

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/4/09

A Bill

SENATE BILL 91

5 By: Senators H. Wilkins, Bryles, B. Johnson, Faris, Altes, G. Baker, Bledsoe, Bookout, Crumbly, Elliott,
6 Glover, Hendren, Horn, G. Jeffress, J. Jeffress, D. Johnson, Laverty, Luker, P. Malone, B. Pritchard,
7 Salmon, T. Smith, Steele, J. Taylor, Teague, Trusty, Whitaker, Wilkinson, D. Wyatt
8 By: Representatives Hardy, Allen, T. Baker, Blount, Cook, Davis, Flowers, Gaskill, W. Lewellen, Rainey,
9 Saunders, Williams, Word

For An Act To Be Entitled

10
11
12 AN ACT CONCERNING THE MARTIN LUTHER KING, JR.
13 COMMISSION; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 CONCERNING THE MARTIN LUTHER KING, JR.
17 COMMISSION.
18

19
20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code § 25-24-101 is amended to read as follows:
24 25-24-101. Creation – Members.

25 (a) There is hereby created a commission to be known as the “Martin
26 Luther King, Jr. Commission”.

27 ~~(b) The commission shall consist of twenty-six (26) members:~~

28 ~~(1) A representative of the Governor’s Office, to be appointed~~
29 ~~by the Governor and to serve at the pleasure of the Governor;~~

30 ~~(2) Four (4) members to be appointed by and serve at the~~
31 ~~pleasure of the President Pro Tempore of the Senate;~~

32 ~~(3) Four (4) members to be appointed by and serve at the~~
33 ~~pleasure of the Speaker of the House of Representatives;~~

34 ~~(4) Thirteen (13) members of the general public, to be appointed~~
35 ~~by the Governor, who shall be residents of the state, shall represent the~~
36 ~~various geographical areas of the state and various civic, social, religious,~~



1 educational, labor, business, and artistic organizations, and shall be
2 committed to resolving conflict and to upholding the humanitarian philosophy
3 of Dr. King; and

4 ~~(5) Four (4) members of the general public, to be appointed by~~
5 ~~the Governor, who shall be residents of the state between the ages of sixteen~~
6 ~~(16) and nineteen (19), no more than one (1) of whom shall reside in the same~~
7 ~~congressional district.~~

8 ~~(c)(1) Members representing the general public appointed by the~~
9 ~~Governor shall serve for a term of three (3) years.~~

10 ~~(2) No member of the commission shall serve more than two (2)~~
11 ~~consecutive terms.~~

12 ~~(3) Vacancies in the membership shall be filled for the balance~~
13 ~~of the unexpired term in the same manner as the original appointments were~~
14 ~~made.~~

15 ~~(d)(1) The Governor shall designate one (1) cochair of the commission~~
16 ~~from the general public membership.~~

17 ~~(2) The Speaker of the House of Representatives and the~~
18 ~~President Pro Tempore of the Senate shall jointly designate one (1) cochair~~
19 ~~of the commission.~~

20 (b) The commission shall consist of thirteen (13) members as follows:

21 (1)(A) Five (5) members appointed by the Governor.

22 (B) The Governor shall appoint one (1) member from each
23 Congressional district;

24 (2)(A) Four (4) members appointed by the President Pro Tempore
25 of the Senate.

26 (B) The President Pro Tempore of the Senate shall appoint
27 one (1) member from each Congressional district; and

28 (3)(A) Four (4) members appointed by the Speaker of the House
29 of Representatives.

30 (B) The Speaker of the House of Representatives shall
31 appoint one (1) member from each Congressional district.

32 (c)(1) Of the initial appointments by the Governor:

33 (A) One (1) member shall serve a term of one (1) year;

34 (B) One (1) member shall serve a term of two (2) years;

35 (C) One (1) member shall serve a term of three (3) years;

36 and

1 (D) Two (2) members shall serve terms of four (4) years;

2
3 (2) Of the initial appointments by the President Pro Tempore of
4 the Senate:

5 (A) One (1) member shall serve a term of one (1) year;

6 (B) One (1) member shall serve a term of two (2) years;

7 (C) One (1) member shall serve a term of three (3) years;

8 and

9 (D) One (1) member shall serve a term of four (4) years.

10 (3) Of the initial appointments by the Speaker of the House of
11 Representatives:

12 (A) One (1) member shall serve a term of one (1) year;

13 (B) One (1) member shall serve a term of two (2) years;

14 (C) One (1) member shall serve a term of three (3) years;

15 and

16 (D) One (1) member shall serve a term of four (4) years.

17 (4) The appointing authority shall determine the lengths of
18 terms of his or her initial appointees.

19 (5) Except as provided in subdivision (c)(1)(E)(ii) of this
20 section, all succeeding appointments shall be for terms of four (4) years.

21 (6) The Governor shall select annually a chair from the
22 membership of the commission.

23 (d)(1) Except as provided in subdivision (d)(2) of this section, no
24 member of the commission subject to a term limit shall serve more than two
25 (2) terms.

26 (2) Upon the conclusion of his or her initial appointment, an
27 initial appointee to the commission subject to a term limit shall serve no
28 more than two (2) additional terms.

29 (e) Vacancies in the membership of the commission shall be filled for
30 the balance of the unexpired term by the appointing authority.

31 ~~(e)(f)(1)~~ Members of the commission shall be subject to removal from
32 office by the ~~each~~ appointing authority when the actions or condition of
33 a member shall be considered as ~~sufficient~~ good cause for removal.

34 (2) "Good cause" means the same as defined in § 25-16-804.

35 ~~(f)(g)~~ A majority of the commission shall constitute a quorum for the
36 transaction of business.

1 ~~(g)~~(h) Members of the commission shall serve without compensation *but*
 2 *to the extent moneys are appropriated therefor, may receive expense*
 3 reimbursement in accordance with § 25-16-901 et seq.

4
 5 SECTION 2. Arkansas Code § 25-24-102 is amended to read as follows:
 6 25-24-102. Duties.

7 The Martin Luther King, Jr. Commission shall have the following duties:

8 (1) To promote racial harmony, understanding, respect, and
 9 goodwill among all citizens;

10 (2) To promote principles of nonviolence, peace, and social
 11 justice;

12 (3) To promote among the people of Arkansas, by appropriate
 13 activities, both awareness and appreciation of the civil rights movement and
 14 advocacy of the principles and legacy of Martin Luther King, Jr.;

15 (4) To develop, coordinate, and advise the Governor and the
 16 General Assembly of appropriate ceremonies and activities throughout the
 17 state relating to the observance of Martin Luther King, Jr.'s birthday,
 18 including without limitation providing advice and assistance to local
 19 governments and private organizations with respect to the observance of
 20 Martin Luther King, Jr.'s birthday; and

21 (5) To receive donations and contributions from individuals and
 22 public and private organizations in order to carry out its responsibilities;

23 (6)(A) To establish a Martin Luther King, Jr. Youth Commission
 24 to educate young persons on the principles and legacy of Martin Luther King,
 25 Jr.

26 (B) Members of the Martin Luther King, Jr. Youth
 27 Commission may receive expense reimbursement in accordance with § 25-16-901
 28 et seq.; and

29 (7) To enable the people of Arkansas to reflect on the life and
 30 teachings of Martin Luther King, Jr. through educational endeavors, cultural
 31 performances, exhibitions, and events that are multiethnic and family
 32 oriented.

33
 34 SECTION 3. Arkansas Code § 25-24-103 is amended to read as follows:
 35 25-24-103. ~~Powers~~ Staff of commission.

36 (a) The Governor shall appoint an executive director of the Martin

1 Luther King, Jr. Commission.

2 (2) The executive director shall serve at the pleasure of the
3 Governor.

4 (b) The Martin Luther King, Jr. Commission may employ ~~such~~ staff and
5 consultants as authorized by law and fix their compensation, duties,
6 authority, and responsibilities.

7
8 SECTION 4. NOT TO BE CODIFIED. (a) The appointing authorities under
9 § 25-24-101(b) and (c) shall make their appointments to the Martin Luther
10 King, Jr. Commission within sixty (60) days of the effective date of this
11 act.

12 (b) The terms of the current twenty-six (26) members of the commission
13 shall end upon the appointment of the thirteen (13) members by the appointing
14 authorities under § 25-24-101(b) and (c).

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16 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly of the State of Arkansas that the Martin Luther King, Jr.
18 Commission serves an important and valuable role in this state, that the
19 commission requires restructuring to fulfill its functions and advance its
20 goals, and that the ideal time to commence this restructuring is at the
21 beginning of the state's fiscal year. Therefore, an emergency is declared to
22 exist and this act being necessary for the preservation of the public peace,
23 health, and safety shall become effective on July 1, 2009.

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25 */s/ H. Wilkins*
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