

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Representatives Wyrick, D. Wood, M. Wilson, and Moreland**

A Bill ACT 34 OF 1992

Call Item 43
HOUSE BILL 1045

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7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND CHAPTER 137 OF TITLE 14 OF THE ARKANSAS
9 CODE TO STRENGTHEN THE PUBLIC FACILITIES BOARDS ACT; AND
10 FOR OTHER PURPOSES."

11
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. Arkansas Code 14-137-106 is hereby amended by inserting an
15 additional subsection at the end thereof to read as follows:

16 "*(e) County public facilities boards located in counties having a*
17 *population of 150,000 or more persons according to the most recent decennial*
18 *federal census shall preserve and maintain their records and documents at such*
19 *locations and in such manners as prescribed by ordinance of the municipality*
20 *or county which created the boards.*"

21
22 SECTION 2. Arkansas Code 14-137-108 is hereby amended by adding a new
23 subdivision at the end thereof to read as follows:

24 "*(h) The provisions of this Section shall be applicable only to county*
25 *public facilities boards in counties having a population of less than 150,000*
26 *according to the most recent decennial federal census and to all public*
27 *facilities boards established by municipalities having a population of less*
28 *than 100,000 according to the most recent decennial federal census, regardless*
29 *of where located.*"

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31 SECTION 3. *County public facilities boards in counties having a*
32 *population of 150,000 or more according to the most recent decennial federal*
33 *census and public facilities boards established by all municipalities having a*
34 *population of 100,000 or more according to the most recent decennial federal*
35 *census shall consist of five (5) members unless there is an expansion of the*
36 *board to provide services outside the boundaries of the governmental unit from*

1 which it obtains power.

2 (b) (1) The initial members shall be appointed by the mayor of the
3 creating municipality or the county judge of the creating county subject to
4 confirmation by the governing body of the municipality or county for terms as
5 determined by the governing body of the municipality or county. The terms
6 shall be set in such manner as will result in the expiration of terms on a
7 staggered basis.

8 (2) Successor members shall be appointed by the mayor of the
9 creating municipality or the county judge of the creating county subject to
10 confirmation by the governing *body* of the municipality or county for terms as
11 determined by the governing body of the municipality or county. The terms
12 shall be set in such manner as will result in the expiration of terms on a
13 staggered basis.

14 (3) Each member shall serve until his successor is elected and
15 qualified.

16 (4) A member shall be eligible to succeed himself.

17 (5) The governing body of the municipality or county may, by ordinance,
18 limit the number of terms a person may serve on the board.

19 (c) Each member shall qualify by taking and filing with the clerk of
20 the municipality or county creating the board his oath of office in which he
21 shall swear to support the Constitution of the United States and the
22 Constitution of the State of Arkansas and to discharge faithfully his duties
23 in the manner provided by law.

24 (d) In the event of a vacancy in the membership of the board, however
25 caused, a majority of the board shall elect a successor member to serve the
26 unexpired term.

27 (e) The members of the board shall receive no compensation for their
28 services, but shall be entitled to reimbursement for reasonable and necessary
29 expenses incurred in the performance of their duties.

30 (f) Any member of the board may be removed for misfeasance,
31 malfeasance, or willful neglect of duty, by the mayor of the municipality or
32 the county judge of the county, as the case may be, which created the board,
33 after reasonable notice of and an opportunity to be heard concerning the
34 alleged grounds for removal.

35 (g) (1) (A) If the jurisdiction of a board, pursuant to interlocal

1 agreements, expands to provide services outside the boundaries of the
2 governmental unit from which it obtains power, then not more than two (2)
3 additional members per governmental unit may be added pursuant to the terms of
4 any relevant interlocal agreement.

5 (B) These members shall initially be appointed by the mayor
6 of the newly participating municipality, or the county judge of the newly
7 participating county, and shall serve for a term agreed upon in the interlocal
8 agreement, provided that the term shall not exceed five (5) years.

9 (2) The other provisions of this section shall apply to these
10 additional members, provided that no additional member shall be eligible to
11 serve as chairman of the board."
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13 SECTION 4. Arkansas Code 14-137-115 is hereby amended by inserting an
14 additional subsection at the end thereof to read as follows:

15 *"(c) Each county public facilities board in a county having a
16 population of 150,000 or more according to the most recent decennial federal
17 census and each public facilities board established by a municipality having a
18 population of more than 100,000 according to the most recent decennial federal
19 census, regardless of where located, shall annually contract with a certified
20 public accountant to perform an audit of the Board_s revenues which are not
21 pledged to outstanding bonded indebtedness. The Board shall furnish a copy of
22 the audit report to the governing body of the municipality or county which
23 created the Board and the Board shall make the audit report available to the
24 public for inspection under the Freedom of Information Law."*
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26 SECTION 5. All provisions of this act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.
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30 SECTION 6. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.
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1 SECTION 7. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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4 SECTION 8. Emergency. It is hereby found and determined by the General
5 Assembly that the Public Facilities Boards Act is in need of strengthening;
6 that this act provides checks and balances which will benefit the people of
7 this state and that this act should go in effect immediately in order to
8 better serve the people as soon as possible. Therefore, an emergency is
9 hereby declared to exist, and this act being immediately necessary for the
10 preservation of the public peace, health, and safety shall be in full force
11 and effect from and after its passage and approval.

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13 /s/P. Wyrick, et al

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15 APPROVED: 3-10-92

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