

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

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 14-235-223 TO
9 PROVIDE THAT UNPAID SERVICE RATES OR CHARGES FOR USE OF A
10 MUNICIPAL SEWAGE SYSTEM SHALL CONSTITUTE A LIEN ON THE
11 PREMISES SERVED; AND FOR OTHER PURPOSES."

Subtitle

14 "TO PROVIDE THAT UNPAID SERVICE CHARGES FOR USE OF A
15 MUNICIPAL SEWAGE SYSTEM SHALL CONSTITUTE A LIEN ON THE
16 PREMISES SERVED."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code § 14-235-223(h) is hereby amended to read as
21 follows:

22 "(h) All such rates or charges if not paid when due shall constitute a
23 lien upon the premises served by the works. The charges shall constitute a
24 lien upon the fee title to the land and permanent improvements even though the
25 occupant receiving the benefit of the service for which the rate or charge is
26 due has merely a leasehold interest, or other lesser interest, in the
27 premises. If any service rate or charge established shall not be paid within
28 thirty (30) days after it is due, the amount of it, together with a penalty of
29 ten percent (10%) and a reasonable attorney's fee, may be recovered by the
30 sewer committee in a chancery suit, filed in the chancery court of the county
31 where the works, or the greater part of them, shall be located, in the name of
32 the municipality or in the name of the trustee under the indenture securing
33 the revenue bonds, or in the name of the bondholders, to such extent as their
34 right to sue in their own name may be permitted under the trust indenture."

35

1 SECTION 2. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

4

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

10

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12 hereby repealed.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

