

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representative Argue**

# A Bill

**ACT 789 OF 1995**  
**HOUSE BILL 1895**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 14-234-303 TO ELIMINATE  
9 PROVISIONS FOR WATERWORKS COMMISSIONS IN CITIES WITH MORE  
10 THAN 100,000 PERSONS; TO AMEND ARKANSAS CODE § 14-234-304  
11 TO PROVIDE FOR THE APPOINTMENT OF FIVE WATERWORKS  
12 COMMISSIONERS; AND FOR OTHER PURPOSES."

## Subtitle

15 "TO ELIMINATE PROVISIONS FOR WATERWORKS  
16 COMMISSIONS IN CITIES WITH MORE THAN  
17 100,000 PERSONS AND PROVIDE FOR THE  
18 APPOINTMENT OF FIVE WATERWORKS  
19 COMMISSIONERS"

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

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23 SECTION 1. Arkansas Code Annotated § 14-234-303 is amended to read as  
24 follows:

25 "14-234-303. Ordinance - Qualifications of commissioners.

26 (a) (1) Any city of the first class desiring to avail itself of the  
27 benefits of this subchapter, by a majority vote of the duly elected and  
28 qualified members of its city council, shall enact an ordinance creating a  
29 waterworks commission to be composed of no less than three (3) nor more than  
30 five (5) citizens who are qualified electors of the municipality.

31 (2) Any waterworks commission of a city of the first class having  
32 fewer than five (5) members may have its membership increased at any time to  
33 no more than five (5) members by ordinance of the city council passed by the  
34 majority vote of the duly elected and qualified members of the city council.

35 (3) In all first-class cities having a mayor-council form of  
36 government and having a population of not less than fifty thousand (50,000)

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1 persons according to the most recent federal decennial census, the waterworks  
2 commission shall be composed of five (5) members to be appointed and confirmed  
3 in the manner and to serve for the terms prescribed in this subchapter.

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

9

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

12 "14-234-304. Appointment of commissioners - Term - Salaries - Oath.

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

16 (2) However, commissioners first appointed and confirmed shall  
17 serve for terms of four (4), six (6), and eight (8) years for a three (3)  
18 member commission, and for terms of two (2), four (4), six (6), seven (7), and  
19 eight (8) years for a five (5) member commission, each to be designated by the  
20 mayor and city council, and, thereafter, and upon the expiration of their  
21 respective terms, their successors shall be appointed by the remaining  
22 commissioners subject to the approval of two-thirds (2/3) of the duly elected  
23 and qualified members of the city council for a term of eight (8) years.

24 (b) If the membership of any waterworks commission of a city of the  
25 first class is increased pursuant to the provisions prescribed in this  
26 subchapter, the member(s) selected to fill the additional position(s)  
27 following the increase in membership of the waterworks commission shall be  
28 appointed as vacancies are filled pursuant to subsection (d) hereof, for terms  
29 of such duration to assure that thereafter the terms of the remaining  
30 commissioners will expire in successive years, with no two (2) terms expiring  
31 during any one (1) calendar year. All successor appointments to the  
32 waterworks commission shall be made in the manner and for the terms prescribed  
33 in this subchapter.

34 (c) The city council shall have authority to fix and prescribe the  
35 salaries to be paid to the commissioners.

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

5 (e) The commissioners shall file the oath of public officials required  
6 by law in the State of Arkansas."

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8 SECTION 3. All provisions of this act of a general and permanent nature  
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 4. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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18 SECTION 5. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

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21 APPROVED: 3-24-95

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