

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1073

By: Representatives Lipton, Dawson, Arrington,
Forgey, Balton, Porter, Hinshaw and Newman

For An Act To Be Entitled

"AN ACT TO AMEND THE HOUSING AUTHORITIES ACT TO PROVIDE THAT
THE BOARDS OF COMMISSIONERS OF THE AUTHORITIES SHALL APPOINT
THEIR SUCCESSORS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 14-169-208(c)(2)(B) is hereby amended to
read as follows:

"(B) When the term of office of a commissioner expires, the
remaining commissioners shall designate a successor, subject to confirmation
by the municipal or county governing body. When a vacancy occurs in the
commissioners of an authority, the commissioners of the authority shall
designate a successor to fill the vacancy, subject to confirmation by the
municipal or county governing body. If the governing body fails to confirm
or fails to refuse to confirm within forty-five (45) calendar days after
receiving written notice of the appointment, the appointment shall be deemed
confirmed and the governing body shall have no power to act on the
appointment thereafter."

SECTION 2. All provisions of this Act of a general and permanent nature
are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are
hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General
Assembly that confusion exists regarding whether the commissioners of a
housing authority are to appoint their successors; that it has been the

practice for 51 years that the commissioners appoint their successors and that was the intent of the General Assembly when it enacted the Housing Authorities Act; that in order to meet federal requirements the housing authorities must be autonomous bodies; that since housing authorities contract with local governments the local governments should not be appointing the members to the housing authorities; that this Act clarifies the law by specifically indicating that the commissioners of housing authorities designate their successors upon the expiration of their terms of office or when necessary to fill vacancies; and that this Act should be given effect immediately in order to clarify the law as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.