

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1850

4
5 By: Representative Perry

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING COMMISSIONERS OF
9 WATERWORKS COMMISSIONS; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING COMMISSIONERS
13 OF WATERWORKS COMMISSIONS.

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Arkansas Code § 14-234-303 is amended to read as follows:
18 14-234-303. Ordinance – Qualifications of commissioners.

19
20 (a)~~(1)(A)~~ Any city of the first class ~~desiring to avail itself of the~~
21 ~~benefits of this subchapter shall~~ or city of the second class may enact an
22 ordinance by a majority vote of the elected and qualified members of its city
23 council creating a waterworks commission to be composed of no less than three
24 (3) nor more than ~~five (5)~~ seven (7) citizens who are qualified electors of
25 the municipality or who are qualified electors of the area served by the
26 municipality.

27
28 ~~(B)(b)~~ Any waterworks commission of a city of the first
29 class or city of the second class having less than ~~five (5)~~ seven (7) members
30 may have its membership increased at any time to no more than ~~five (5)~~ seven
31 (7) members by ordinance of the city council passed by the majority vote of
32 the elected and qualified members of the city council.

33 ~~(2) In all cities of the first class having a mayor-council form~~
34 ~~of government and having a population of not less than fifty thousand~~
35 ~~(50,000) persons according to the most recent federal decennial census, the~~
36 ~~waterworks commission shall be composed of five (5) members to be appointed~~



1 ~~and confirmed in the manner and to serve for the terms prescribed in this~~
 2 ~~subchapter.~~

3 ~~(b) Any city of the second class desiring to avail itself of the~~
 4 ~~benefits of this subchapter, by a majority vote of the elected and qualified~~
 5 ~~members of its city council, shall enact an ordinance creating a waterworks~~
 6 ~~commission to be composed of not less than three (3) nor more than five (5)~~
 7 ~~citizens who are qualified electors of the municipality or who are qualified~~
 8 ~~electors of the area served by the municipality.~~

9
 10 SECTION 2. Arkansas Code § 14-234-304 is amended to read as follows:

11 14-234-304. Appointment of commissioners – Term – Salaries – Oath.

12 (a)(1) The commissioners shall be appointed by the mayor and confirmed
 13 by a two-thirds (2/3) vote of the ~~duly~~ elected and qualified members of the
 14 city council and shall hold office for a term of eight (8) years.

15 (2)(A) However, commissioners first appointed and confirmed
 16 shall serve for terms of four (4), six (6), and eight (8) years for a three-
 17 member commission, ~~and~~ for terms of two (2), four (4), six (6), seven (7),
 18 and eight (8) years for a five-member commission, and for terms of two (2),
 19 three (3), four (4), five (5), six (6), seven (7), and eight (8) years for a
 20 seven-member commission, each to be designated by the mayor and city council.

21 (B) Thereafter, and upon the expiration of ~~their~~ the
 22 commissioners' respective terms, their successors shall be appointed by the
 23 remaining commissioners subject to the approval of two-thirds (2/3) of the
 24 ~~duly~~ elected and qualified members of the city council for a term of eight
 25 (8) years.

26 (b)(1) If the membership of any waterworks commission of a city of the
 27 first class or city of the second class is increased ~~pursuant to the~~
 28 ~~provisions prescribed in~~ under this subchapter, the members selected to fill
 29 the additional positions following the increase in membership of the
 30 waterworks commission shall be appointed as vacancies are filled ~~pursuant to~~
 31 under subsection (d) of this section, for terms of such duration to assure
 32 that thereafter the terms of the remaining commissioners will expire in
 33 successive years, with no two (2) terms expiring during any one (1) calendar
 34 year.

35 (2) All successor appointments to the waterworks commission
 36 shall be made in the manner and for the terms prescribed in this subchapter.

1 (c) The city council ~~shall have authority to~~ may fix and prescribe the
 2 salaries to be paid to the commissioners.

3 (d) In the event of a vacancy ~~occurring~~ on the commission, ~~it~~ the
 4 vacancy shall be filled ~~in the following manner: The~~ by the remaining
 5 commissioners ~~will appoint~~ appointing a member, subject to the approval of
 6 two-thirds (2/3) of the ~~duly~~ elected and qualified members of the city
 7 council, ~~to fill the vacancy.~~

8 (e) The commissioners shall file the oath of public officials required
 9 by law in the State of Arkansas.

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 12 **APPROVED: 04/04/2013**
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