

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S2/12/03

A Bill

SENATE BILL 231

5 By: Senator Argue
6 By: Representative Ledbetter
7
8

For An Act To Be Entitled

10 AN ACT TO REVISE THE MEMBERSHIP OF THE ARKANSAS
11 POLLUTION CONTROL AND ECOLOGY COMMISSION; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14 TO REVISE THE MEMBERSHIP OF THE ARKANSAS
15 POLLUTION CONTROL AND ECOLOGY
16 COMMISSION.
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18
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 8-4-104 is amended to read as follows:

23 8-4-104. Arkansas Pollution Control and Ecology Commission - Members.

24 (a) There is created and established an Arkansas Pollution Control and
25 Ecology Commission, which hereinafter shall be referred to as the
26 "commission".

27 (b) The commission shall be composed of ~~thirteen (13)~~ eleven (11)
28 members:

29 (1)(A) The Governor, by and with the advice and consent of the
30 Senate, shall appoint the seven (7) ~~eleven (11)~~ members.

31 (B) Each congressional district shall be represented on
32 the commission by at least one (1) member and no district shall have more
33 than ~~two (2)~~ three (3) members ~~of the seven (7) appointees~~.

34 (C) The Governor will not appoint a member to represent
35 any specific or special interest group, organization, or philosophy. However,
36 in making appointments to the commission, the Governor shall appoint



1 individuals who have knowledge or expertise in matters within the
 2 jurisdiction of the commission, ~~including government, business or industry,~~
 3 ~~agriculture and livestock, forestry, health, ecology, recreation and tourism,~~
 4 ~~and geology.~~

5 (2) Of the eleven (11) members of the commission, the Governor
 6 shall appoint at least:

7 (A) One (1) member who is a licensed professional
 8 geologist in Arkansas;

9 (B) One (1) member who is a licensed professional engineer
 10 in Arkansas;

11 (C) One (1) member who is licensed to practice in the
 12 field of public health or epidemiology; and

13 (D) One (1) member with expertise and knowledge in the
 14 field of fisheries and wildlife.

15 ~~(D)(3) Each member appointed by the Governor shall be~~
 16 ~~appointed for a term of four (4) years; and~~

17 ~~(2)(A) The other six (6) members of the commission shall be the~~
 18 ~~Directors of the Department of Health, the Arkansas State Game and Fish~~
 19 ~~Commission, the Arkansas Forestry Commission, the Arkansas Soil and Water~~
 20 ~~Conservation Commission, the Oil and Gas Commission, and the State Geology~~
 21 ~~Commission.~~

22 ~~(B) However, a director may designate the agency's deputy~~
 23 ~~director or assistant director to serve in lieu of the director.~~

24 (c) Elected city, county, and state officials shall not serve on the
 25 commission after the expiration of any current member's term.

26 (d) In the event of a vacancy in the membership of the commission, the
 27 Governor shall appoint a person to fill the vacancy temporarily who shall
 28 serve until the next meeting of the Senate, when some person shall be
 29 appointed by the Governor, by and with the consent and approval of the
 30 Senate, to serve the remainder of the unexpired term.

31 (e)~~(1)~~ The chairman and vice chairman shall be elected annually.

32 ~~(2) The members of the commission representing the state~~
 33 ~~agencies shall not serve as chairman or vice chairman.~~

34 (f)(1)(A) The commission shall hold at least four (4) regular meetings
 35 in each calendar year at times and places to be fixed by the commission and
 36 such other meetings as may be necessary.

1 (B) Special meetings may be called at the discretion of
2 the chairman, and they shall be called by him or her upon written request of
3 two (2) members of the commission by delivery of written notice to each
4 member of the commission.

5 (2) ~~Nine (9)~~ Seven (7) members of the commission shall
6 constitute a quorum to transact business in both regular and special
7 meetings.

8 ~~(g)(1) The members of the commission representing state agencies shall~~
9 ~~receive no additional salary or per diem for services as a member of the~~
10 ~~commission but may receive expense reimbursement in accordance with § 25-16-~~
11 ~~901 et seq.~~

12 ~~(2)(g) The other seven (7) members appointed by the Governor~~
13 members of the commission may receive expense reimbursement and stipends in
14 accordance with § 25-16-901 et seq.

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16 SECTION 2. (a) Section 1 of this act is effective July 1, 2003.

17 (b) The initial four additional (4) members of the Pollution Control
18 and Ecology Commission to be appointed by the Governor shall be appointed for
19 staggered terms to expire each year over a four-year period and the terms
20 shall be designated by the Governor.

21 (c) After the initial terms, the four (4) members added to the
22 Commission by this act shall serve terms as the other commissioners for four
23 (4) years.

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25 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that the environmental policy for
27 Arkansas is carried out by the Pollution Control and Ecology Commission; that
28 expanding the membership of the Commission with certain professional
29 technical experts will promote a more effective environmental policy for
30 Arkansas; that laws affecting state agencies are more effective if
31 implemented at the beginning of the fiscal year for state government; and it
32 necessary for this act to become effective on that date. Therefore, an
33 emergency is declared to exist and this act being necessary for the
34 preservation of the public peace, health and safety shall become effective on
35 July 1, 2003.

36 /s/ Argue