

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

A Bill

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

17 "TO REPEAL ARKANSAS CODE 6-43-104 (c)
18 AND AMEND ARKANSAS CODE 25-17-212 AND TO
19 PROVIDE THAT § 21-8-304 RELATING TO
20 ETHICS AND NEPOTISM SHALL BE APPLICABLE
21 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 Arkansas Code 6-43-104 (c) is repealed.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:
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30 "25-17-212. Appointment and powers of superintendents.
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32 (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
33 the superintendent.
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35 (b) The superintendent shall be required to give his entire time to
the management and operation of the institution and shall be selected because

1 of his previous training and fitness to care for the institution entrusted to
2 his care.

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

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

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

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

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

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

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

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34 SECTION 5. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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

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

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/s/Rep. Ferrell, et al

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

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