

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2192

4  
5 By: Representatives Sheppard and Fuqua

## For An Act To Be Entitled

9 "AN ACT TO REPEAL ARKANSAS CODE 15-23-701 ET SEQ.  
10 PERTAINING TO THE BUFFALO NATIONAL RIVER COMMISSION; TO  
11 REPEAL ARKANSAS CODE 15-10-501 ET SEQ. PERTAINING TO THE  
12 ALTERNATIVE FUELS COMMISSION; TO REPEAL ARKANSAS CODE 15-  
13 75-205 PERTAINING TO THE LIQUEFIED PETROLEUM GAS ADVISORY  
14 COMMITTEE; TO REPEAL ARKANSAS CODE 25-25-101 ET SEQ.  
15 PERTAINING TO THE COMMISSION ON ARKANSAS' FUTURE; AND FOR  
16 OTHER PURPOSES."

## Subtitle

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18  
19 "TO REPEAL VARIOUS STATUTES PERTAINING  
20 TO COMMISSIONS AND COMMITTEES WHICH DO  
21 NOT MEET OR ARE NOT FUNDED."

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code 15-23-701 et seq. is hereby repealed.

26 ~~15-23-701. Creation.~~

27 ~~There is hereby created the Buffalo National River Commission.~~

28 ~~15-23-702. Members - Officers.~~

29 ~~(a) The commission shall be composed of:~~

30 ~~(1) The County Judge of Baxter County;~~

31 ~~(2) The County Judge of Marion County;~~

32 ~~(3) The County Judge of Newton County;~~

33 ~~(4) The County Judge of Searcy County;~~

34 ~~(5) One qualified elector of each of the above named counties to  
35 be appointed by the Governor;~~

36 ~~(6) Each member of the Senate and of the House of Representatives~~

1 ~~whose legislative district encompasses or touches any portion of the Buffalo~~  
 2 ~~National River;~~

3 ~~\_\_\_\_\_ (7) The Director of the Department of Parks and Tourism; and~~

4 ~~\_\_\_\_\_ (8) The Director of the Arkansas State Game and Fish Commission.~~

5 ~~\_\_\_\_\_ (b) The terms of citizen members appointed by the Governor shall be~~  
 6 ~~four (4) years.~~

7 ~~\_\_\_\_\_ (c)(1) At the first meeting of the commission, the commission shall~~  
 8 ~~select from its membership a chairman and such other officers as it deems~~  
 9 ~~appropriate.~~

10 ~~\_\_\_\_\_ (2) Each chairman selected by the commission shall serve as~~  
 11 ~~chairman of the commission for a term of two (2) years.~~

12 ~~\_\_\_\_\_ (d) Members of the commission shall serve without compensation.~~

13 ~~\_\_\_\_\_ 15-23-703. Meetings.~~

14 ~~\_\_\_\_\_ (a) The commission shall meet at least two (2) times per year and at~~  
 15 ~~such other times as it deems appropriate.~~

16 ~~\_\_\_\_\_ (b) The chairman shall notify all members of the commission of each~~  
 17 ~~meeting of the commission and, in addition, shall cause notice of all meetings~~  
 18 ~~to be sent to each newspaper published in Baxter County, Marion County, Newton~~  
 19 ~~County, and Searcy County.~~

20 ~~\_\_\_\_\_ 15-23-704. Powers and duties.~~

21 ~~The commission shall have the authority and responsibility to confer and~~  
 22 ~~advise with all governmental entities and all individuals having authority or~~  
 23 ~~responsibility to make or implement decisions or policies regarding the~~  
 24 ~~Buffalo National River and its environs.~~

25

26 SECTION 2. Arkansas Code 15-10-501 et seq. is hereby repealed.

27 ~~\_\_\_\_\_ 15-10-501. Purpose.~~

28 ~~It is the purpose and intent of this subchapter to decrease the reliance of~~  
 29 ~~the United States, and especially the residents of Arkansas, on imported oil~~  
 30 ~~as a major source of energy. In furtherance of this purpose, the Alternative~~  
 31 ~~Fuels Commission created by this subchapter shall encourage and assist~~  
 32 ~~governmental agencies, private enterprise, and the citizens of this state to~~  
 33 ~~decrease their use of imported fuels and increase their use of fuels produced~~  
 34 ~~domestically.~~

35 ~~\_\_\_\_\_ 15-10-502. Alternative Fuels Commission.~~

36 ~~\_\_\_\_\_ (a) There is hereby created the Alternative Fuels Commission to be~~

1 ~~composed of nine (9) members appointed by the Governor, plus one (1) Senator~~  
2 ~~and one (1) Representative serving on the Joint Committee on Energy of the~~  
3 ~~General Assembly to be appointed by the cochairmen of the Joint Committee on~~  
4 ~~Energy. The Governor shall appoint one (1) consumer representative and two (2)~~  
5 ~~members representing the natural gas industry of this state and, in making the~~  
6 ~~remainder of his appointments, should give consideration to the appointees'~~  
7 ~~knowledge of and experience in banking, farming, geology, chemistry, biology,~~  
8 ~~and engineering.~~

9 ~~—— (b) One (1) commissioner shall be selected from each of the (4) four~~  
10 ~~congressional districts, and the remaining five (5) commissioners shall serve~~  
11 ~~from the state at large.~~

12 ~~—— (c)(1) The Governor-appointed members of the commission shall serve~~  
13 ~~terms of four (4) years.~~

14 ~~—— (2) The members appointed from the Joint Committee on Energy shall~~  
15 ~~serve two-year terms.~~

16 ~~—— (d) In the event a vacancy occurs on the commission due to death,~~  
17 ~~resignation, or other cause, the vacancy shall be filled by appointment by the~~  
18 ~~Governor or cochairmen of the Joint Committee on Energy, whichever is~~  
19 ~~appropriate, of a person eligible for the initial appointment as set forth in~~  
20 ~~this section to serve for the remainder of the unexpired portion of the term~~  
21 ~~of the member.~~

22 ~~—— (e) The commission shall annually elect one (1) of its members as~~  
23 ~~chairman and one (1) of its members as vice chairman, and other officers as~~  
24 ~~the commission deems necessary.~~

25 ~~—— (f) Members of the commission shall serve without pay but shall be~~  
26 ~~reimbursed from commission funds, if available, for reasonable and necessary~~  
27 ~~expenses incurred in attending to commission business in the same manner and~~  
28 ~~in accordance with the same conditions, restrictions, and limitations as are~~  
29 ~~applicable to employees of the state.~~

30 ~~—— (g) Members of the commission shall qualify by taking the oath of~~  
31 ~~office as prescribed by law.~~

32 ~~—— 15-10-503. Duties of commission.~~

33 ~~The commission shall:~~

34 ~~—— (1) Identify and cooperate with existing agencies, organizations, and~~  
35 ~~individuals to develop, coordinate, and promote the utilization of alternative~~  
36 ~~fuels throughout the State of Arkansas;~~

- 1 ~~\_\_\_\_\_ (2) Initially emphasize the production, development, promotion, and~~
- 2 ~~utilization of alternative motor fuels;~~
- 3 ~~\_\_\_\_\_ (3) Subsequently establish priorities for addressing other alternative~~
- 4 ~~energy sources, taking into consideration the economics, availability, and the~~
- 5 ~~social and environmental benefits to be derived from the development and use~~
- 6 ~~of these alternative fuels;~~
- 7 ~~\_\_\_\_\_ (4) Cooperate in the implementation of a state energy strategy;~~
- 8 ~~\_\_\_\_\_ (5) Provide an annual report to the Governor, to the General Assembly,~~
- 9 ~~and to the public documenting areas of success, recommendations for~~
- 10 ~~legislation, and unresolved issues that require further attention;~~
- 11 ~~\_\_\_\_\_ (6) Acquire by purchase, gift, devise, grant, dedication, or otherwise,~~
- 12 ~~any interest in real or personal property;~~
- 13 ~~\_\_\_\_\_ (7) Cooperate and contract with any governmental entity, any natural~~
- 14 ~~person, or any legal entity;~~
- 15 ~~\_\_\_\_\_ (8) Accept money or any other property from any governmental entity,~~
- 16 ~~natural person, or other legal entity;~~
- 17 ~~\_\_\_\_\_ (9) Make grants and loans;~~
- 18 ~~\_\_\_\_\_ (10) Issue bonds and other evidences of indebtedness; and~~
- 19 ~~\_\_\_\_\_ (11) Promulgate regulations necessary to implement this subchapter.~~
- 20 ~~\_\_\_\_\_ 15-10-504. Alternative Fuels Advisory Committee.~~
- 21 ~~\_\_\_\_\_ (a) There is hereby created the Alternative Fuels Advisory Committee to~~
- 22 ~~be composed of twelve (12) members appointed by the Governor as follows:~~
- 23 ~~\_\_\_\_\_ (1) A representative of the grain ethanol industry;~~
- 24 ~~\_\_\_\_\_ (2) A representative of the cellulose ethanol industry;~~
- 25 ~~\_\_\_\_\_ (3) A representative of the Arkansas Transit Association, chosen~~
- 26 ~~from a list of three (3) nominees provided by the association;~~
- 27 ~~\_\_\_\_\_ (4) A representative of the Arkansas Oil Marketers' Association,~~
- 28 ~~chosen from a list of three (3) nominees provided by the association;~~
- 29 ~~\_\_\_\_\_ (5) A representative of the Liquefied Petroleum Gas Association,~~
- 30 ~~chosen from a list of three (3) nominees provided by the association;~~
- 31 ~~\_\_\_\_\_ (6) A representative from the Arkansas Petroleum Council, chosen~~
- 32 ~~from a list of three (3) nominees provided by the council;~~
- 33 ~~\_\_\_\_\_ (7) A representative of the Arkansas Farm Bureau Federation,~~
- 34 ~~chosen from a list of three (3) nominees provided by the bureau;~~
- 35 ~~\_\_\_\_\_ (8) A representative from the Arkansas Gas Association, chosen~~
- 36 ~~from a list of three (3) nominees provided by the association;~~

- ~~1 \_\_\_\_\_ (9) A representative of a public electric utility;~~
- ~~2 \_\_\_\_\_ (10) A member at large to represent consumers;~~
- ~~3 \_\_\_\_\_ (11) A representative of a public gas utility; and~~
- ~~4 \_\_\_\_\_ (12) A representative of the Conservation Coalition, chosen from a~~
- ~~5 list of three (3) nominees provided by the coalition.~~

~~6 \_\_\_\_\_ (b) The members of the advisory committee shall serve without pay, but~~  
~~7 the commission may, if sufficient funds are available, reimburse members of~~  
~~8 the advisory committee for actual and necessary expenses in attending advisory~~  
~~9 committee meetings.~~

~~10 \_\_\_\_\_ 15-10-505. Liability.~~

~~11 No member of the Alternative Fuels Commission or the Alternative Fuels~~  
~~12 Advisory Committee shall be personally liable for his acts or omissions within~~  
~~13 the scope of his duties as a member of the commission or committee, nor shall~~  
~~14 any member be personally liable for the acts or omissions of any other members~~  
~~15 of the commission or committee performed within the scope of their duties as~~  
~~16 such members.~~

17

18 SECTION 3. Arkansas Code 15-75-205 is hereby repealed.

~~19 \_\_\_\_\_ 15-75-205. Advisory committee.~~

~~20 \_\_\_\_\_ (a) The Governor shall also appoint an advisory committee, consisting~~  
~~21 of five (5) members, who shall counsel with the board in the performance of~~  
~~22 its duties when deemed necessary by the board and who shall assist and advise~~  
~~23 the board in the promulgation of necessary rules and regulations authorized~~  
~~24 under this subchapter.~~

~~25 \_\_\_\_\_ (b) The chairman of the board shall serve as ex officio chairman of the~~  
~~26 advisory committee, and one (1) member of the advisory committee shall be~~  
~~27 selected from each of the following groups:~~

- ~~28 \_\_\_\_\_ (1) Manufacturer or dealer of appliances;~~
- ~~29 \_\_\_\_\_ (2) Retailer of liquefied petroleum gases;~~
- ~~30 \_\_\_\_\_ (3) Installer of liquefied petroleum gas systems;~~
- ~~31 \_\_\_\_\_ (4) Wholesaler of liquefied petroleum gases; and~~
- ~~32 \_\_\_\_\_ (5) Manufacturer or dealer of containers.~~

~~33 \_\_\_\_\_ (c) Terms of office of the five (5) members so appointed shall be five~~  
~~34 (5) years and shall expire on January 14 of the last year of the term.~~

~~35 \_\_\_\_\_ (d) In addition to the five (5) members of the advisory committee so~~  
~~36 appointed by the Governor, the board shall select two (2) persons to become~~

1 ~~members of the advisory committee who shall have a thorough knowledge of the~~  
 2 ~~characteristics and safe handling of liquefied petroleum gases and who shall~~  
 3 ~~serve for a term of two (2) years. Terms of office of the two (2) members so~~  
 4 ~~appointed shall be arranged by the board in such a manner that the term of one~~  
 5 ~~(1) shall expire on January 14 each year. Appointment of a successor shall be~~  
 6 ~~for a term of two (2) years.~~

7 ~~\_\_\_\_\_ (e) Appointment to the advisory committee shall be for the term~~  
 8 ~~provided for in this section, except where appointment is made to fill an~~  
 9 ~~unexpired term.~~

10

11 SECTION 4. Arkansas Code 25-25-101 et seq. is hereby repealed.

12 ~~\_\_\_\_\_ 25-25-101. Creation.~~

13 ~~\_\_\_\_\_ (a) There is hereby created the Commission for Arkansas' Future, to be~~  
 14 ~~composed of:~~

15 ~~\_\_\_\_\_ (1) The Chief Fiscal Officer of the State;~~

16 ~~\_\_\_\_\_ (2) The Speaker of the House;~~

17 ~~\_\_\_\_\_ (3) The Senate President Pro Tempore;~~

18 ~~\_\_\_\_\_ (4) Three (3) members of the Senate selected by the Senate~~  
 19 ~~Committee on Committees;~~

20 ~~\_\_\_\_\_ (5) Three (3) members of the House of Representatives to be~~  
 21 ~~selected by the Speaker of the House; and~~

22 ~~\_\_\_\_\_ (6) Five (5) Arkansas residents from each congressional district~~  
 23 ~~to be appointed by the Governor.~~

24 ~~\_\_\_\_\_ (b)(1) No person appointed by the Governor shall be a member of the~~  
 25 ~~General Assembly.~~

26 ~~\_\_\_\_\_ (2) The Governor shall make his appointments in such a manner that~~  
 27 ~~members are representative of the state and are diverse in ethnicity, gender,~~  
 28 ~~race, socioeconomic status, and geographic location.~~

29 ~~\_\_\_\_\_ (3) In order to assure continuity of the commission's program of~~  
 30 ~~work, consideration shall be given to the reappointment of current members as~~  
 31 ~~deemed appropriate. \_\_\_\_\_ (c)(1) All nonlegislative appointees shall serve~~  
 32 ~~five-year terms unless they resign or are unable to serve or fail to attend,~~  
 33 ~~without excuse, two (2) consecutive meetings of the full commission.~~

34 ~~\_\_\_\_\_ (2) When a vacancy occurs on the commission, the chairman shall~~  
 35 ~~notify the appropriate appointing official, and the vacancy shall be filled in~~  
 36 ~~the same manner as the original appointment.~~

1 ~~\_\_\_\_\_ (3) Persons appointed to fill vacancies shall serve the remainder~~  
 2 ~~of the unexpired term and shall be eligible for reappointment for one (1)~~  
 3 ~~five-year term.~~

4 ~~\_\_\_\_\_ (4) In the event the vacancy arises as a result of a member,~~  
 5 ~~missing two (2) consecutive meetings without excuse, the chairman shall also~~  
 6 ~~notify that member.~~

7 ~~\_\_\_\_\_ (5) Any member of the commission appointed by the Governor shall~~  
 8 ~~be subject to removal in accordance with <sup>A</sup> 25-16-804.~~

9 ~~\_\_\_\_\_ (d) The nonlegislative members of the commission shall serve without~~  
 10 ~~pay but shall be entitled to a per diem of sixty dollars (\$60.00) for each~~  
 11 ~~day's attendance at a meeting of the commission, or any committee of the~~  
 12 ~~commission, and mileage reimbursement at the rate prescribed by state travel~~  
 13 ~~regulations for state employees, so long as adequate funds are appropriated~~  
 14 ~~and available to cover paying the per diem.~~

15 ~~\_\_\_\_\_ 25-25-102. Members.~~

16 ~~\_\_\_\_\_ (a) The Governor shall appoint a chairman to serve until the commission~~  
 17 ~~shall elect from its nonlegislative members a chairman and a vice chairman to~~  
 18 ~~serve for two (2) years.~~

19 ~~\_\_\_\_\_ (b)(1) The commission shall also elect three (3) of its nonlegislative~~  
 20 ~~members to serve two (2) years with the chairman and vice chairman as an~~  
 21 ~~executive committee.~~

22 ~~\_\_\_\_\_ (2) The Senate commission members shall select one (1) of their~~  
 23 ~~number to serve as a nonvoting member of the executive committee, and the~~  
 24 ~~House commission members shall do likewise.~~

25 ~~\_\_\_\_\_ (c) The commission shall meet at least twice each year.~~

26 ~~\_\_\_\_\_ (d)(1) The executive director shall be employed by the executive~~  
 27 ~~committee and shall work under the direction and control of the executive~~  
 28 ~~committee.~~

29 ~~\_\_\_\_\_ (2) Other members of the staff shall be employed by and report to~~  
 30 ~~the executive director.~~

31 ~~\_\_\_\_\_ 25-25-103. Powers and duties.~~

32 ~~\_\_\_\_\_ (a) The commission shall have the duties and responsibilities to~~  
 33 ~~develop and monitor progress toward an ongoing overall strategic plan for the~~  
 34 ~~state.~~

35 ~~\_\_\_\_\_ (b) The commission, in developing the plan, shall:~~

36 ~~\_\_\_\_\_ (1) Oversee the cyclical strategic visioning and planning process~~

1 ~~which involves citizen participation in the development of goals and~~  
2 ~~strategies for the state;~~

3 ~~\_\_\_\_\_ (2) Establish goals and prioritize policy statements from this~~  
4 ~~process;~~

5 ~~\_\_\_\_\_ (3) Develop and monitor a measurement system to identify how well~~  
6 ~~the goals are being accomplished;~~

7 ~~\_\_\_\_\_ (4) Identify trends affecting the state; and~~

8 ~~\_\_\_\_\_ (5) Develop detailed strategies and initiatives that will assist~~  
9 ~~the state in maximizing its potential.~~

10 ~~\_\_\_\_\_ (c) The commission shall present its recommended strategies no later~~  
11 ~~than September 30 of each even-numbered year to the Governor and the~~  
12 ~~Legislative Council. The commission, in order to encourage and monitor~~  
13 ~~progress toward accomplishment of the goals while working in concert with~~  
14 ~~other state agencies, shall have the authority to develop and implement~~  
15 ~~systems for measurement and accountability. Additionally, the commission will~~  
16 ~~have the responsibility for coordinating efforts to implement its strategies~~  
17 ~~and initiatives.~~

18 ~~\_\_\_\_\_ (d) The commission may contract with any public or private entity or~~  
19 ~~any person to assist it in its efforts.~~

20 ~~\_\_\_\_\_ 25-25-104. Funding.~~

21 ~~In addition to the funds appropriated by the General Assembly to the~~  
22 ~~commission, the commission may accept funds from any other public or private~~  
23 ~~source.~~

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