Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1	State of Arkansas As Engrossed: H1/14/99 H1/18/99 H1/20/99 H1/21/99
2	82nd General Assembly A Bill
3	Regular Session, 1999HOUSE BILL1080
4	
5	By: Representatives Faris, Rodgers, Milum, Hathorn, R. Smith, Bond, Scrimshire, Glover, J. Jeffress,
6	Gillespie, G. Jeffress, Trammell, Shoffner, Milligan, Allison, Horn, Cleveland, Napper, Biggs,
7	Haak, Bennett, Prater, Agee, King, Weaver, Hickinbotham, Creekmore, T. Steele, Wilkinson, Judy,
8	Womack
9	
10	
11	For An Act To Be Entitled
12	"AN ACT TO ENSURE EQUAL GEOGRAPHIC REPRESENTATION ON
13	THE PUBLIC SERVICE COMMISSION BY APPOINTING THE
14	MEMBERS FROM CONGRESSIONAL DISTRICTS; AND FOR OTHER
15	PURPOSES. "
16	
17	Subtitle
18	"AN ACT TO ENSURE EQUAL GEOGRAPHIC
19	REPRESENTATION ON THE PUBLIC SERVICE
20	COMMISSION BY APPOINTING THE MEMBERS
21	FROM CONGRESSIONAL DISTRICTS."
22	
23	
24	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25	
26	SECTION 1. Arkansas Code 23-2-101 is amended to read as follows:
27	"23-2-101. Members generally.
28	(a)(1) The Arkansas Public Service Commission shall consist of three
29	(3) members to be known as commissioners, one (1) of whom shall be a lawyer
30	five (5) members appointed by the Governor and subject to confirmation by the
31	Senate. The commissioners serving on February 1, 1999, shall continue to
32	serve the remainder of their terms of office and their successors shall be
33	appointed as provided in this section.
34	(2) In order to provide adequate and equitable geographic representation
35	for the entire state future appointments shall be as follows: one (1)
36	commissioner shall be appointed from each congressional district and one (1)

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commissioner shall be appointed from the state-at-large. For purposes of this 1 2 section the boundaries of the congressional district shall be as they were on 3 January 1, 1999. One commissioner may be an attorney licensed by the Arkansas Supreme Court; one commissioner may be a certified public accountant licensed 4 by the Arkansas State Board of Public Accountancy; and the other three 5 commissioners shall be designated as consumer representatives. Each 6 7 commissioner appointed from a congressional district shall have resided in the state congressional district from which appointed for five (5) years at least 8 one (1) year prior to appointment and shall be a qualified elector of that 9 congressional district. The commissioner appointed from the state-at-large 10 shall have resided in the state for at least one (1) year prior to appointment 11 12 and shall be a qualified elector of the state. (3) In order to timely increase the Public Service Commission from three 13 (3) to five (5) members, the Governor shall immediately appoint the two (2) 14 15 additional members who must meet criteria established in subdivision (a)(2). 16 One (1) of the additional members shall be appointed for a two-year term and 17 one (1) member shall be appointed for a three-year term. Successors shall 18 serve four-year terms. (4) If any commissioner appointed from a congressional district moves 19 20 his permanent residence from that congressional district the commissioner shall thereafter be disqualified from the office and the Governor shall fill 21 22 the vacancy by appointing a person who meets the qualifications prescribed by this section. When a commissioner appointed from the state-at-large moves his 23 24 permanent residence outside this state the commissioner shall thereafter be disqualified from the office and the Governor shall fill the vacancy by 25 appointing a person who meets the qualifications prescribed by this section. 26 27 (b) Each commissioner before entering on his duties shall take the oath 28 prescribed by the Constitution, shall swear that he is not pecuniarily 29 interested in any public utility or affiliate, or any public carrier or 30 affiliate therewith, as employee, stockholder, or security holder. 31 (c) Each commissioner shall execute a bond to the State of Arkansas in the sum of ten thousand dollars (\$10,000), conditioned for the faithful 32 33 discharge and performance of his duties. (d) Each commissioner shall receive an annual salary of five thousand 34 dollars (\$5,000), payable semimonthly or monthly in conformity with prevailing 35 practices of other officers of the state. 36

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1 (e)(1) (d)(1) At the expiration of each of the commissioner's terms, the 2 Governor, subject to the approval of the Senate, shall appoint one (1) member 3 who shall hold office for a term of $\frac{six}{6}$ four (4) years. 4 (2) Each commissioner shall hold office during the term for which he was appointed and until his successor is appointed and qualified. 5 (f) (e) The Governor shall designate one (1) of the commissioners as 6 7 chai rman. " 8 9 SECTION 2. Arkansas Code 23-2-104 is amended to read as follows: "23-2-104. Quorum. 10 The concurrence of $\frac{1}{100}$ (2) three (3) members of the Arkansas Public 11 12 Service Commission shall be necessary for commission action." 13 SECTION 3. Arkansas Code 23-2-109 is amended to read as follows: 14 15 "23-2-109. Expenses of commission. 16 All expenses incurred by the Arkansas Public Service Commission pursuant to the provisions of this act, including the actual and necessary traveling 17 18 and other expenses and disbursements of the commissioners, their officers, and employees incurred while on business of the commission, shall be paid from the 19 20 funds provided for the use of the commission after being approved by the 21 commission." 22 23 SECTION 4. All provisions of this Act of a general and permanent nature 24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code 25 Revision Commission shall incorporate the same in the Code. 26 27 If any provision of this Act or the application thereof to SECTION 5. 28 any person or circumstance is held invalid, such invalidity shall not affect 29 other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this 30 31 Act are declared to be severable. 32 33 SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed. 34 35 /s/ Faris, et al 36

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