Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	State of Arkansas	As Engrossed: S2/25/03		
2	84th General Assembly	A Bill		
3	Regular Session, 2003	SI	ENATE BILL	59
4				
5	By: Senator Horn			
6	By: Representatives King,	Cowling		
7				
8				
9		For An Act To Be Entitled		
10	AN AC	F TO AMEND ARKANSAS CODE § 14-137-108 TO		
11	ALLOW	MAYORS AND COUNTY JUDGES OF CREATING CITIES	3	
12	AND CO	DUNTIES TO APPOINT THE SUCCESSOR MEMBERS OF		
13	PUBLI	C FACILITIES BOARDS, INSTEAD OF A MAJORITY		
14	OF TH	E BOARD'S MEMBERSHIP; AND FOR OTHER		
15	PURPO	SES.		
16				
17		Subtitle		
18	ТО	ALLOW MAYORS AND COUNTY JUDGES OF		
19	CRI	EATING CITIES AND COUNTIES TO APPOINT		
20	TH	E SUCCESSOR MEMBERS OF PUBLIC		
21	FA	CILITIES BOARDS.		
22				
23				
24	BE IT ENACTED BY THE	C GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:		
25				
26	SECTION 1. Ar	kansas Code § 14-137-108(a) is amended to re	ead as	
27	follows:			
28	-	public facilities board shall consist of five		S
29		expansion of the board to provide services of		
30	-	overnmental unit from which it obtains power		
31		e provisions of this subsection shall be app	-	
32		ilities boards in counties having a populat		
33		ty thousand (150,000) according to the most		
34		ensus and to all public facilities boards es	-	,
35	-	ng a population of less than one hundred thom		
36	(100,000) according	to the most recent federal decennial census	, regardless	



1 of where located. 2 (3)(A)(i) The initial members shall be appointed by the mayor of 3 the creating municipality or the county judge of the creating county for 4 terms of one (1), two (2), three (3), four (4), and five (5) years, 5 respectively. 6 (ii) Members are not required to be residents of the 7 municipality or county which has created the public facilities board. 8 (B)(i) Successor members shall be elected by a majority of 9 the board for nominated by a majority of the board and appointed by the mayor of the creating municipality or the county judge of the creating county 10 11 subject to confirmation by the governing body of the municipality or county 12 for staggered terms of five (5) years each, unless the bylaws of the public facilities board or the ordinance pursuant to which the public facilities 13 board was formed provides for an alternative means of electing successor 14 15 members by the membership of the public facilities board's service area. 16 (ii) The board shall submit a written list of three 17 (3) successor nominees to the mayor of the creating municipality or the county judge of the creating county at least sixty (60) days before the 18 19 expiration of the term. 20 (iii) If the board fails to submit a written list of nominees at least sixty (60) days before the expiration of the term, the 21 22 mayor or the county judge may appoint a successor member without a nomination 23 from the board. 24 (C) Each member shall serve until his successor is elected 25 and qualified. 26 (D) A member shall be eligible to succeed himself. 27 (4) Each member shall qualify by taking and filing with the 28 clerk of the municipality or county creating the board his oath of office in which he shall swear to support the Constitution of the United States and the 29 30 Constitution of the State of Arkansas and to discharge faithfully his duties 31 in the manner provided by law. 32 (5)(A) In the event of a vacancy in the membership of the board, 33 however caused, a majority of the board shall elect the mayor or the county 34 judge shall appoint a successor member nominated by a majority of the board 35 to serve the unexpired term subject to confirmation by the governing body of 36 the municipality or county.

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1	(B) The board shall submit a written list of three (3)
2	nominees to fill the vacancy to the mayor of the creating municipality or the
3	county judge of the creating county not later than sixty (60) days after the
4	vacancy occurs.
5	(C) If the board fails to submit a written list of
6	nominees not later than sixty (60) days after the vacancy, the mayor or the
7	county judge may appoint a successor member without a nomination from the
8	board.
9	(6) The members of the board shall receive no compensation for
10	their services, but shall be entitled to reimbursement for reasonable and
11	necessary expenses incurred in the performance of their duties.
12	(7) Any member of the board may be removed for misfeasance,
13	malfeasance, or willful neglect of duty, by the mayor of the municipality or
14	the county judge of the county, as the case may be, which created the board,
15	after reasonable notice of and an opportunity to be heard concerning the
16	alleged grounds for removal.
17	(8)(A)(i) If the jurisdiction of a board, pursuant to interlocal
18	agreements, expands to provide services outside the boundaries of the
19	governmental unit from which it obtains power, then not more than two (2)
20	additional members per governmental unit may be added pursuant to the terms
21	of any relevant interlocal agreement.
22	(ii) These members shall initially be appointed by
23	the mayor of the newly participating municipality, or the county judge of the
24	newly participating county, and shall serve for a term agreed upon in the
25	interlocal agreement, provided that the term shall not exceed five (5) years.
26	(B) The other provisions of this section shall apply to
27	these additional members, provided that no additional member shall be
28	eligible to serve as chairman of the board.
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30	/s/ Horn
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