

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
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

SENATE BILL 59

5 By: Senator Horn
6 By: Representatives King, Cowling
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE § 14-137-108 TO
11 ALLOW MAYORS AND COUNTY JUDGES OF CREATING CITIES
12 AND COUNTIES TO APPOINT THE SUCCESSOR MEMBERS OF
13 PUBLIC FACILITIES BOARDS, INSTEAD OF A MAJORITY
14 OF THE BOARD'S MEMBERSHIP; AND FOR OTHER
15 PURPOSES.

Subtitle

16
17
18 TO ALLOW MAYORS AND COUNTY JUDGES OF
19 CREATING CITIES AND COUNTIES TO APPOINT
20 THE SUCCESSOR MEMBERS OF PUBLIC
21 FACILITIES BOARDS.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 14-137-108(a) is amended to read as
27 follows:

28 (a)(1) Each public facilities board shall consist of five (5) members
29 unless there is an expansion of the board to provide services outside the
30 boundaries of the governmental unit from which it obtains power.

31 (2) The provisions of this subsection shall be applicable only
32 to county public facilities boards in counties having a population of less
33 than one hundred fifty thousand (150,000) according to the most recent
34 federal decennial census and to all public facilities boards established by
35 municipalities having a population of less than one hundred thousand
36 (100,000) according to the most recent federal decennial census, regardless



01162003EAN1202.VJF097

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) Successor members shall be ~~elected by a majority of~~
 9 ~~the board for~~ appointed by the mayor of the creating municipality or the
 10 county judge of the creating county subject to confirmation by the governing
 11 body of the municipality or county for staggered terms of five (5) years
 12 each, unless ~~the bylaws of the public facilities board or~~ the ordinance
 13 pursuant to which the public facilities board was formed provides for ~~an~~
 14 ~~alternative means of~~ electing successor members by the membership of the
 15 public facilities board's service area.

16 (C) Each member shall serve until his successor is elected
 17 and qualified.

18 (D) A member shall be eligible to succeed himself.

19 (4) Each member shall qualify by taking and filing with the
 20 clerk of the municipality or county creating the board his oath of office in
 21 which he 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 (5) In the event of a vacancy in the membership of the board,
 25 however caused, ~~a majority of the board shall elect~~ the mayor or the county
 26 judge shall appoint a successor member to serve the unexpired term subject to
 27 confirmation by the governing body of the municipality or county.

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

31 (7) 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.

36 (8)(A)(i) 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
4 of any relevant interlocal agreement.

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

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

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36