

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

HOUSE BILL 2123

4  
5 By: Representative Allison  
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## For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 6-43-101 AND § 25-17-  
10 205 TO INCREASE THE NUMBER OF TRUSTEES ON THE BOARD OF  
11 THE SCHOOL FOR THE BLIND AND SCHOOL FOR THE DEAF; AND  
12 FOR OTHER PURPOSES. "

## Subtitle

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15 "AN ACT TO AMEND ARKANSAS CODE § 6-43-101  
16 AND § 25-17-205 TO INCREASE THE NUMBER  
17 OF TRUSTEES ON THE BOARD OF THE SCHOOL  
18 FOR THE BLIND AND SCHOOL FOR THE DEAF. "

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

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23 SECTION 1. Arkansas Code 6-43-101 is amended to read as follows:  
24 "6-43-101. Board of trustees.

25 (a) There is created an honorary board constituting the Board of  
26 Trustees of the Arkansas School for the Blind and the Arkansas School for the  
27 Deaf.

28 (b)(1) The board shall consist of ~~five (5)~~ seven (7) members.

29 (2) The Governor, by and with the advice and consent of the  
30 Senate, shall appoint the members of the board.

31 (3) The Secretary of State shall furnish a certificate to each  
32 board member within ten (10) days following appointment, whereupon the  
33 appointee shall notify the Governor and the Secretary of State in writing of  
34 his acceptance of the appointment within thirty (30) days, and if the  
35 appointee fails to give notice of his acceptance within the time required,  
36 then the appointment shall be declared void and another appointment shall be

1 made.

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

5 (2)(A) The Governor, Attorney General, Secretary of State,  
6 Auditor of State, Treasurer of State, Commissioner of State Lands, Supreme  
7 Court Justices, and the directing head of any state department, state agency,  
8 or state institution shall be ineligible for membership on the board provided  
9 for in this section during the time for which he was elected or appointed.

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

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

15 (d)(1) The Governor shall appoint one (1) person who is the parent of a  
16 blind student and one (1) person who is the parent of a deaf student to serve  
17 as members of the Board of Trustees of the Arkansas School for the Blind and  
18 the Arkansas School for the Deaf.

19 (2) The term of office of the members provided for in subsection  
20 (d)(1) shall be the same as the term of office of the other members of the  
21 board. Any vacancy arising in an advisory position shall be filled in the  
22 same manner as those of other vacancies arising in the membership of the  
23 board.

24 (3) A state employee who is a parent or a legal guardian of a  
25 student at the Arkansas School for the Blind or the Arkansas School for the  
26 Deaf shall be eligible to serve as a regular member of the board.

27 ~~(d)~~(e)(1) The term of office for each member shall commence on January  
28 15 and shall end on January 14 of the fifth year following the year in which  
29 the regular term commenced.

30 (2) The Governor shall submit to the Senate for approval, on or  
31 before the fourteenth day following the commencement of each regular session  
32 of the General Assembly, the names of all unconfirmed appointments made by him  
33 to fill expired terms and the names of appointments to fill the terms expiring  
34 during the regular session of the General Assembly. The members appointed by  
35 the Governor to fill vacancies caused by the expiration of the terms of  
36 members may qualify and hold office until the appointments are rejected by the

1 Senate.

2 ~~(e)~~(f) Any vacancies arising in the membership of the board for any  
3 reason other than the expiration of the regular terms for which the members  
4 were appointed shall be filled by the appointment of the Governor, subject to  
5 the approval by a majority of the remaining members of the board, and shall be  
6 thereafter effective until the expiration of the regular terms.

7 ~~(f)~~(g)(1) Before entering upon his respective duties, each board member  
8 shall take and subscribe, and file in the office of the Secretary of State, an  
9 oath to support the United States Constitution and Arkansas Constitution, and  
10 to faithfully perform the duties of the office upon which he is about to  
11 enter, and that he will not be or become interested, directly or indirectly,  
12 in any contract made by the board.

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

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

19 ~~(g)~~(h) The board of trustees shall meet at least monthly and shall fix  
20 a regular date for the monthly meeting.

21 ~~(h)~~(i) Each member of the Board of Trustees for the Arkansas School for  
22 the Blind and the Arkansas School for the Deaf may receive expense  
23 reimbursement in accordance with § 25-16-901 et seq.

24 ~~(i)~~(j)(1) The Governor shall have the power to remove any member of the  
25 board before the expiration of his term for cause only, after notice and  
26 hearing.

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

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

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

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

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SECTION 2. Arkansas Code 25-17-205 is amended to read as follows:

"25-17-205. Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf - Deaf and blind members - Parents or guardians as members.

(a) There shall be at all times one (1) member of the Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf who is a deaf person who fluently utilizes deaf sign language.

(b) The second vacancy arising on the board shall be filled by the appointment of a person who is legally blind.

~~(c)(1) The Governor shall appoint one (1) person who is the parent of a blind student and one (1) person who is the parent of a deaf student to serve as advisory nonvoting members of the Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf.~~

~~(2) The term of office of the advisory members shall be the same as the term of office of the other members of the board. Any vacancy arising in an advisory position shall be filled in the same manner as those of other vacancies arising in the membership of the board.~~

~~(3) A state employee who is a parent or a legal guardian of a student at the Arkansas School for the Blind or the Arkansas School for the Deaf shall be eligible to serve as a regular or advisory member of the board."~~

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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