

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Argue
6
7

A Bill

SENATE BILL 745

For An Act To Be Entitled

9 "AN ACT TO IMPLEMENT REORGANIZATION OF THE ARKANSAS SCHOOL
10 FOR THE DEAF AND THE ARKANSAS SCHOOL FOR THE BLIND INTO
11 ONE INSTITUTION TO BE NAMED THE ARKANSAS SCHOOL FOR DEAF
12 AND BLIND; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES."

Subtitle

16 "TO IMPLEMENT REORGANIZATION OF THE
17 ARKANSAS SCHOOL FOR THE DEAF AND THE
18 ARKANSAS SCHOOL FOR THE BLIND INTO ONE
19 INSTITUTION."

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

23 SECTION 1. LEGISLATIVE INTENT AND PURPOSE.

24 (a) It is the intent of the General Assembly by this act to reorganize
25 the Arkansas School for the Deaf and the Arkansas School for the Blind into
26 one (1) institution to be named the Arkansas School for Deaf and Blind to
27 ensure that equitable opportunity exists for students with sensory impairments
28 so that they may be better prepared to move into the twenty-first century
29 along with their non-sensory impaired peers.

30 (b) It is further the intent of the General Assembly by this act to
31 expand the membership of the Board of Trustees of the Arkansas School for Deaf
32 and Blind and to create the position of Executive Director of the Arkansas
33 School for Deaf and Blind to establish and control centralized administrative
34 services for the institution so that:

35 (1) The business and financial matters of the institution,
36 including, but not limited to, budgeting, accounting, purchasing, management

1 of human resources, transportation, maintenance, facilities, security, health
 2 and food services shall be provided in a more efficient manner; and

3 (2) The quality and standard of education offered to sensory
 4 impaired students shall be increased.

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6 SECTION 2. REORGANIZATION.

7 On and after July 1, 1997, the Arkansas School for the Deaf and the
 8 Arkansas School for the Blind shall be one (1) institution, to be known as the
 9 Arkansas School for Deaf and Blind.

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11 SECTION 3. Arkansas Code Annotated § 6-43-101 is amended to read as
 12 follows:

13 "6-43-101. Board of trustees.

14 (a) ~~There~~Upon the effective date of this act, there is created an
 15 honorary board constituting the Board of Trustees of the Arkansas School for
 16 ~~the Blind and the Arkansas School for the Deaf~~ Deaf and Blind.

17 (b)(1) The board shall consist of ~~five (5)~~eleven (11) members, three
 18 (3) of whom shall be representative of the deaf and blind communities, three
 19 (3) of whom shall be representative of the general public, and two (2) of whom
 20 shall be representative of the public schools.

21 (2) The Governor, by and with the advice and consent of the
 22 Senate, shall appoint the members of the board, so as to complete the
 23 composition of the board.

24 (3) The Secretary of State shall furnish a certificate to each
 25 board member within ten (10) days following appointment, whereupon the
 26 appointee shall notify the Governor and the Secretary of State in writing of
 27 his acceptance of the appointment within thirty (30) days, and if the
 28 appointee fails to give notice of his acceptance within the time required,
 29 then the appointment shall be declared void and another appointment shall be
 30 made.

31 (c)(1) Members of the board appointed by the Governor under the
 32 provisions of this section, in addition to possessing the qualifications of an
 33 elector, shall reside in the State of Arkansas.

34 (2)(A) The Governor, Attorney General, Secretary of State,
 35 Auditor of State, Treasurer of State, Commissioner of State Lands, Supreme
 36 Court Justices, and the directing head of any state department, state agency,

1 or state institution shall be ineligible for membership on the board provided
2 for in this section during the time for which he was elected or appointed.

3 (B) No individual may be a member of more than one (1) of
4 the boards created under the provisions of this section and § 25-17-201 at the
5 same time.

6 (3) There shall be at all times one (1) member of the board who
7 is a deaf person who fluently utilizes deaf sign language.

8 (d)(1) ~~The term of office for each member shall commence on January 15~~
9 ~~and shall end on January 14 of the fifth year following the year in which the~~
10 ~~regular term commenced.~~ At the first meeting of the board, the members shall
11 draw lots for terms of office, with the terms of two (2) members expiring on
12 June 30, 1998, and no more than two (2) terms expiring on June 30 of each year
13 thereafter.

14 (2) The Governor shall submit to the Senate for approval, on or
15 before the fourteenth day following the commencement of each regular session
16 of the General Assembly, the names of all unconfirmed appointments made by him
17 to fill expired terms and the names of appointments to fill the terms expiring
18 during the regular session of the General Assembly. The members appointed by
19 the Governor to fill vacancies caused by the expiration of the terms of
20 members may qualify and hold office until the appointments are rejected by the
21 Senate.

22 (e) Any vacancies arising in the membership of the board for any reason
23 other than the expiration of the regular terms for which the members were
24 appointed shall be filled by the appointment of the Governor, subject to the
25 approval by a majority of the remaining members of the board, and shall be
26 thereafter effective until the expiration of the regular terms.

27 (f)(1) Before entering upon his respective duties, each board member
28 shall take and subscribe, and file in the office of the Secretary of State, an
29 oath to support the United States Constitution and Arkansas Constitution, and
30 to faithfully perform the duties of the office upon which he is about to
31 enter, and that he will not be or become interested, directly or indirectly,
32 in any contract made by the board.

33 (2)(A) Any violation of the oath shall be a misdemeanor and shall
34 be punished by a fine of not less than five hundred dollars (\$500) or by
35 imprisonment of not less than six (6) months, or by both fine and
36 imprisonment.

1 (B) Any contract entered into in violation of the oath
2 shall be null and void.

3 (g) The board of trustees shall meet at least monthly and shall fix a
4 regular date for the monthly meeting.

5 (h) Each member of the Board of Trustees for the Arkansas School for
6 ~~the Blind and the Arkansas School for the Deaf is authorized to receive a~~
7 ~~maximum of forty-five dollars (\$45.00) plus reimbursement for actual expenses~~
8 ~~incurred for each day spent in the execution of official duties of the Board~~
9 ~~of Trustees for the Arkansas School for the Blind and the Arkansas School for~~
10 ~~the Deaf~~ Deaf and Blind may receive expense reimbursement in accordance with
11 § 25-16-901.

12 (i)(1) The Governor shall have the power to remove any member of the
13 board before the expiration of his term for cause only, after notice and
14 hearing.

15 (2) The removal shall become effective only when approved in
16 writing by a majority of the total number of the board, but the member removed
17 or his successor shall have no right to vote on the question of removal.

18 (3) The removal action shall be filed with the Secretary of State
19 together with a complete record of the proceedings at the hearing.

20 (4)(A) An appeal may be taken to the Pulaski County Circuit Court
21 by the Governor or the member ordered removed, and the appeal shall be tried
22 de novo on the record of the hearing before the Governor.

23 (B) An appeal may be taken from the circuit court to the
24 Arkansas Supreme Court, which shall likewise be tried de novo."

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

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30 SECTION 5. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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36 SECTION 6. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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