

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Dowd**

A Bill

HOUSE BILL 1774

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CODE OF 1987, TITLE 14,
9 CHAPTER 235, TO CLARIFY THE PROCEDURES FOR CREATING AND
10 CONTINUING SEWER COMMITTEES; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code § 14-235-206(a)(1)&(2) are hereby amended to
15 read as follows:

16 "(a)(1)(A) The construction, acquisition, improvement, equipment,
17 custody, operation, and maintenance of any works for the collection,
18 treatment, or disposal of sewage and the collection of revenue from it for the
19 service rendered by it, shall be effected and supervised by a committee to be
20 designated for that purpose by the municipal council.

21 (B) *The committee will function under the control of the council*
22 *to such extent as may be provided in the ordinance or resolution appointing*
23 *the committee.*

24 (2) *The council may remove any member of the committee, with cause, and*
25 *may appoint any substitute members in case of death, removal, or resignation.*

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27 SECTION 2. During the time that any bonds, notes, or other financial
28 obligations issued pursuant to Chapter 235 of Title 14 of the Arkansas Code
29 are outstanding, the sewer committee(s) previously established and to be
30 established pursuant to Section 14-235-206 shall not be abolished or dissolved
31 by the council.

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33 SECTION 3. All provisions of this Act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that the present statutes regarding the establishment of the municipal sewer committees are unclear, that the holders of bonds, notes, or other evidences of indebtedness issued pursuant thereto require assurance that sewer committees will not be dissolved during the time that those bonds, notes, or other evidences of indebtedness are outstanding, and it is necessary to preserve the public peace, health and safety. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Travis Dowd