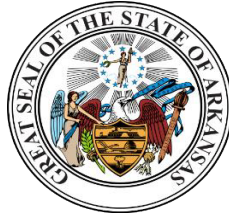


ARKANSAS GENERAL ASSEMBLY



Senator Kim Hammer, Co-Chair

Representative Mark Berry, Co-Chair

JOINT PERFORMANCE REVIEW COMMITTEE

October 21, 2024

Senator Terry Rice, Co-Chair
Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council
State Capitol, Room 315
Little Rock, AR 72201

Transmitted Via Email: (Terry.Rice@senate.ar.gov) (jeff@jeffwardlaw.com)

RE: Joint Performance Review Committee Reporting Requirements for Act 276 of 2021

Senator Rice and Representative Wardlaw:

According to Arkansas Code Annotated § 25-1-106, as amended by Act 276 of 2021, no later than August 1 of each even-numbered year, each state board and commission shall provide the Joint Performance Review Committee (herein referred to as the “Committee”) with a report of the regularly scheduled meeting dates for the state board or commission for the previous two (2) fiscal years, including the attendance record of each member and the number of meetings that were convened.

The Committee is required to report its findings and any recommendations concerning the constitutional board or commission to the Arkansas Legislative Council no later than December 1 of each even-numbered year and may draft legislation to implement the recommendations.

Findings:

During the previous reporting cycle in 2022, it was evident by the responses received that many state boards and commissions were unaware of Act 276 of 2021, and the additional reporting requirements. In 2023, the Bureau of Legislative Research conducted a survey of all state boards and

commissions to determine a definitive list of these entities. The Bureau of Legislative Research used this list to send notices of Act 276 of 2021, the reporting requirements and deadlines, and the point of contact to submit these reports to all state boards and commissions on the following dates: July 11, 2024, September 18, 2024, and September 24, 2024.

According to the 2023 survey results provided to the Bureau of Legislative Research, the following is noted:

1. There are approximately 272 state boards and commissions.
2. There are approximately 57 Arkansas Constitution Amendment 33 Entities, yet these entities are not required to submit an Act 276 of 2021 report.

Approximately 207 boards and commissions have complied, and 12 boards and commissions have not complied, with the requirements of Arkansas Code Annotated § 25-1-106. Many state boards and commissions were not included in this report due to being abolished or repealed due to prior passed legislation, falling under the definition of a “constitutional board or commission” by Arkansas Constitution Amendment 33, or not being required to submit an Act 276 of 2021 report. Attached is a list of Amendment 33 entities who have complied, a list of all other boards and commissions who have complied, and a list of those who have not complied with Act 276 of 2021. [**Attachments A-B**]

Following the August 1 reporting deadline, the Committee met on October 1, 2024, to discuss Act 276 of 2021. On October 21, 2024, the Committee met to adopt the final report of Act 276 of 2021 report submissions to be submitted to the Arkansas Legislative Council. The Committee did not recommend draft legislation to be included in this report.

Please contact us if you have any questions.

Respectfully submitted,

Senator Kim Hammer (cl)

Representative Mark Berry (cl)

Senate Co-Chair
Joint Performance Review

House Co-Chair
Joint Performance Review

Attachments (3)

- Attachment A – List of Boards and Commissions in Compliance
- Attachment B – List of Boards and Commissions Not in Compliance
- Attachment C – Act 276 of 2021

cc: Marty Garrity, Executive Secretary, Legislative Council (*via email*)

ATTACHMENT A

ARKANSAS CONSTITUTION AMENDMENT 33 ENTITIES AND STATE BOARDS AND COMMISSIONS

WHO HAVE COMPLIED WITH ACT 276 OF 2021

Based on the listing of the "Bureau of Legislative Research - Act 276 of 2021 Survey Conducted in 2023"

Arkansas Constitution Amendment 33 Constitutional Boards and Commissions Who HAVE Complied with Act 276 of 2021

Advisory Board of the Arkansas Center for School Safety

Arkansas Apprenticeship Coordination Steering Committee

Arkansas Council for Military Children

Arkansas Game & Fish Commission

Arkansas Higher Education Coordinating Board

Arkansas Rural Medical Practice Student Loan and Scholarship Board

Arkansas Sentencing Commission

Arkansas State Board of Nursing

Arkansas State Board of Pharmacy

Arkansas State Board of Physical Therapy

Arkansas State Council for the Interstate Commission for Adult Offender Supervision

Arkansas State Highway Commission

Arkansas State Medical Board

Arkansas Workforce Development Board

Board of Trustees of Arkansas Northeastern College

Board of Trustees of Arkansas Tech University

Board of Trustees of National Park College

Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf/Impaired

Board of Trustees of the Arkansas Teacher Retirement System
Board of Trustees of the University of Central Arkansas
Career Education and Workforce Development Board
Commission for Arkansas Public School Academic Facilities and Transportation
Criminal Detention Facility Review Committees
Graduate Medical Education Residency Expansion Board
Osteopathic Rural Medicine Practice Student Loan and Scholarship Board
Post-Prison Transfer Board
Professional Licensure Standards Board
Safe Schools Committee
School Leadership Coordinating Council
School Worker Defense Program Advisory Board
Sex Offender Assessment Committee
State Board of Education
State Board of Private Career Education

Boards and Commissions Who <u>HAVE</u> Complied with Act 276 of 2021
Abandoned Pesticide Advisory Board
Acute Stroke Care Task Force

Advisory Board for the Interpreters of the Deaf
Advisory Committee on Healthcare Acquired Infections
Advisory Committee on Petroleum Storage Tanks
Advisory Council for Education of Children with Disabilities
Advisory Council for Education of Gifted and Talented Children
Aeronautics Commission
Alcoholic Beverage Control Board
Amusement Ride Safety Advisory Board
Arkansas 911 Board
Arkansas Abstracters' Board
Arkansas Agriculture Board
Arkansas Alcohol and Drug Abuse Coordinating Council
Arkansas Alternative Dispute Resolution Commission
Arkansas Appraiser Licensing and Certification Board
Arkansas Arts Council
Arkansas Athletic Commission
Arkansas Beef Council
Arkansas Board of Dispensing Opticians
Arkansas Board of Electrical Examiners
Arkansas Board of Examiners in Counseling and Marriage and Family Therapy

Arkansas Board of Hearing Instrument Dispensers
Arkansas Board of Podiatric Medicine
Arkansas Boll Weevil Eradication Foundation Board
Arkansas Catfish Promotion Board
Arkansas Commission on Law Enforcement Standards and Training
Arkansas Contractors Licensing Board
Arkansas Corn and Grain Sorghum Promotion Board
Arkansas Cultural Institutions Trust Fund Review Committee
Arkansas Data and Transparency Board
Arkansas Dietetics Licensing Board
Arkansas Early Childhood Commission
Arkansas Economic Development Commission
Arkansas Elevator Safety Board
Arkansas Ethics Commission
Arkansas Fair Housing Commission
Arkansas Fire and Police Pension Review Board
Arkansas Fire Protection Licensing Board
Arkansas Fire Protection Services Board
Arkansas Forestry Commission
Arkansas Freedom of Information Task Force

Arkansas Geographic Information Systems Board
Arkansas Geological Commission
Arkansas Geology Licensing Board
Arkansas Healthcare Transparency Initiative Board
Arkansas History Commission
Arkansas Home Inspector Registration Board
Arkansas Homeland Security Advisory Group
Arkansas Independent Citizens' Commission
Arkansas Livestock and Poultry Commission
Arkansas Manufactured Home Commission
Arkansas Marketing Board for Recyclables and Compliance Advisory Panel
Arkansas Military Affairs Council
Arkansas Milk Stabilization Board
Arkansas Minority Health Commission
Arkansas Motor Vehicle Commission
Arkansas Natural and Cultural Resources Council
Arkansas Natural Heritage Commission
Arkansas Natural Resources Commission
Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board
Arkansas Outdoor Recreation Advisory Board

Arkansas PBS Commission
Arkansas Pollution Control and Ecology Commission
Arkansas Professional Bail Bondsman Licensing Board
Arkansas Property and Casualty Advisory Association
Arkansas Psychology Board
Arkansas Public Defender Commission
Arkansas Racing Commission
Arkansas Real Estate Commission
Arkansas Rice Research and Promotion Board
Arkansas Rural Development Commission
Arkansas Seed Arbitration Committee
Arkansas Social Work Licensing Board
Arkansas Spinal Cord Commission
Arkansas State Board of Acupuncture and Related Techniques
Arkansas State Board of Architects, Landscape Architects, and Interior Designers
Arkansas State Board of Athletic Training
Arkansas State Board of Chiropractic Examiners
Arkansas State Board of Dental Examiners
Arkansas State Board of Public Accountancy
Arkansas State Board of Registration for Foresters and Registered Foresters Commission

Arkansas State Board of Registration for Professional Soil Classifiers
Arkansas State Board of Sanitarians
Arkansas State Claims Commission
Arkansas State Occupational Therapy Examining Committee
Arkansas State Police Commission
Arkansas State Rehabilitation Council (Arkansas Rehabilitation Services)
Arkansas State Respiratory Care Examining Committee
Arkansas Tobacco Control Board
Arkansas Tobacco Settlement Commission
Arkansas Towing and Recovery Board
Arkansas Trails Council
Arkansas Unpaved Road Program Commission
Arkansas Veterans' Commission
Arkansas Waterways Commission
Arkansas Wheat Promotion Board
Arkansas Wine Producers Council
Auctioneer's Licensing Board
Black History Commission of Arkansas
Board of Developmental Disabilities Commission
Board of Directors of the Arkansas Deaf and Hard of Hearing Telecommunications Services

Board of Directors of the Arkansas Development Finance Authority
Board of Directors of the Division of Science and Technology
Board of Examiners in Speech-Language Pathology and Audiology
Board of the Arkansas Earthquake Authority
Board of the Division of State Services for the Blind
Board of the Information Network of Arkansas
Board of Trustees of the Arkansas Judicial Retirement System
Board of Trustees of the Arkansas Public Employees' Retirement System
Board of Trustees of the State Police Retirement System
Breast Cancer Control Advisory Board
Capitol Arts and Grounds Commission
Capitol Zoning District Commission
Cervical Cancer Task Force
Charter Authorizing Panel
Child Death and Near Fatality Multidisciplinary Review Committee
Child Health Advisory Committee
Child Welfare Agency Review Board
Commission for Parent Counsel
Commission on Water Well Construction
Committee of Plumbing Examiners

Cosmetology Technical Advisory Committee
Crime Victims Reparations Board
Criminal Justice Institute Advisory Board
Delta Cultural Center Policy Advisory Board
DHS State Institutional Board (SIS)
District Court Resource Assessment Board
Drinking Water Advisory and Operator Licensing Committee
Emergency Medical Services Advisory Council
Firefighter Benefit Review Panel
Full Independent Practice Credentialing Committee
Governmental Bonding Board
Governor's Commission on People with Disabilities
Governor's Council on Developmental Disabilities
Health Information Exchange Council
Health Services Permit Commission
Historic Arkansas Museum Commission
HVACR Licensing Board
Individual Sewage Disposal Systems Advisory Committee
Judicial Discipline and Disability Commission
Juvenile Intake and Probation Officers' Certification Committee

Keep Arkansas Beautiful Commission
Land Survey Advisory Council
Liquefied Petroleum Gas Board
Mansion Area Advisory Committee/Mansion Advisory Council
Marine Sanitation Advisory Committee
Martin Luther King Jr. Commission
Massage Therapy Technical Advisory Committee
Maternal and Perinatal Outcomes Quality Review Committee
Maternal Mortality Review Committee
Medical Ionizing Radiation Licensure Committee
Medical Marijuana Commission
Minority and Women-Owned Business Advisory Council
Mississippi River Parkway Commission of Arkansas
Mosaic Templars Business Advisory Board
Multidisciplinary Team Oversight Committee
National Center for Rural Law Enforcement Advisory Board
Nuclear Planning and Response Program Advisory Council
Oil and Gas Commission
Old State House Commission
Ouachita River Commission

Outdoor Recreation Grants Advisory Committee
Pain Management Review Committee
Physical Therapy Compact Commission
Physician Assistant Committee
Prescription Drug Monitoring Program Advisory Committee
Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee
Prosecution Coordination Commission
Psychology Interjurisdictional Compact Commission
Public School Employee Health Benefit Advisory Commission
Red River Commission
Residential Contractors Committee
Solid Waste Licensing Committee
Soybean Promotion Board
Specialty Court Program Advisory Committee
State Banking Board
State Board of Appraisers, Abstracters, and Home Inspectors
State Board of Barber Examiners
State Board of Collection Agencies
State Board of Election Commissioners
State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services

State Board of Examiners of Alcoholism and Drug Abuse Counselors
State Board of Health
State Board of Licensure for Professional Engineers and Professional Surveyors
State Board of Optometry
State Crime Laboratory Board
State Electrical Apprenticeship Committee
State Employee Health Benefit Advisory Commission
State Hazardous Materials Emergency Response Commission
State Kidney Disease Commission
State Library Board
State Parks Recreation and Travel Commission
State Plant Board
State Plumbing Apprenticeship Committee
State Review Committee for Historic Preservation
Supervisory Board for the Arkansas Crime Information Center
Tax Advisory Council
Tax Appeals Commission
Technology Equipment Revolving Loan Fund Committee
Tobacco Prevention and Cessation Advisory Committee
Trauma Advisory Council

Universal Newborn Hearing Screening, Tracking, and Intervention Advisory Board
Veterinary Medical Examining Board
War Memorial Stadium Commission
Wastewater Licensing Committee
Workers' Compensation Commission

ATTACHMENT B

STATE BOARDS AND COMMISSIONS WHO HAVE NOT COMPLIED WITH ACT 276 OF 2021

Based on the listing of the "Bureau of Legislative Research - Act 276 of 2021 Survey Conducted in 2023"

Boards and Commissions Who Have NOT Complied with Act 276 of 2021

Arkansas Breast Milk Bank

Arkansas Commission for the Newborn Umbilical Cord Blood Initiative

Arkansas State Council for Interstate Juvenile Supervision

Baby Sharon's Children's Catastrophic Illness Grant Program Committee

Buffalo River Conservation Committee

Consumer Advisory Board

Governor's Advisory Commission on National Service and Volunteerism

Grant Advisory Board

Juvenile Crime Enforcement Coalition

Prescriptive Authority Advisory Council

State Equalization Board

State Interagency Council

ATTACHMENT C

Act 276 of 2021

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S2/24/21

A Bill

HOUSE BILL 1356

5 By: Representative Dotson
6 By: Senator B. Ballinger
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PROCESS OF EVALUATION OF STATE
10 BOARDS AND COMMISSIONS; TO REQUIRE SUBMISSION OF A
11 REPORT; TO RECOMMEND THE ABOLITION OF A STATE BOARD
12 OR COMMISSION FOR FAILURE TO SUBMIT A REPORT; AND FOR
13 OTHER PURPOSES.
14
15

Subtitle

16 TO AMEND THE PROCESS OF EVALUATION OF
17 STATE BOARDS AND COMMISSIONS; TO REQUIRE
18 SUBMISSION OF A REPORT; AND TO RECOMMEND
19 THE ABOLITION OF A STATE BOARD OR
20 COMMISSION FOR FAILURE TO SUBMIT A
21 REPORT.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 25-1-106 is amended to read as follows:

28 25-1-106. Evaluation of necessity of various commissions and boards.

29 (a) For purposes of this section, "constitutional board or commission"
30 means the Arkansas State Game and Fish Commission, the State Highway
31 Commission, and all boards or commissions charged with the management or
32 control of all charitable, penal or correctional institutions, or an
33 institutions of higher learning under Arkansas Constitution, Amendment 33.

34 (b) ~~Any part-time~~ A state board or commission that has not convened a
35 meeting or has convened without a quorum for two (2) consecutive, regularly
36 scheduled meeting dates within ~~a~~ the preceding two-year period shall vote to



1 elect a new chair and vice chair.

2 ~~(b)(1)(c)(1)~~ If a ~~part-time~~ state board or commission has not convened
3 a regularly scheduled meeting or has convened without a quorum for four (4)
4 consecutive, regularly scheduled meeting dates within a the preceding two-
5 year period, the Joint Performance Review Committee shall reevaluate the
6 purpose, need, and effectiveness of the state board or commission.

7 (2) The Joint Performance Review Committee shall report its
8 findings and any recommendations concerning the existence of the state board
9 or commission to the Legislative Council no later than December 1 of each
10 even-numbered year and shall draft legislation to implement the
11 recommendations.

12 ~~(e)(d)(1)~~ No later than August 1 of each even-numbered year, each
13 ~~part-time~~ state board and commission shall provide the Joint Performance
14 Review Committee with a ~~list~~ report of the regularly scheduled meeting dates
15 for the state board or commission for the previous two (2) fiscal years,
16 including the attendance record of each member and the number of meetings
17 that were convened.

18 (2) If a state board or commission, other than a constitutional
19 board or commission, has not submitted the report required in subdivision
20 (d)(1) of this section to the Joint Performance Review Committee by August 1
21 of each even-numbered year, the authority of the state board or commission
22 may be suspended on August 1 of the even-numbered year by the Joint
23 Performance Review Committee at the next Joint Performance Review Committee
24 meeting, and the state board or commission may not take any action, including
25 the expenditure of funds, until the report required in subdivision (d)(1) of
26 this section is provided to the Joint Performance Review Committee.

27 (3) If a state board or commission, other than a constitutional
28 board or commission, has not submitted the report required in subdivision
29 (d)(1) of this section to the Joint Performance Review Committee by December
30 1 of the even-numbered year, the Joint Performance Review Committee may
31 direct the Bureau of Legislative Research to draft legislation that:

32 (A) Abolishes the state board or commission upon sine die
33 adjournment of the next regular session of the General Assembly;

34 (B) Allows the reversion of all authority of the state
35 board or commission to the General Assembly or to the General Assembly's
36 designee; and

1 (C) Requires all funds, income, and revenue to revert to
2 the General Revenue Fund Account or other fund or account as provided by the
3 General Assembly.

4 (4) This section does not prohibit the General Assembly from:

5 (A) Abolishing a state board or commission, other than a
6 constitutional board or commission, that has submitted a report; or

7 (B) Considering any other legislation relative to a state
8 agency subject to this chapter.

9 (5) Except as otherwise provided, abolition of a state board or
10 commission does not affect rights and duties that mature, penalties that were
11 incurred, civil or criminal liabilities that arose, or proceedings that were
12 begun before the effective date of the abolition of the board or commission.

13 (e)(1) If a constitutional board or commission has not convened a
14 regularly scheduled meeting or has convened without a quorum for four (4)
15 consecutive, regularly scheduled meeting dates within the preceding two-year
16 period, the Joint Performance Review Committee shall reevaluate the purpose,
17 need, and effectiveness of the constitutional state board or commission.

18 (2) The Joint Performance Review Committee shall report its
19 findings and any recommendations concerning the constitutional board or
20 commission to the Legislative Council no later than December 1 of each even-
21 numbered year and may draft legislation to implement the recommendations.

22
23 /s/Dotson

24
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26 **APPROVED: 3/8/21**
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