

1 **State of Arkansas**

Call Item 43

2 **78th General Assembly**

A Bill

3 **First Extraordinary Session, 1992**

HOUSE BILL 1045

4 **By: Representatives Wyrick, D. Wood, M. Wilson, and Moreland**

5

6

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:

13

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.*"

30

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

1 board to provide services outside the boundaries of the governmental unit from
2 which it obtains power.

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

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

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

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

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

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

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

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

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

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

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

10 (2) The other provisions of this section shall apply to these
11 additional members, provided that no additional member shall be eligible to
12 serve as chairman of the board."
13

14 SECTION 4. Arkansas Code 14-137-115 is hereby amended by inserting an
15 additional subsection at the end thereof to read as follows:

16 *"(c) Each county public facilities board in a county having a*
17 *population of 150,000 or more according to the most recent decennial federal*
18 *census and each public facilities board established by a municipality having a*
19 *population of more than 100,000 according to the most recent decennial federal*
20 *census, regardless of where located, shall annually contract with a certified*
21 *public accountant to perform an audit of the Board_s revenues which are not*
22 *pledged to outstanding bonded indebtedness. The Board shall furnish a copy of*
23 *the audit report to the governing body of the municipality or county which*
24 *created the Board and the Board shall make the audit report available to the*
25 *public for inspection under the Freedom of Information Law."*
26

27 SECTION 5. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.
30

31 SECTION 6. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

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

/s/P. Wyrick, et al

- 1
- 2
- 3
- 4