

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

As Engrossed: S2/25/03
A Bill

SENATE BILL 59

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

8
9 **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.
16

17 **Subtitle**

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



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
10 of the creating municipality or the county judge of the creating county
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~~
13 ~~facilities board or~~ the ordinance pursuant to which the public facilities
14 board was formed provides for ~~an alternative means of~~ electing successor
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
18 county judge of the creating county at least sixty (60) days before the
19 expiration of the term.

20 (iii) If the board fails to submit a written list of
21 nominees at least sixty (60) days before the expiration of the term, the
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
29 which he shall swear to support the Constitution of the United States and the
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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