

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/23/07

A Bill

HOUSE BILL 2651

5 By: Representative George
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7

For An Act To Be Entitled

9 AN ACT TO PROTECT THE PUBLIC'S INVESTMENT IN
10 PARKS AND RECREATIONAL FACILITIES, AND FOR OTHER
11 PURPOSES.
12

Subtitle

14 TO PROTECT THE PUBLIC'S INVESTMENT IN
15 PARKS AND RECREATIONAL FACILITIES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 *SECTION 1. Arkansas Code § 14-269-203, is amended to add a new*
21 *subsection to read as follows:*

22 *14-269-203. Commissioners – Powers and duties.*

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

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

33 *(c) The commissioners shall have the right to employ or remove*
34 *managers, janitors, and other employees of whatsoever nature, kind, or*
35 *character and to fix, regulate, and pay their salaries since it is the*
36 *intention of this subchapter to vest in the commissioners the authority to*



1 build, operate, manage, maintain, and control the municipal recreational park
2 and to have full and complete charge thereof.

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

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

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

13 (g)(1) The commissioners shall have the authority to consent to or
14 withhold consent from the issuance of a National Pollutant Discharge
15 Elimination System permit authorized under § 8-4-203 that allows for a
16 discharge of pollutants into waters of the state as defined under § 8-4-
17 102(10) at a location within one thousand feet (1,000') of a municipal
18 recreational park prior to the issuance of that permit.

19 (2) Failure to obtain consent of the commissioners under
20 subdivision (g)(1) of this section shall render a National Pollutant
21 Discharge Elimination System permit authorized under § 8-4-203 void.
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23 SECTION 2. Arkansas Code § 8-4-207(5), concerning the powers and
24 duties generally of the Arkansas Department of Environmental Quality to issue
25 National Pollutant Discharge Elimination System permits, is amended to read
26 as follows:

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

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

1 of that National Pollutant Discharge Elimination System permit.

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

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

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

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

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

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22 /s/ George
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