

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 84th General Assembly
3 Regular Session, 2003
4

A Bill

SENATE BILL 268

5 By: Senator Gullett
6 By: Representatives Scroggin, J. Taylor
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8

For An Act To Be Entitled

10 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A
11 FLOODPLAIN ADMINISTRATOR IN A MUNICIPAL OR COUNTY
12 GOVERNMENT AND TO AUTHORIZE THE ACCREDITATION OF
13 THE FLOODPLAIN ADMINISTRATOR BY THE ARKANSAS SOIL
14 AND WATER CONSERVATION COMMISSION; AND FOR OTHER
15 PURPOSES.

Subtitle

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17
18 TO PROVIDE FOR THE APPOINTMENT OF A
19 FLOODPLAIN ADMINISTRATOR IN A MUNICIPAL
20 OR COUNTY GOVERNMENT AND TO AUTHORIZE
21 THE ACCREDITATION OF THE FLOODPLAIN
22 ADMINISTRATOR.
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24

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

26
27 SECTION 1. Arkansas Code § 14-268-102 is amended to read as follows:
28 14-268-102. ~~Definition~~ Definitions.

29 As used in this chapter, ~~unless the context otherwise requires,:~~

30 (1) "Commission" means the Arkansas Soil and Water Conservation
31 Commission;

32 (2) "Floodplain administrator" means the person designated by a
33 city, town, or a county, to administer and implement this chapter and other
34 federal and state laws and local ordinances and regulations relating to the
35 management of flood-prone areas; and

36 (3) "Flood-prone areas" means areas that are subject to, or are



1 exposed to, flooding and flood damage.

2
 3 SECTION 2. Arkansas Code § 14-268-103 is amended to read as follows:
 4 14-268-103. Penalty.

5 Any person or corporation who violates any measure adopted under this
 6 chapter may be fined not more than ~~one hundred dollars (\$100)~~ five hundred
 7 dollars (\$500) for each offense. Each day during which a violation exists is
 8 a separate offense.

9
 10 SECTION 3. Arkansas Code Title 14, Chapter 268, is amended to add an
 11 additional section to read as follows:

12 14-268-106. Floodplain administrator.

13 (a) Each county, city, or town ordinance adopted under this chapter
 14 shall designate a person to serve as the floodplain administrator to
 15 administer and implement the ordinance and any local codes and regulations
 16 relating to the management of flood-prone areas.

17 (b) Beginning July 1, 2004, each floodplain administrator shall become
 18 accredited by the Arkansas Soil and Water Conservation Commission under the
 19 commission's authority regarding flood control under §§ 15-24-102 and 15-24-
 20 109.

21
 22 SECTION 4. Arkansas Code § 15-24-102(a), concerning the flood control
 23 powers and duties of the Arkansas Soil and Water Conservation Commission, is
 24 amended to read as follows:

25 (a) It shall be the duty of the Arkansas Soil and Water Conservation
 26 Commission to:

27 (1) Study, consider, and determine upon a sound public policy
 28 with regard to flood prevention, flood control, and flood protection; ~~and~~

29 (2) ~~Compile figures on flood damage current and past and~~
 30 information and other information on current and previous flood damage and
 31 scientific data relative to the recurrence of floods such as rainfall,
 32 runoff, flowing channels, stream obstruction, existing facilities for storing
 33 surplus waters, and existing protection works; and

34 (3) Accredit persons having requisite knowledge in floodplain
 35 management and in minimization and prevention of flood hazards and losses.

1 SECTION 5. Arkansas Code Title 15, Chapter 24, is amended to add an
 2 additional section to read as follows:

3 15-24-109. Accreditation of floodplain administrators.

4 (a)(1) In determining accreditation standards for floodplain
 5 administrators, the Arkansas Soil and Water Conservation Commission may
 6 consider an applicant's knowledge, experience, skills, and training in
 7 floodplain management and in minimization and prevention of flood hazards and
 8 losses.

9 (2) The accreditation standards may include:

10 (A) Passage of an examination;

11 (B) Completion of approved training; or

12 (C) Certification by a nationally recognized floodplain
 13 management organization.

14 (b) Continuing training may be required for persons who want continued
 15 accreditation.

16 (c) The commission may charge accreditation fees in amounts up to the
 17 following:

18 (1) Original accreditation, thirty dollars (\$30.00);

19 (2) Annual renewal of accreditation, twenty dollars (\$20.00);

20 and

21 (3) Late fee for renewal after thirty (30) days, fifteen dollars
 22 (\$15.00).

23 (d)(1) Accreditation fees collected are cash funds and shall not be
 24 deposited in the State Treasury.

25 (2) The cash funds shall be held and applied by the commission
 26 solely for the uses under this subchapter.

27 (3) The cash funds shall not be deemed to be a part of the State
 28 Treasury for any purpose, including, without limitation, the provisions of
 29 Arkansas Constitution, Article 5, § 29, Article 16, § 12, or Arkansas
 30 Constitution, Amendment 20, or any other constitutional or statutory
 31 provision.

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