

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1850

By: Representative Perry

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING COMMISSIONERS OF  
WATERWORKS COMMISSIONS; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING COMMISSIONERS  
OF WATERWORKS COMMISSIONS.

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

SECTION 1. Arkansas Code § 14-234-303 is amended to read as follows:  
14-234-303. Ordinance – Qualifications of commissioners.

(a)~~(1)~~~~(A)~~ Any city of the first class ~~desiring to avail itself of the benefits of this subchapter shall~~ or city of the second class may enact an ordinance by a majority vote of the elected and qualified members of its city council creating a waterworks commission to be composed of no less than three (3) nor more than ~~five (5)~~ seven (7) citizens who are qualified electors of the municipality or who are qualified electors of the area served by the municipality.

~~(B)~~~~(b)~~ Any waterworks commission of a city of the first class or city of the second class having less than ~~five (5)~~ seven (7) members may have its membership increased at any time to no more than ~~five (5)~~ seven (7) members by ordinance of the city council passed by the majority vote of the elected and qualified members of the city council.

~~(2)~~ ~~In all cities of the first class having a mayor-council form of government and having a population of not less than fifty thousand (50,000) persons according to the most recent federal decennial census, the waterworks commission shall be composed of five (5) members to be appointed~~



~~and confirmed in the manner and to serve for the terms prescribed in this subchapter.~~

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

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

14-234-304. Appointment of commissioners – Term – Salaries – Oath.

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

(2)(A) However, commissioners first appointed and confirmed shall serve for terms of four (4), six (6), and eight (8) years for a three-member commission, ~~and~~ for terms of two (2), four (4), six (6), seven (7), and eight (8) years for a five-member commission, and for terms of two (2), three (3), four (4), five (5), six (6), seven (7), and eight (8) years for a seven-member commission, each to be designated by the mayor and city council.

(B) Thereafter, and upon the expiration of ~~their~~ the commissioners' respective terms, their successors shall be appointed by the remaining commissioners subject to the approval of two-thirds (2/3) of the ~~duly~~ elected and qualified members of the city council for a term of eight (8) years.

(b)(1) If the membership of any waterworks commission of a city of the first class or city of the second class is increased ~~pursuant to the provisions prescribed in~~ under this subchapter, the members selected to fill the additional positions following the increase in membership of the waterworks commission shall be appointed as vacancies are filled ~~pursuant to~~ under subsection (d) of this section, for terms of such duration to assure that thereafter the terms of the remaining commissioners will expire in successive years, with no two (2) terms expiring during any one (1) calendar year.

(2) All successor appointments to the waterworks commission shall be made in the manner and for the terms prescribed in this subchapter.

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

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

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