

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: S4/10/13

# A Bill

SENATE BILL 1181

5 By: Senator B. King  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE  
9 MEMBERSHIP OF THE ARKANSAS PUBLIC SERVICE COMMISSION;  
10 AND FOR OTHER PURPOSES.  
11

### Subtitle

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14 TO AMEND ARKANSAS LAW CONCERNING THE  
15 MEMBERSHIP OF THE ARKANSAS PUBLIC SERVICE  
16 COMMISSION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 *SECTION 1. Arkansas Code § 23-2-101 is amended to read as follows:*

22 *23-2-101. Members generally.*

23 *(a)(1) The Arkansas Public Service Commission shall consist of three*  
24 *(3) members to be known as commissioners, ~~one (1) of whom shall be a lawyer.~~*

25 *(2) Each commissioner shall have resided in the state for five*  
26 *(5) years and shall be a qualified elector.*

27 *(b) Each commissioner before entering on his or her duties shall take*  
28 *the oath prescribed by the Constitution, shall swear that he or she is not*  
29 *pecuniarily interested in any public utility or affiliate, or any public*  
30 *carrier or affiliate therewith, as employee, stockholder, or security holder.*

31 *(c) Each commissioner shall execute a bond to the State of Arkansas in*  
32 *the sum of ten thousand dollars (\$10,000), conditioned for the faithful*  
33 *discharge and performance of his or her duties.*

34 *(d) Each commissioner shall receive an annual salary of five thousand*  
35 *dollars (\$5,000), payable semimonthly or monthly in conformity with*  
36 *prevailing practices of other officers of the state.*



1 ~~(e)(1)(A) 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~~ Each commissioner shall hold office for a term of six (6) years.

4 ~~(2)(B) Each commissioner shall hold office during the term for~~  
5 ~~which he or she was appointed and until his or her successor is appointed and~~  
6 ~~qualified.~~

7 (2)(A) Two (2) commissioners shall be appointed by the Governor  
8 subject to the approval of the Senate.

9 (B) One (1) commissioner appointed by the Governor shall  
10 be a lawyer.

11 (3)(A) One (1) commissioner shall be appointed by the President  
12 Pro Tempore of the Senate or the Speaker of the House of Representatives.

13 (B) The President Pro Tempore of the Senate and the  
14 Speaker of the House of Representatives shall alternate who appoints the  
15 commissioner at the expiration of each term for that commissioner.

16 (f) The Governor shall designate one (1) of the commissioners as  
17 chair.

18 (g) If there is a vacancy in office of a commissioner, the person who  
19 originally appointed the commissioner shall appoint a person to the  
20 commission to finish that commissioner's term.

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22 SECTION 2. Arkansas Code § 23-2-102(a), concerning appointment of  
23 special commissioners to the Arkansas Public Service Commission, is amended  
24 to read as follows:

25 (a) When ~~any~~ a member of the Arkansas Public Service Commission is  
26 disqualified for any reason to hear and participate in the determination of  
27 ~~any~~ a matter pending before the commission, the ~~Governor~~ person who  
28 originally appointed the commission member shall appoint a qualified person  
29 to hear and participate in the decision on the particular matter.

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31 SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. A member of the  
32 Arkansas Public Service Commission shall not be removed from office upon the  
33 effective date of this act. The first commissioner who finishes his or her  
34 six-year term after the effective date of this act shall be replaced by the  
35 appointment of the President Pro Tempore of the Senate. Upon completion of  
36 the President Pro Tempore of the Senate's appointed commissioner's term, the

1 Speaker of the House of Representatives shall appoint the next commissioner.  
2 That position on the commission shall continue to be appointed by alternating  
3 appointments by the President Pro Tempore of the Senate and the Speaker of  
4 the House of Representatives as prescribed by this act.

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/s/B. King