

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: S2/23/23

# A Bill

SENATE BILL 264

5 By: Senator Irvin  
6 By: Representative Womack  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS SOCIAL WORK LICENSING  
10 BOARD; TO REMOVE A RACIAL REQUIREMENT FOR MEMBERSHIP  
11 ON THE ARKANSAS SOCIAL WORK LICENSING BOARD; TO  
12 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

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15 TO AMEND THE ARKANSAS SOCIAL WORK  
16 LICENSING BOARD; TO REMOVE A RACIAL  
17 REQUIREMENT FOR MEMBERSHIP ON THE  
18 ARKANSAS SOCIAL WORK LICENSING BOARD; AND  
19 TO DECLARE AN EMERGENCY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 17-103-201(c), concerning the creation and  
26 membership of the Arkansas Social Work Licensing Board, is amended to read as  
27 follows:

28 (c) The Arkansas Social Work Licensing Board shall have nine (9)  
29 members, ~~with no fewer than two (2) African American members,~~ and shall be  
30 composed of the following:

31 (1)(A) Three (3) members who are licensed certified social  
32 workers, two (2) members who are licensed master social workers, and one (1)  
33 member who is a licensed social worker.

34 (B)(i) The professional members shall be appointed from  
35 the list of social workers licensed by this chapter and shall have five (5)  
36 years of full-time social work practice experience before appointment to the



1 Arkansas Social Work Licensing Board.

2 (ii) The experience required under subdivision  
3 (c)(1)(B)(i) of this section may consist of direct social work practice,  
4 teaching, or administration in social work;

5 (2)(A) One (1) member who is a psychiatrist certified by the  
6 American Board of Psychiatry and Neurology, Inc.

7 (B) The member appointed under subdivision (c)(2)(A) of  
8 this section shall be in good standing with the American Board of Psychiatry  
9 and Neurology, Inc.;

10 (3) One (1) member who is a representative of the public at  
11 large; and

12 (4)(A) One (1) member who is sixty (60) years of age or older,  
13 not actively engaged in or retired from professional social work, and shall  
14 represent the elderly.

15 (B) The member appointed under subdivision (c)(4)(A) of  
16 this section shall be appointed from the state at large and shall be a full  
17 voting member.

18 (C) The same member may not represent both the public at  
19 large and the elderly.

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21 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
22 General Assembly of the State of Arkansas that the current membership makeup  
23 of the Arkansas Social Work Licensing Board contains an unconstitutional  
24 racial requirement that requires the Governor to meet a racial quota when  
25 appointing members to the Arkansas Social Work Licensing Board when similarly  
26 qualified Arkansas citizens would not be considered to fulfill any open  
27 positions until the racial requirement has been met; that the practice of  
28 social work affects the public health, safety, and welfare, and the Arkansas  
29 Social Work Licensing Board is tasked with ensuring the public health,  
30 safety, and welfare through the regulation of the practice of social work;  
31 and that this act is immediately necessary to ensure that the open membership  
32 positions of the Arkansas Social Work Licensing Board be filled by a  
33 qualified citizen of this state, regardless of race. Therefore, an emergency  
34 is declared to exist, and this act being immediately necessary for the  
35 preservation of the public peace, health, and safety shall become effective  
36 on:

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(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Irvin