

1 SB89  
2 167881-3  
3 By Senators Waggoner, Williams, Scofield, Blackwell, Reed,  
4 Livingston, Ward, Whatley, Shelnut, Marsh, Bussman, Allen and  
5 Orr  
6 RFD: Fiscal Responsibility and Economic Development  
7 First Read: 03-MAR-15

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to any municipal water works board which  
12 serves water customers or has assets in certain counties other  
13 than the county where the authorizing municipality is  
14 principally located; to provide for the appointment of certain  
15 board members; to limit the terms of all board members  
16 including members appointed prior to this act becoming  
17 applicable to the board; to limit the compensation and  
18 expenses of the board members; to specify that the board  
19 members would be covered by the State Ethics Law and could not  
20 be elected officials; to provide for notice and a public  
21 hearing prior to the board adopting any rate increase; and to  
22 specify that the board would be subject to the Alabama Open  
23 Meetings Act.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Notwithstanding any other provisions of  
26 law, this act shall apply to any municipal water works board  
27 authorized to be incorporated by a municipality which, on

1 January 1, 2015, either served water customers or has assets  
2 in four or more counties other than the county where the  
3 authorizing municipality is principally located, or after  
4 January 1, 2015, either serves water customers or has assets  
5 in four or more counties other than the county where the  
6 authorizing municipality is located, and the organization and  
7 operation of the board, shall be subject to this act.

8 Section 2. (a) Subject to the effective date in  
9 Section 8, the water works board shall be reorganized and  
10 composed of the following members:

11 (1) Six of the members shall be appointed by the  
12 authorizing municipality and shall be residents of the  
13 authorizing municipality and water customers of the board.

14 (2) One additional board member shall be appointed  
15 by the association of mayors in the county where the  
16 authorizing municipality is located if there is an organized  
17 incorporated countywide association of mayors or by the mayors  
18 of the county acting jointly if not. This member shall  
19 hereafter be referred to as the board member appointed by the  
20 association of mayors. The board member shall reside outside  
21 of the corporate limits of the authorizing municipality and  
22 shall be a resident of the county where the authorizing  
23 municipality is principally located and be a water customer of  
24 the board. Notwithstanding any other provision of this act,  
25 the person appointed as a board member by the association of  
26 mayors may only serve one full term on the board.

1           (3) One additional board member shall be appointed  
2 by the county commission of each county other than the county  
3 where the authorizing municipality is principally located  
4 where more than 5,000 water customers are served by the board  
5 or where the board owns a major reservoir located entirely  
6 within the county. Each board member shall be a resident of  
7 the county making the appointment.

8           Section 3. (1) Except as otherwise provided in this  
9 act, after the effective date of this act, the term of members  
10 of the board shall be four years.

11           (2) A person appointed to fill a vacancy on the  
12 board shall serve the remainder of the term of the vacant  
13 seat.

14           (3) Except as provided herein, a member of the board  
15 may not be appointed to more than two full terms, including,  
16 as provided herein, any board member serving when this act  
17 becomes applicable to the board. A board member who has been  
18 appointed to two full terms on the board prior to this act  
19 becoming applicable to the board may not be appointed to an  
20 additional term and a board member who has been appointed to  
21 one full term prior to this act becoming applicable to the  
22 board may be appointed to one additional term on the board.  
23 All board members shall continue to serve until a successor is  
24 appointed and qualified.

25           Section 4. (a) Notwithstanding any other provision  
26 of law, including Section 11-50-234.1, Code of Alabama 1975,  
27 no member of the board may receive any compensation that

1 exceeds one thousand dollars (\$1,000) per month. In addition,  
2 the members shall be entitled to any additional personal  
3 expenses for the member only or expense allowance for personal  
4 travel or other personal expenses for the member related to  
5 the duties of their office upon approval by a roll call vote  
6 of a majority of the board members in an open meeting of the  
7 board. No member of the board may be reimbursed for any  
8 expenditure for alcoholic beverages or entertainment. Records  
9 relating to each expense voucher shall be itemized as to any  
10 expense and shall be a public record and placed on the website  
11 of the board.

12 (b) (1) All members of the board and employees of the  
13 board shall be subject to the State Ethics Law, Chapter 25 of  
14 Title 36, Code of Alabama 1975. No consultant or party  
15 contracting with or doing business with the board may expend  
16 any funds on entertainment of a board member.

17 (2) No member of the board shall be an elected  
18 official.

19 (c) No increase in rates for water may be adopted by  
20 the board unless notice of the meeting at which the rate  
21 increase is to be considered is given at least 30 days prior  
22 to the meeting in the same manner as provided in the Alabama  
23 Open Meeting Act and a public hearing is held at the meeting  
24 prior to any vote on the rate increase. Notice of the meeting  
25 shall also be given by posting a notice of the meeting on the  
26 website of the board at least 30 days in advance of the board  
27 meeting.

1 (d) The board shall otherwise be subject to Chapter  
2 25A of Title 36, Code of Alabama 1975, the Alabama Open  
3 Meetings Act.

4 Section 5. This act shall not apply to a municipal  
5 utilities board which operates a water works system and an  
6 electric distribution system and does not apply to an entity  
7 which only serves wholesale water customers.

8 Section 6. All laws or parts of laws which conflict  
9 with this act are repealed.

10 Section 7. The provisions of this act are severable.  
11 If any part of this act is declared invalid or  
12 unconstitutional, that declaration shall not affect the part  
13 which remains.

14 Section 8. This act shall become effective  
15 immediately following its passage and approval by the  
16 Governor, or its otherwise becoming law, except that Section 2  
17 of this act shall become effective on January 1, 2017.

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Senate

Read for the first time and referred to the Senate  
committee on Fiscal Responsibility and Economic  
Development..... 03-MAR-15

Read for the second time and placed on the  
calendar..... 11-MAR-15

Read for the third time and passed as amended .... 16-APR-15

Patrick Harris  
Secretary