

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 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1672

4
5 By: Representatives Cleveland, Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin,
6 Bond, Bookout, Boyd, Bradford, Bright, Broadway, Carson, Childers, Clemons, Cook, Cowling,
7 Creekmore, Dangeau, Dees, Duggar, J. Elliott, D. Elliott, Ferguson, Fite, Gillespie, Gipson, Glover,
8 Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, House, Jackson, Jacobs, G. Jeffress, C.
9 Johnson, Judy, King, Ledbetter, Lewellen, Lowery, Mack, Mathis, McMellon, Milligan, Milum, Minton,
10 Moore, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rankin, Roebuck, Salmon, Schall,
11 Scrimshire, Scroggin, Seawel, T. Steele, M. Steele, Stovall, J. Taylor, Thomas, Trammell, Verkamp, W.
12 Walker, Weaver, White, Willis, Womack, Wood
13 By: Senator Faris

For An Act To Be Entitled

14
15
16 AN ACT TO ENSURE EQUAL GEOGRAPHIC REPRESENTATION ON
17 THE PUBLIC SERVICE COMMISSION BY APPOINTING THE
18 MEMBERS FROM CONGRESSIONAL DISTRICTS; AND FOR OTHER
19 PURPOSES.
20

Subtitle

21
22 AN ACT TO ENSURE EQUAL GEOGRAPHIC
23 REPRESENTATION ON THE PUBLIC SERVICE
24 COMMISSION BY APPOINTING THE MEMBERS
25 FROM CONGRESSIONAL DISTRICTS.
26

27
28
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

30
31 SECTION 1. Arkansas Code 23-2-101 is amended to read as follows:
32 23-2-101. Members generally.

33 (a) (1) (A) The Arkansas Public Service Commission shall consist of ~~three~~
34 ~~(3) members to be known as commissioners, one (1) of whom shall be a lawyer~~
35 five (5) members appointed by the Governor and subject to confirmation by the
36 Senate.

1 (B) The commissioners serving on July 1, 2001, shall
2 continue to serve the remainder of their terms of office and their successors
3 shall be appointed as provided in this section.

4 (2)(A) In order to provide adequate and equitable geographic
5 representation for the entire state, future appointments shall be as follows:

6 (i) One (1) commissioner shall be appointed from each
7 congressional district; and

8 (ii) One (1) commissioner shall be appointed from the
9 state-at-large.

10 (B) For purposes of this section the boundaries of the
11 congressional district shall be as they existed on July 1, 2001.

12 ~~(2)(3)~~ (A) Each commissioner appointed from a congressional
13 district shall have resided in the state congressional district from which
14 appointed for five (5) years at least one (1) year prior to appointment and
15 shall be a qualified elector of that congressional district.

16 (B) The commissioner appointed from the state-at-large
17 shall have resided in the state for at least one (1) year prior to appointment
18 and shall be a qualified elector of the state.

19 (4)(A) In order to timely increase the membership of the Public
20 Service Commission from three (3) to five (5) members, the Governor shall
21 immediately appoint the two (2) additional members who must meet criteria
22 established in this section.

23 (B) One (1) of the additional members shall be appointed
24 for a one-year term and the other additional member shall be appointed for a
25 three-year term. Successors shall serve four-year terms.

26 (5)(A) If any commissioner appointed from a congressional
27 district moves his or her permanent residence from that congressional
28 district, the commissioner shall thereafter be disqualified from the office
29 and the Governor shall fill the vacancy by appointing a person who meets the
30 qualifications prescribed by this section.

31 (B) If a commissioner appointed from the state-at-large
32 moves his or her permanent residence outside this state the commissioner shall
33 thereafter be disqualified from the office and the Governor shall fill the
34 vacancy by appointing a person who meets the qualifications prescribed by this
35 section.

36 (b) Each commissioner before entering on his or her duties shall take

1 the oath prescribed by the Constitution, shall swear that he or she is not
2 pecuniarily interested in any public utility or affiliate, or any public
3 carrier or affiliate therewith, as employee, stockholder, or security holder.

4 (c) Each commissioner shall execute a bond to the State of Arkansas in
5 the sum of ten thousand dollars (\$10,000), conditioned for the faithful
6 discharge and performance of his duties.

7 ~~(d) Each commissioner shall receive an annual salary of five thousand~~
8 ~~dollars (\$5,000), payable semi-monthly or monthly in conformity with prevailing~~
9 ~~practices of other officers of the state.~~

10 ~~(e)(1)~~ (d)(1) At the expiration of each of the commissioner's terms,
11 the Governor, subject to the approval of the Senate, shall appoint one (1)
12 member who shall hold office for a term of ~~six (6)~~ four (4) years.

13 (2) Each commissioner shall hold office during the term for which
14 he or she was appointed and until his or her successor is appointed and
15 qualified.

16 ~~(f)~~ (e) The Governor shall designate one (1) of the commissioners as
17 ~~chairman~~ chair.

18
19 SECTION 2. Arkansas Code 23-2-104 is amended to read as follows:
20 23-2-104. Quorum.

21 The concurrence of ~~two (2)~~ three (3) members of the Arkansas Public
22 Service Commission shall be necessary for commission action.

23
24 SECTION 3. Arkansas Code 23-2-109 is amended to read as follows:
25 23-2-109. Expenses of commission.

26 All expenses incurred by the Arkansas Public Service Commission pursuant
27 to the provisions of this act, ~~including the actual and necessary traveling~~
28 ~~and other expenses and disbursements of the commissioners, their officers, and~~
29 ~~employees incurred while on business of the commission,~~ shall be paid from the
30 funds provided for the use of the commission after being approved by the
31 commission.