

1 HB492  
2 158623-3  
3 By Representative Shedd  
4 RFD: Ethics and Campaign Finance  
5 First Read: 13-FEB-14

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8 SYNOPSIS: This bill would apply to any municipal water  
9 works board that serves retail water customers in  
10 four or more counties in addition to the county  
11 where the authorizing municipality is principally  
12 located.

13 The bill would provide for the appointment  
14 of an additional board member by the county  
15 commission of certain counties where retail water  
16 customers are served by the board other than the  
17 county where the authorizing municipality is  
18 principally located.

19 The bill would also limit the term of all  
20 board members to two full terms, limit the  
21 compensation and expense allowance of the board  
22 members, specify that the board members would be  
23 covered by the State Ethics Law, provide for notice  
24 and a public hearing prior to adoption of any rate  
25 increase, and provide for payments to any county  
26 where certain amounts of water are withdrawn by the  
27 board.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT

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6 Relating to any municipal water works board which  
7 serves water customers in certain counties other than the  
8 county where the authorizing municipality is principally  
9 located; to provide for the appointment of an additional board  
10 member by the county commission of a county where retail water  
11 customers are served by the board; to limit the terms of all  
12 board members; to limit the compensation and expense allowance  
13 of the board members; to specify that the board members would  
14 be covered by the State Ethics Law; to provide for notice and  
15 a public hearing prior to the board adopting any rate  
16 increase; and to provide for payments to any county where  
17 certain amounts of water are withdrawn by the board.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) Notwithstanding any other provisions  
20 of law, any municipal water works board authorized to be  
21 incorporated by a municipality which serves retail water  
22 customers on the effective date of this act in four or more  
23 counties other than the county where the authorizing  
24 municipality is principally located shall be subject to the  
25 following:

26 (1) On the occurrence of the first vacancy for any  
27 reason in the board membership held by any member of any board

1 to which this act applies, one board member shall be appointed  
2 by the county commission of the county where the authorizing  
3 municipality is principally located to fill the vacant seat.  
4 The board member appointed by the county commission of the  
5 county where the authorizing municipality is principally  
6 located may not be a resident of the authorizing municipality.

7 (2) One additional board member shall be appointed  
8 by the county commission of each county where water customers  
9 are served by the board other than the county where the  
10 authorizing municipality is principally located. The  
11 additional board member shall be a resident of the county from  
12 which appointed and a water customer in an area served by the  
13 board. The additional board member shall serve a term of four  
14 years and shall be entitled to all powers, duties, authority,  
15 compensation, and other emoluments as other members of the  
16 board.

17 (3) The term of members of the board appointed after  
18 the effective date of this act shall be four years, except any  
19 member serving when this act becomes applicable to the board  
20 shall serve the remainder of his or her term and a person  
21 appointed to fill a vacancy of a member serving when this act  
22 becomes applicable to the board shall serve the remainder of  
23 the term of the vacant seat. Any person otherwise appointed to  
24 fill a vacancy on the board shall serve the remainder of the  
25 term of the vacant seat. Members appointed to fill vacancies  
26 shall be appointed by the same appointing authority as  
27 provided for the board seat that is vacant. All members of the

1 board may serve not more than two full terms, including any  
2 board member serving when the act becomes applicable to the  
3 board.

4 (4) Notwithstanding any other provision of law,  
5 including Section 11-50-234.1, Code of Alabama 1975, no member  
6 of the board may receive any compensation or expense  
7 allowance, or a combination of compensation and expense  
8 allowance, that exceeds five hundred dollars (\$500) per month.

9 (5) All members of the board and employees of the  
10 board shall be subject to the State Ethics Law, Chapter 25 of  
11 Title 36, Code of Alabama 1975.

12 (6) No increase in rates for water may be adopted by  
13 the board unless notice of the meeting at which the rate  
14 increase is to be considered is given at least 30 days prior  
15 to the meeting in the same manner as provided in the Alabama  
16 Open Meeting Act and a public hearing is held at the meeting  
17 prior to any vote on the rate increase.

18 (7) The board shall pay a withdrawal fee to any  
19 county where more than 25 million gallons of water per day are  
20 withdrawn by the board in the amount of five cents (\$.05) per  
21 1,000 gallons withdrawn.

22 Section 2. All laws or parts of laws which conflict  
23 with this act are repealed.

24 Section 3. This act shall become effective  
25 immediately following its passage and approval by the  
26 Governor, or its otherwise becoming law.