult Education Study Committee****Arkansas Young and Beginning Farmer Advisory Board****Arkansas-Mississippi Bridge Commission****Arkansas-Oklahoma Arkansas River Compact Commission****Arkansas-Oklahoma District Fair Board****Arkansas Apprenticeship Coordination Steering Committee****Baby Sharon's Children's Catastrophic Illness Grant Program Committee****Black History Commission of Arkansas****Board of Advisors to Arkansas State University-Searcy****Board of Corrections****Board of Directors of East Arkansas Community College****Board of Directors of the Arkansas Comprehensive Health Insurance Pool****Board of Directors of the Arkansas Correctional School District****Board of Directors of the Arkansas Deaf and Hard of Hearing Telecommunications Services Corporation****Board of Directors of the Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation****Board of Directors of the Arkansas Development Finance Authority****Board of Directors of the Arkansas Life and Health Insurance Guaranty Association****Board of Directors of the Division of Science and Technology of the Arkansas Economic Development Commission****Board of Review****Board of the Arkansas Earthquake Authority****Board of the Division of State Services for the Blind****Board of the Information Network of Arkansas****Board of Trustees of Arkansas Northeastern College****Board of Trustees of Arkansas Tech University****Board of Trustees of National Park College**

Boards and Commissions Who Have NOT Complied with Act 276 of 2021**Board of Trustees of Southern Arkansas University****Board of Trustees of the Arkansas Judicial Retirement System****Board of Trustees of the Arkansas Public Employees' Retirement System****Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf****Board of Trustees of the Arkansas State Highway Employees' Retirement System****Board of Trustees of the Arkansas State University system****Board of Trustees of the Arkansas Teacher Retirement System****Board of Trustees of the State Police Retirement System****Board of Trustees of the University of Arkansas****Board of Trustees of the University of Central Arkansas****Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts****Board of Visitors for the University of Arkansas at Pine Bluff****Board of Visitors of the Arkansas School for Mathematics, Sciences, and the Arts****Breast Cancer Control Advisory Board****Buffalo River Conservation Committee****Building Authority Council****Capitol Parking Control Committee****Capitol Zoning District Commission****Career Education and Workforce Development Board****Cervical Cancer Task Force****Child and Adolescent Service System Program Coordinating Council****Child Health Advisory Committee****Child Health and Family Life Institute****Children's Behavioral Health Care Commission****Circuit Clerks Continuing Education Board****classification committee****Commercialization Committee****Commission for Arkansas Public School Academic Facilities and Transportation****Commission for Parent Counsel****Commission on Closing the Achievement Gap in Arkansas****Commission on Water Well Construction****Commissioner of Elementary and Secondary Education****Committee of Plumbing Examiners****Committee on Advanced Communications and Information Technology**

Boards and Commissions Who Have NOT Complied with Act 276 of 2021**Committee on Child Support****Community Services Oversight and Planning Council****Compliance Advisory Panel****Consumer Advisory Board****Consumer Counsel of Arkansas****Contractors Licensing Board****Cosmetology Technical Advisory Committee****Council on Postsecondary Education and Career Readiness****County Clerks Continuing Education Board****County Collector's Continuing Education Board****county intergovernmental cooperation council****County Treasurer's Continuing Education Board****criminal detention facility review committees****Criminal Justice Institute Advisory Board for Law Enforcement Management Training and Education****Critical Needs Minority Teacher Scholarship Program Committee****Daisy Gatson Bates Holiday Committee****Data and Transparency Panel****Delta Cultural Center Policy Advisory Board****District Court Resource Assessment Board****Drinking Water Advisory and Operator Licensing Committee****Drug Utilization and Evaluation Subcommittee of the State Board of Finance****Electrical Energy Advancement Program Fund Board****Electronic Recording Commission****Emergency Medical Services Advisory Council****ethics subcommittee of the Professional Licensure Standards Board****Executive Board of the Governor's Commission on People with Disabilities****Executive Committee of the Division of Science and Technology of the Arkansas Economic Development Commission****Executive Council****Firefighter Benefit Review Panel****Full Independent Practice Credentialing Committee****Governmental Bonding Board****Governor's Commission on People with Disabilities****Governor's Emergency Fund Review Committee**

Boards and Commissions Who Have NOT Complied with Act 276 of 2021

Graduate Medical Education Residency Expansion Board
Graduate Nurse Educator Loan and Scholarship Board
Grant Advisory Board
Health and Economic Outcomes Accountability Oversight Advisory Panel
Healthcare Quality and Payment Policy Advisory Committee
Historic Arkansas Museum Commission
independent citizens commission
Individual Sewage Disposal Systems Advisory Committee
Institute of Legislative Procedure
Institutional Energy Research Committee
Interagency Task Force for the Implementation of Criminal Justice Prevention Initiatives
Judicial Discipline and Disability Commission
Juvenile Crime Enforcement Coalition
Juvenile Intake and Probation Officers' Certification Committee
Keep Arkansas Beautiful Commission
Land Survey Advisory Board
Law Enforcement Officers' Memorial Design Committee
Law Enforcement Training Committee
licensing committee
Lottery Retailer Advisory Board
Mansion Advisory Council
Marine Sanitation Advisory Committee
Martin Luther King, Jr. Commission
Martin Luther King, Jr. Youth Commission
Massage Therapy Technical Advisory Committee
Maternal and Perinatal Outcomes Quality Review Committee
Maternal Mortality Review Committee
Medical Ionizing Radiation Licensure Committee
Medical Marijuana Commission
Medication Assistive Person Advisory Committee
Minority and Women-owned Business Advisory Council
Minority Teacher and Administrator Preparation and Recruitment Strategic Plan
Mosaic Templars of America Center for African-American Culture and Business Enterprise Advisory Board

Boards and Commissions Who Have NOT Complied with Act 276 of 2021**Multidisciplinary Team Oversight Committee****National Center for Rural Law Enforcement Advisory Board****Natural Resources Committee****Natural Resources Damages Advisory Board****Nongame Preservation Committee****North Central Arkansas District Fair Board****Northeast Arkansas District Fair Advisory Board****Nuclear Planning and Response Program Advisory Committee****Nutrient Water Quality Trading Advisory Panel****Old State House Commission****Osteopathic Rural Medical Practice Student Loan and Scholarship Board****Ouachita River Commission****Pain Management Review Committee****Palliative Care and Quality of Life Interdisciplinary Task Force****Parole Board****Physical Therapy Compact Commission****Physician Assistant Committee****Police Corps Advisory Group****Prepaid Funeral Contracts Recovery Program Board****Prescription Drug Monitoring Program Advisory Committee****Prescriptive Authority Advisory Committee****Presidents Council****Professional Licensure Standards Board****Prosecution Coordination Commission****Psychology Interjurisdictional Compact Commission****Public School Americans with Disabilities Act Compliance Committee****Public Works Committee****Quality of Care Subcommittee of the State Board of Finance****Records Retention Committee****Red River Compact Commission****Regional solid waste management board****Rita Rowell Hale Prenatal and Early Childhood Nurse Home Visitation Program
Advisory Council****Rural Fire Departments Study Committee****Safe Schools Committee**

Boards and Commissions Who Have NOT Complied with Act 276 of 2021**School Leadership Coordinating Council****School Worker Defense Program Advisory Board****Scientific Review Committee****Section 529 Plan Review Committee****Sex Offender Assessment Committee****Small Business Loan Committee****Southern Growth Policies Board****Southern Growth Policies Board****Specialty Court Program Advisory Committee****State Board of Disease Intervention Specialists****State Board of Education****State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services****State Board of Finance****State Board of Law Examiners****State Board of Private Career Education****State Board of Registered Residential Interior Designers****State Board of Registration for Professional Geologists****State Community College Board****State Council for the Interstate Compact on Educational Opportunity for Military Children****State Electrical Apprenticeship Committee****State Equalization Board****State Fire Prevention Commission****State Hazardous Materials Emergency Response Commission**
[See note]**State Interagency Council****State Land Use Committee****State Land Use Committee****State Library Board****State Parks, Recreation, and Travel Commission****State Plumbing Apprenticeship Committee****State Review Committee for Historic Preservation****State Task Force for the Prevention of Human Trafficking****State Technology Council****Subcommittee on Child Safety Centers**

Boards and Commissions Who Have NOT Complied with Act 276 of 2021
Suggestion Award Board
Supervisory Board for the Arkansas Crime Information Center
Tax Advisory Council
Tax Appeals Commission
Tax Division of the Arkansas Public Service Commission
Technology Equipment Revolving Loan Fund Committee
The Board of Apportionment
Tobacco Prevention and Cessation Advisory Committee
Trauma Advisory Council+A126:A135A125:A135A124:A135A3:A135
Universal Newborn Hearing Screening, Tracking, and Intervention Advisory Board
University of Arkansas College of Medicine Admissions Board
Vehicle Equipment Safety Commission
War Memorial Stadium Commission
Wildlife Observation Trails Pilot Program Advisory Board
Workers' Compensation Commission
Youth Justice Reform Board

Stricken language would be deleted from and underlined language would be added to present law. Act 276 of the Regular Session

1 State of Arkansas *As Engrossed: S2/24/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1356

4

5 By: Representative Dotson

6 *By: Senator B. Ballinger*

7

8 **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
11 REPORT; TO RECOMMEND THE ABOLITION OF A STATE BOARD
12 OR COMMISSION FOR FAILURE TO SUBMIT A REPORT; AND FOR
13 OTHER PURPOSES.

14

15

16 **Subtitle**

17 TO AMEND THE PROCESS OF EVALUATION OF
18 STATE BOARDS AND COMMISSIONS; TO REQUIRE
19 SUBMISSION OF A REPORT; AND TO RECOMMEND
20 THE ABOLITION OF A STATE BOARD OR
21 COMMISSION FOR FAILURE TO SUBMIT A REPORT.

22

23

24

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

26

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

elect a new chair and vice chair.

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

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

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

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

(3) If a state board or commission, other than a constitutional board or commission, has not submitted the report required in subdivision

(d)(1) of this section to the Joint Performance Review Committee by December 1 of the even-numbered year, the Joint Performance Review Committee may direct the Bureau of Legislative Research to draft legislation that:

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

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

(C) Requires all funds, income, and revenue to revert to

the General Revenue Fund Account or other fund or account as provided by the General Assembly.

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

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

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

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

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

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

/s/Dotson

APPROVED: 3/8/21