

# Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

## Amendment Form

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### Subtitle of House Bill No. 2651

"TO PROTECT THE PUBLIC'S INVESTMENT IN PARKS AND RECREATIONAL FACILITIES."

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### Amendment No. 1 to House Bill No. 2651.

Amend House Bill No. 2651 as originally introduced:

Page 1, delete all language following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 14-269-203, is amended to add a new subsection to read as follows:

14-269-203. Commissioners – Powers and duties.

(a) The commissioners appointed pursuant to this subchapter shall have full and complete authority to build, manage, operate, maintain, and keep in a good state of repair any municipal buildings deemed necessary to carry on a recreation park for the municipality including the building of swimming pools, field houses, stadiums, zoos, or other buildings necessary to carry on the recreational park.

(b) The commissioners shall have full and complete charge of the buildings and grounds, including the right to control and permit, or refuse to permit, such public gatherings or other meetings or affairs, as the commissioners shall see fit and deem to be in the best interests of the city.

(c) The commissioners shall have the right to employ or remove managers, janitors, and other employees of whatsoever nature, kind, or character and to fix, regulate, and pay their salaries since it is the intention of this subchapter to vest in the commissioners the authority to build, operate, manage, maintain, and control the municipal recreational park and to have full and complete charge thereof.

(d) The commissioners shall not have the authority or power to sell, mortgage, or encumber the property unless otherwise authorized by the statutes of Arkansas.

(e) The commissioners shall have the exclusive right and power to make purchases of all supplies, apparatus, and other property and things requisite and necessary for the management and operation of the recreational park, including the construction thereof and repairs and additions thereto.

(f) The commissioners shall have the authority to enter into contracts with persons, firms, corporations, or organizations for the use of recreational park buildings or parts thereof.

(g)(1) The commissioners shall have the authority to consent to or withhold consent from the issuance of a National Pollutant Discharge



Elimination System permit authorized under § 8-4-203 that allows for a discharge of pollutants into waters of the state as defined under § 8-4-102(10) at a location within one thousand feet (1,000') of a municipal recreational park prior to the issuance of that permit.

(2) Failure to obtain consent of the commissioners under subdivision (g)(1) of this section shall render a National Pollutant Discharge Elimination System permit authorized under § 8-4-203 void.

SECTION 2. Arkansas Code § 8-4-207(5), concerning the powers and duties generally of the Arkansas Department of Environmental Quality to issue National Pollutant Discharge Elimination System permits, is amended to read as follows:

(5)(A) The director and the commission shall ensure public notice, public participation, and an opportunity for public hearing in respect to National Pollutant Discharge Elimination System permit applications and actions related to them in accordance with applicable state and federal law and rules and regulations; ~~and.~~

(B)(1) A municipal recreation commission under § 14-269-202 shall have the authority to consent to or withhold consent from the issuance of a National Pollutant Discharge Elimination System permit that allows for a discharge of pollutants into waters of the state at a location within one thousand (1,000) feet of a municipal recreational park prior to the issuance of that National Pollutant Discharge Elimination System permit.

(2) Failure to obtain consent of the municipal recreation commission under subdivision (5)(B) of this section shall render the National Pollutant Discharge Elimination System permit void; and

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the maintenance of a municipal recreational park is essential to the public's enjoyment and use of the municipal recreational park; that municipalities have invested public funds in the creation of the municipal recreational park for the public use and enjoyment; and that this investment should be safeguarded for the public's benefit. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read \_\_\_\_\_  
By: Representative George  
LMG/KSW - 03-22-2007 15:22  
LMG254

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Chief Clerk