

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/12/07

A Bill

HOUSE BILL 2415

5 By: Representatives Breedlove, Pennartz, *Glidewell*
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For An Act To Be Entitled

9 AN ACT TO GIVE QUORUM COURTS A PROCEDURAL OPTION
10 ON THE *SELECTION* OF SUCCESSOR MEMBERS OF RURAL
11 WATERWORKS FACILITIES BOARDS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 *TO GIVE QUORUM COURTS A PROCEDURAL*
15 *OPTION ON THE SELECTION OF SUCCESSOR*
16 *MEMBERS OF RURAL WATERWORKS FACILITIES*
17 *BOARDS.*
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 14-238-108 is amended to read as follows:
25 14-238-108. Members - Compensation.

26 (a) Each ~~board~~ rural waterworks facilities board shall consist of five
27 (5) members unless there is an expansion of the board to provide services
28 outside the county which created it.

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
33 assume the operations of an existing nonprofit corporation that provides
34 water or sewer service, the county judge shall appoint the initial members
35 from a list of nominees provided by the nonprofit corporation's board of
36 directors.



1 (3)(A) Successor members shall be elected by a majority of the
2 rural waterworks facilities board or by alternative member selection as set
3 forth in § 14-238-124 or at the general election by the qualified electors of
4 the rural waterworks facilities board's service area for staggered terms of
5 five (5) years each.

6 (B) The quorum court and county judge of the creating
7 county shall determine by ordinance how successor members shall be selected
8 to the rural waterworks facilities board.

9 (4) Each member shall serve until his or her successor is
10 elected and qualified.

11 (5) A member shall be eligible to succeed himself or herself.

12 (c) Each member shall qualify by taking and filing with the clerk of
13 the county creating the rural waterworks facilities board his or her oath of
14 office in which he or she shall swear to support the Constitution of the
15 United States and the Constitution of the State of Arkansas and to discharge
16 faithfully his or her duties in the manner provided by law.

17 (d) In the event of a vacancy in the membership of the rural
18 waterworks facilities board, however caused, a majority of the rural
19 waterworks facilities board shall elect a successor member to serve the
20 unexpired term.

21 (e) The members of the rural waterworks facilities board shall receive
22 no compensation for their services but shall be entitled to reimbursement for
23 reasonable and necessary expenses incurred in the performance of their
24 duties.

25 (f) Any member of the rural waterworks facilities board may be removed
26 for misfeasance, malfeasance, or willful neglect of duty by the county judge
27 of the county which created the rural waterworks facilities board, after
28 reasonable notice of and an opportunity to be heard concerning the alleged
29 grounds for removal.

30 (g)(1)(A) If the jurisdiction of a rural waterworks facilities board,
31 pursuant to interlocal agreements, expands to provide services outside the
32 boundaries of the county from which it obtains power, then not more than two
33 (2) additional members per county may be added pursuant to the terms of any
34 relevant interlocal agreement.

35 (B) These members shall initially be appointed by the
36 county judge of the noncreating county and shall serve for a term agreed upon

1 in the interlocal agreement, provided that the term shall not exceed five (5)
2 years.

3 (2)(A) The other provisions of this section shall apply to these
4 additional members.

5 (B) Provided, no additional member shall be eligible to
6 serve as ~~chairman~~ chair of the rural waterworks facilities board.

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8 *SECTION 2. Arkansas Code § 14-238-124 is amended to read as follows:*
9 *14-238-124. Alternative membership selection.*

10 *(a) If so prescribed by ordinance of the creating county, successor*
11 *members of rural waterworks facilities boards shall be elected by a majority*
12 *of board members from a list of nominated candidates.*

13 *(b) A candidate may be nominated by petition of twenty-five (25) users*
14 *or ten percent (10%) of the number of total users as of January 1 preceding*
15 *the election, whichever is less. A petition shall be filed with the board*
16 *thirty (30) days prior to the expiration of the term of the member whose seat*
17 *the candidate seeks.*

18 *(c) Each water or sewer service connection, or both, shall be*
19 *considered a "user" for purposes of this chapter.*

20 ~~*(d) Use of this alternative member selection may be prescribed by the*~~
21 ~~*ordinance creating the board or the board may irrevocably select this method*~~
22 ~~*of member selection by properly adopted resolution. The resolution shall be*~~
23 ~~*filed with the county clerk of the creating county.*~~

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25 /s/ Breedlove, et al
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