

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Hopkins**

# A Bill

**ACT 170 OF 1993**  
**SENATE BILL 152**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 14-233-108 TO ALLOW THE  
9 BOARD OF DIRECTORS OF THE COUNTY AND MUNICIPAL SANITATION  
10 AUTHORITIES TO SERVE WITHOUT A SURETY BOND AND TO  
11 AUTHORIZE THE PAYMENT OF PER DIEM TO THE BOARD OF  
12 DIRECTORS; AND FOR OTHER PURPOSES."

### Subtitle

14 **"AN ACT TO ALLOW THE BOARD OF DIRECTORS OF THE**  
15 **COUNTY AND MUNICIPAL SANITATION AUTHORITIES TO**  
16 **SERVE WITHOUT BOND AND TO AUTHORIZE THE**  
17 **PAYMENT OF PER DIEM."**

19  
20 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

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22 **SECTION 1. Arkansas Code § 14-233-108 is hereby amended to read as follows:**

23 **"14-233-108. Board of directors - Executive committee.**

24 **(a) Each sanitation authority shall consist of a board of directors appointed by the**  
25 **governing bodies of the respective municipalities and counties which are members of the**  
26 **authority.**

27 **(b) The number and voting rights of directors shall be determined as set forth in §§**  
28 **14-233-105 and shall not thereafter be changed except by unanimous consent of the**  
29 **municipalities and counties which are members of the authority evidenced by ordinances of**  
30 **their governing bodies. Copies of all such ordinances, certified by the respective clerks of the**  
31 **member municipalities and counties, shall be filed with the Secretary of State.**

32 **(c) Before entering upon his duties each appointed director shall take and subscribe to**  
33 **an oath of office in which he shall swear to support the Constitution of the United States and**  
34 **the Constitution of the State of Arkansas and to discharge faithfully his duties in the manner**  
35 **provided by law.**

36 **(d)(1) Except as may otherwise be provided in the application organizing the**

1 sanitation authority, the board of directors of the sanitation authority shall annually elect one  
2 **(1) of the directors as chairman, another as vice chairman, and other persons, who may but**  
3 **need not be directors, as treasurer, secretary, and if desired, assistant secretary. The office of**  
4 **treasurer may be held by the secretary or assistant secretary.**

5 **(2) The board of directors may also appoint such additional officers as it deems**  
6 **necessary.**

7 **(3) In the event the board of directors is organized so that no members of the**  
8 **board are actively involved in the actual handling and accounting for sanitation authority**  
9 **funds, the board of directors shall be authorized to waive any requirement for the purchase of a**  
10 **surety bond for the members of the board of directors.**

11 **(e)(1) The secretary or assistant secretary of the authority shall keep a record of the**  
12 **proceedings of the authority. The secretary shall be the custodian of all records, books,**  
13 **documents, and papers filed with the authority, the minute book or journal of the authority,**  
14 **and its official seal.**

15 **(2) Either the secretary or the assistant secretary of the authority may cause**  
16 **copies to be made of all minutes and other records and documents of the authority and may**  
17 **give certificates under the official seal of the authority to the effect that the copies are true**  
18 **copies. All persons dealing with the authority may rely upon such certificates.**

19 **(f)(1) A majority of the directors of a sanitation authority then in office shall constitute**  
20 **a quorum. A vacancy in the board of directors of the authority shall not impair the right of a**  
21 **quorum to exercise all the rights and perform all the duties of the authority.**

22 **(2) Any action taken by the authority under the provisions of this chapter may**  
23 **be authorized by resolution at any regular or special meeting. Each resolution shall take effect**  
24 **immediately and need not be published or posted. A majority of the votes which all directors**  
25 **are entitled to cast shall be necessary and sufficient to take any action or to pass any**  
26 **resolution.**

27 **(g) No director of a sanitation authority shall receive any compensation for the**  
28 **performance of his duties under this chapter, but each director may be paid a per diem**  
29 **allowance of twenty-five dollars (\$25.00) for attending each meeting of the board and his**  
30 **necessary expenses incurred while engaged in the performance of such duties.**

31 **(h) The board of directors of a sanitation authority may create an executive committee**  
32 **of the board and may provide for the composition of the executive committee so as to afford, in**  
33 **its judgment, fair representation of the member municipalities and counties. The executive**  
34 **committee shall have and exercise the powers and authority of the board of directors during**  
35 **intervals between the board's meetings as may be prescribed by its rules, motions, or**

1 **resolutions. The terms of office of the members of the executive committee and the method of**  
2 **filling vacancies shall be fixed by the rules of the board of directors of the authority."**

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4 **SECTION 2. All provisions of this act of general and permanent nature are**  
5 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**  
6 **Commission shall incorporate the same in the Code.**

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8 **SECTION 3. If any provisions of this act or the application thereof to any person or**  
9 **circumstance is held invalid, the invalidity shall not affect other provisions or applications of**  
10 **the act which can be given effect without the invalid provisions or application, and to this end**  
11 **the provisions of this act are declared to be severable.**

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13 **SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.**

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**APPROVED: 2/19/93**

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