

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1930

5 By: Representatives Kerr, Love, Williams, Allen, Mayberry, T. Baker
6 By: Senator Elliott
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE MEMBERSHIP OF A MUNICIPAL
10 HOUSING AUTHORITY AND TO DECLARE AN EMERGENCY; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING THE MEMBERSHIP OF A MUNICIPAL
16 HOUSING AUTHORITY AND TO DECLARE AN
17 EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-169-208 is amended to read as follows:

23 14-169-208. ~~Appointment, etc., of commissioners,~~ of commissioners and
24 employees.

25 (a)(1) When the governing body of a city adopts a resolution as
26 prescribed in § 14-169-207, it shall promptly notify the mayor of the
27 adoption.

28 (2)(A) Upon receiving the notice, the mayor shall appoint not
29 fewer than five (5) persons and not more than seven (7) persons as
30 commissioners of the housing authority created for the city.

31 (B) When the governing body of a county adopts a
32 resolution as indicated, the governing body shall appoint five (5) persons as
33 commissioners of the authority created for the county.

34 (b) ~~No~~ A commissioner of an authority may not be an officer or
35 employee of the city or county for which the authority is created.

36 (c)(1)(A) ~~The~~ If the authority consists of five (5) members, the



1 commissioners who are first appointed shall be designated to serve for terms
2 of one (1) year, two (2) years, three (3) years, four (4) years, and five (5)
3 years, respectively, from the date of their appointment.

4 (B) If the authority consists of more than five (5)
5 members, the new members shall initially be appointed for staggered terms so
6 that in no year will more than two (2) members be appointed to a full five-
7 year term.

8 (2)(A) Thereafter, commissioners shall be appointed as
9 prescribed for a term of office of five (5) years. However, all vacancies
10 shall be filled for the unexpired term.

11 (B)(i) When the term of office of a commissioner expires
12 or other vacancy occurs in the commissioners of an authority, the
13 commissioners shall appoint a successor to fill the vacancy, subject to
14 confirmation by the municipal or county governing body.

15 (ii) If the commissioners fail to appoint a
16 successor within forty-five (45) calendar days from the date a commissioner's
17 term expires or other vacancy occurs, the governing body shall appoint a
18 successor.

19 (C)(i) If the governing body fails to confirm or reject
20 the commissioner's appointment within forty-five (45) calendar days after
21 receiving written notice of the appointment, the appointment shall be deemed
22 confirmed and the governing body shall not have ~~no~~ power to act on the
23 appointment thereafter.

24 (ii) If the governing body rejects ~~such an~~ an
25 appointment within forty-five (45) calendar days after receiving written
26 notice of the appointment, the commissioners shall ~~within thirty (30)~~
27 ~~calendar days after receiving written notice of such rejection~~ appoint
28 another person to fill the vacancy within thirty (30) calendar days after
29 receiving written notice of the rejection.

30 (iii) If the commissioners fail to make the
31 appointment within the thirty-day period, the governing body shall appoint a
32 successor.

33 (3) A commissioner shall hold office until his or her successor
34 has been appointed and has qualified.

35 (d)(1) A certificate of the appointment or reappointment of any
36 commissioner shall be filed with the clerk of the governing body.

1 (2) The certificate shall be conclusive evidence of the due and
2 proper appointment of the commissioner.

3 (e) A commissioner may receive reasonable compensation for his or her
4 services, not to exceed three hundred dollars (\$300) per year. He or she
5 shall be entitled to the necessary expenses, including traveling expenses,
6 incurred in the discharge of his or her duties.

7 (f) The powers of each authority shall be vested in their
8 commissioners in office from time to time.

9 (g)(1) Three (3) commissioners shall constitute a quorum of the
10 authority for the purpose of conducting its business and exercising its
11 powers and for all other purposes.

12 (2) Action may be taken by the authority upon a vote of a
13 majority of the commissioners present, except as provided in this subchapter
14 and except as otherwise provided in the bylaws of the authority.

15 (h)(1) The mayor, or in the case of an authority for a county, the
16 governing body of the county, shall designate which of the commissioners
17 appointed shall be the first chairman.

18 (2) When the office of the chairman of the authority thereafter
19 becomes vacant, the authority shall select a chairman from among its
20 commissioners.

21 (i)(1) An authority shall select from among its commissioners a vice
22 chairman. It may also employ a secretary, who shall be executive director,
23 technical experts, and such other officers, agents, and employees, permanent
24 and temporary, as it may require, and shall determine their qualifications,
25 duties, and compensation.

26 (2) ~~For such~~ If legal services ~~as it may require~~ are required,
27 an authority may call upon the chief law officer of the city or the county or
28 may employ its own counsel and legal staff.

29 (3) An authority may delegate to one (1) or more of its agents
30 or employees such powers or duties as it may deem proper.

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32 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that the need for greater citizen
34 input into the operations of a municipal housing authority is essential to
35 the public health, safety, and welfare; that this expansion of the authority
36 would allow cities to have great citizen input; and that this act is

1 immediately necessary because all cities should be able to expand this
2 authority as soon as possible. Therefore, an emergency is declared to exist
3 and this act being immediately necessary for the preservation of the public
4 peace, health, and safety shall become effective on:

5 (1) The date of its approval by the Governor;

6 (2) If the bill is neither approved nor vetoed by the Governor,
7 the expiration of the period of time during which the Governor may veto the
8 bill; or

9 (3) If the bill is vetoed by the Governor and the veto is
10 overridden, the date the last house overrides the veto.

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