

1 SB344
2 160134-2
3 By Senators Waggoner, Blackwell, Scofield, Ward, Williams and
4 Reed
5 RFD: Fiscal Responsibility and Accountability
6 First Read: 11-FEB-14

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to any municipal water works board which
12 serves water customers in certain counties other than the
13 county where the authorizing municipality is principally
14 located; to provide for the appointment of certain board
15 members; to limit the terms of all board members including
16 members appointed prior to this act becoming applicable to the
17 board; to limit the compensation and expense allowance of the
18 board members; to specify that the board members would be
19 covered by the State Ethics Law; to provide for notice and a
20 public hearing prior to the board adopting any rate increase;
21 and to specify that the board would be subject to the Alabama
22 Open Meetings Act.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Notwithstanding any other provisions
25 of law, any municipal water works board authorized to be
26 incorporated by a municipality which either serves water
27 customers on the effective date of this act in four or more

1 counties other than the county where the authorizing
2 municipality is principally located, or after the effective
3 date of this act, serves water customers in four or more
4 counties other than the county where the authorizing
5 municipality is located shall be subject to the following:

6 (1) Upon the occurrence of the first vacancy on the
7 board of a member serving when this act becomes applicable to
8 the board who resides outside of the corporate limits of the
9 authorizing municipality or upon the occurrence of the first
10 vacancy on the board of one of the members serving when this
11 act becomes applicable to the board if none of the members of
12 the board reside outside of the corporate limits of the
13 authorizing municipality, the vacancy shall be filled by an
14 appointment by the association of mayors in the county where
15 the authorized municipality is located if there is an
16 organized incorporated countywide association of mayors or by
17 the mayors of the county acting jointly if not. The board
18 member shall be a resident of the county where the authorizing
19 municipality is located but shall not be a resident of the
20 authorizing municipality. The board member shall be a water
21 customer in a municipality served by the board. The term of
22 the board member appointed shall be four years. Successive
23 appointments to fill the board seat shall continue to be made
24 in the same manner.

25 (2) One additional board member shall be appointed
26 by the county commission where the authorizing municipality is
27 principally located, but shall not be a resident of the

1 authorizing municipality. The board member shall serve a term
2 of four years. The additional board member shall be a water
3 customer in an area served by the board. The board member
4 shall be entitled to all powers, duties, authority,
5 compensation, and other emoluments of other board members.

6 (3) One additional board member shall be appointed
7 by the county commissions of the several counties where water
8 customers are served by the board other than the county where
9 the authorizing municipality is principally located. The board
10 member appointed as provided herein shall serve a term of one
11 year. The board member shall be appointed by all of the county
12 commissions of counties served by the board other than the
13 county where the authorizing municipality is located and shall
14 be a resident of one of the several counties on a rotating
15 basis based on a listing of the counties in alphabetical
16 order. A meeting to make an appointment under this subdivision
17 shall be called and chaired by the chair of the county
18 commission of the county where the board member is required to
19 reside to fill the seat. The additional board member shall be
20 a water customer in an area served by the board. The
21 additional board member shall be entitled to all powers,
22 duties, authority, compensation, and other emoluments as other
23 members of the board.

24 (4) The term of members of the board appointed by
25 the authorizing municipality after the effective date of this
26 act shall be four years, except any member serving when this
27 act becomes applicable to the board shall serve the remainder

1 of his or her term and a person appointed to fill a vacancy of
2 a member serving when this act becomes applicable to the board
3 shall serve the remainder of the term of the vacant seat. Any
4 person otherwise appointed to fill a vacancy on the board
5 shall serve the remainder of the term of the vacant seat. A
6 member of the board may not be appointed to more than two full
7 terms, including, as provided herein, any board member serving
8 when this act becomes applicable to the board. A board member
9 who has been appointed to two full terms on the board prior to
10 this act becoming applicable to the board may not be appointed
11 to an additional term and a board member who has been
12 appointed to one full term prior to this act becoming
13 applicable to the board may be appointed to one additional
14 term on the board. All board members shall continue to serve
15 until a successor is appointed and qualified.

16 (5) Notwithstanding any other provision of law,
17 including Section 11-50-234.1, Code of Alabama 1975, no member
18 of the board may receive any compensation or expense
19 allowance, or a combination of compensation and expense
20 allowance, that exceeds five hundred dollars (\$500) per month.
21 In addition, the members shall not be entitled to any
22 additional expenses or expense allowance for travel or other
23 expenses related to the duties of their office unless approved
24 by a roll call vote of a majority of the board members.

25 (6) All members of the board and employees of the
26 board shall be subject to the State Ethics Law, Chapter 25 of
27 Title 36, Code of Alabama 1975.

1 (7) No increase in rates for water may be adopted by
2 the board unless notice of the meeting at which the rate
3 increase is to be considered is given at least 30 days prior
4 to the meeting in the same manner as provided in the Alabama
5 Open Meeting Act and a public hearing is held at the meeting
6 prior to any vote on the rate increase.

7 (8) The board shall otherwise be subject to Chapter
8 25A of Title 36, Code of Alabama 1975, the Alabama Open
9 Meetings Act.

10 (9) This act shall not apply to a municipal
11 utilities board which operates a water works system and an
12 electric distribution system and does not apply to an entity
13 which only serves wholesale water customers.

14 Section 2. All laws or parts of laws which conflict
15 with this act are repealed.

16 Section 3. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and
Accountability..... 11-FEB-14

Read for the second time and placed on the calen-
dar..... 18-FEB-14

Read for the third time and passed as amended 11-MAR-14

Yeas 20
Nays 9
Abstaining 1

Patrick Harris
Secretary