

Stricken language would be deleted from present law. Underlined language would be added to present law.

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

# A Bill

SENATE BILL 166

4  
5 By: Senator Harriman

## For An Act To Be Entitled

9 "AN ACT TO ENSURE BOARD AND COMMISSION MEMBER ATTENDANCE  
10 AT BOARD AND COMMISSION MEETINGS; AND FOR OTHER PURPOSES."

### Subtitle

13 "AN ACT TO ENSURE BOARD AND COMMISSION  
14 MEMBER ATTENDANCE."

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

18 SECTION 1. Arkansas code § 25-17-211 is amended to read as follows:

19 "§ 25-17-211. Absence of member from meetings as grounds for removal.

20 ~~—— (a) Any board or commission member who shall be absent from two (2)~~  
21 ~~successive regular meetings shall be subject to removal from the board or~~  
22 ~~commission in the event he shall fail to present to the Governor a~~  
23 ~~satisfactory excuse for his absence. In that event, the unexcused absence~~  
24 ~~shall constitute sufficient cause for removal.~~

25 ~~—— (b) Any board or commission member who shall be absent from three (3)~~  
26 ~~successive regular meetings for any reason other than illness of the member,~~  
27 ~~verified by a written sworn statement by his attending physician and entered~~  
28 ~~in the minutes of the board or commission, shall thereby forfeit and vacate~~  
29 ~~his membership on the board or commission. This forfeiture and vacancy shall~~  
30 ~~be forthwith certified to the Governor or other appointing authority by the~~  
31 ~~secretary of the board or commission, who shall fill the vacancy in the manner~~  
32 ~~prescribed by law.~~

33 (a) Attendance Required. In order to ensure broad representation and a  
34 quorum, all board or commission members have a responsibility to attend all  
35 regular or special meetings of the board or commission.

36 (b) Excessive Absences. A board or commission member shall be subject

1 to removal from the board or commission in the event the member shall fail to  
2 present to the Governor a satisfactory excuse for his absence. Unexcused  
3 absences from three (3) successive regular meetings, without attending any  
4 intermediary called special meetings, shall constitute sufficient cause for  
5 removal.

6 (c) Notice and Removal Procedures. Removal of board or commission  
7 members shall be in accordance with the following:

8 (1) Within thirty (30) days after each regular board or  
9 commission meeting, the secretary of each board or commission shall notify, in  
10 writing, the Governor of any member who has been absent from three (3)  
11 successive regular meetings, without attending any intermediary called special  
12 meetings. The secretary's notice to the Governor shall include a copy of all  
13 meeting notices and attendance records for the past year. Any board or  
14 commission secretary failing to submit the notices and documentation required  
15 by this act shall be considered cause for removal by the Governor in  
16 accordance with the procedures set forth at Arkansas Code Annotated § 25-17-  
17 210.

18 (2) Within sixty (60) days after receiving the notice and  
19 supporting documentation from the board or commission Secretary, the Governor  
20 shall notify, in writing, the board or commission member of his intent to  
21 remove the member for cause. This notice shall suffice for the notice  
22 required in A.C.A. § 25-17-210(a).

23 (3) Within twenty (20) days of the date of the Governor's notice,  
24 the member may request an excused absence as provided by this act or may file  
25 with the Governor's Office notice that the member disputes the attendance  
26 records and the reasons thereby.

27 (4) The Governor shall grant an excuse for illness of the member  
28 when verified by a written sworn statement by the attending physician, or  
29 other proper excuse as determined by the Governor.

30 (5) After twenty (20) days of the date of the Governor's notice,  
31 if no rebuttal is received or other adequate documentation submitted, the  
32 member may be removed in accordance with the provisions set forth at A.C.A. §  
33 25-17-210.

34 (d) Reimbursements Withheld. Any board or commission member referred  
35 to the Governor because of excessive absences under the provisions of this Act  
36 shall not be entitled to any per diem or expense reimbursement for travel or

1 attendance of any subsequent meeting until the board or commission receives  
2 notification from the Governor that the member has been excused for the  
3 absences."

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5 SECTION 2. CODE. All provisions of this act of a general and permanent  
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
7 Code Revision Commission shall incorporate the same in the Code.

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9 SECTION 3. SEVERABILITY. If any provision of this act or the  
10 application thereof to any person or circumstance is held invalid, such  
11 invalidity shall not affect other provisions or applications of the act which  
12 can be given effect without the invalid provision or application, and to this  
13 end the provisions of this act are declared to be severable.

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15 SECTION 4. GENERAL REPEALER. All laws and parts of laws in conflict  
16 with this act are hereby repealed.

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18 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the  
19 General Assembly that attendance at board and commission meetings is essential  
20 to provide necessary governmental services; that a quorum of board and  
21 commission members is necessary to transact essential business and to legally  
22 provide and monitor essential governmental services; that the provisions of  
23 this act will provide to ensure attendance at board and commission meetings;  
24 and that delay in the effective date of this act could work irreparable harm  
25 upon the proper administration and provision of essential governmental  
26 programs. Therefore an emergency is declared to exist and this act being  
27 immediately necessary for the preservation of the public peace, health and  
28 safety shall become effective on the date of its approval by the Governor. If  
29 the bill is neither approved nor vetoed by the Governor, it shall become  
30 effective on the expiration of the period of time during which the Governor  
31 may veto the bill. If the bill is vetoed by the Governor and the veto is  
32 overridden, it shall become effective on the date the last house overrides the  
33 veto.

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