

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 942 of 1999
HOUSE BILL 1956

5 By: Representative Prater
6 By: Senator Harriman
7

For An Act To Be Entitled

10 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
11 TITLE 14, CHAPTER 238, REGARDING THE RURAL WATERWORKS
12 FACILITIES BOARD ACT, TO CHANGE THE SELECTION METHOD
13 FOR MEMBERS OF THE BOARD OF DIRECTORS, TO REQUIRE AN
14 ANNUAL MEETING, AND TO PROVIDE FOR AN ALTERNATIVE
15 SELECTION PROCEDURE FOR BOARD MEMBERS; TO DECLARE AN
16 EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

18 "TO AMEND THE RURAL WATERWORKS FACILITIES
19 BOARD ACT TO CHANGE THE SELECTION METHOD
20 FOR BOARD MEMBERS AND TO REQUIRE AN
21 ANNUAL MEETING."
22
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code 14-238-108(b), pertaining to the membership of
28 the Rural Waterworks Facilities Board, is amended to read as follows:

29 "(b)(1) The initial members shall be appointed by the county judge of
30 the creating county for terms of one (1), two (2), three (3), four (4), and
31 five (5) years, respectively.

32 (2) When a rural waterworks facilities board is created to assume
33 the operations of an existing nonprofit corporation that provides water or
34 sewer service, the county judge shall appoint the initial members from a list
35 of nominees provided by the nonprofit corporation's board of directors.

36 ~~(2)~~(3) Successor members shall be elected by a majority of the

1 board or by alternative member selection as set forth in Arkansas Code 14-238-
 2 124 for terms of five (5) years ~~each~~.

3 ~~(3)~~(4) Each member shall serve until his successor is elected and
 4 qualified.

5 ~~(4)~~(5) A member shall be eligible to succeed himself."

7 SECTION 2. Arkansas Code 14-238-110(a), pertaining to meetings of the
 8 Rural Waterworks Facilities Board, is amended to read as follows:

9 "(a)(1) Each board shall meet upon the call of its chairman, or a
 10 majority of its members, and at such times as may be specified in its bylaws
 11 for regular meetings.

12 (2) At least annually, the board shall hold a users meeting at
 13 which time it shall accept comments and recommendations from its users. The
 14 meeting may be held in conjunction with a regular board meeting. Notice of
 15 the users meeting shall be sent by first class mail to each user and may be
 16 sent with the user's bill.

17 ~~(2)~~(3) A majority of its members shall constitute a quorum for
 18 the transaction of business.

19 ~~(3)~~(4) No vacancy in the membership of the board shall impair the
 20 right of a quorum to exercise all the rights and perform all the duties of the
 21 board."

23 SECTION 3. Arkansas Code Title 14, Chapter 238 is amended by adding the
 24 following new section 14-238-124 to read as follows:

25 "14-238-124. Alternative Membership Selection.

26 (a) If so prescribed, successor members shall be elected by a majority
 27 of members from a list of nominated candidates.

28 (b) A candidate may be nominated by petition of twenty-five (25) users
 29 or ten percent (10%) of the number of total users as of January 1 preceding
 30 the election, whichever is less. A petition shall be filed thirty (30) days
 31 prior to the expiration of the term of the member whose seat the candidate
 32 seeks.

33 (c) Each water and/or sewer service connection shall be considered a
 34 'user' for purposes of this chapter.

35 (d) Use of this alternative member selection may be prescribed by the
 36 ordinance creating the board, or the board may irrevocably select this method

1 of member selection by properly adopted resolution. The resolution shall be
2 filed with the county clerk of the creating county."

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4 SECTION 4. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 5. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 6. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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17 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the
18 Eighty-second General Assembly that many water associations and other
19 nonprofit corporations providing water and sewer services could serve their
20 customers better by transferring their operations to a rural waterworks
21 facilities board, and that current law does not provide users with adequate
22 opportunity to participate in making recommendations to the board and in the
23 selection of board members. Therefore, an emergency is declared to exist and
24 this act being immediately necessary for the preservation of the public peace,
25 health and safety shall become effective on the date of its approval by the
26 Governor. If the bill is neither approved nor vetoed by the Governor, it
27 shall become effective on the expiration of the period of time during which
28 the Governor may veto the bill. If the bill is vetoed by the Governor and the
29 veto is overridden, it shall become effective on the date the last house
30 overrides the veto.

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33 APPROVED: 3/29/1999
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