

**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

*As Engrossed: H3/17/03*

# A Bill

**Act 745 of 2003**  
SENATE BILL 268

5 By: Senator Gullett  
6 By: Representatives Scroggin, J. Taylor  
7

## 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

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.

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

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, which prohibits the development of land by improvements that are*  
7 *exposed to flood damage or that are threatened by flood hazards,* may be fined  
8 not more than ~~one hundred dollars (\$100)~~ five hundred dollars (\$500) for each  
9 offense. Each day during which a violation exists is a separate offense.

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

13 14-268-106. Floodplain administrator.

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

18 (b) Beginning July 1, 2004, each floodplain administrator shall become  
19 accredited by the Arkansas Soil and Water Conservation Commission under the  
20 commission's authority regarding flood control under §§ 15-24-102 and 15-24-  
21 109.

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

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

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

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

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

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

15-24-109. Accreditation of floodplain administrators.

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

(2) The accreditation standards may include:

(A) Passage of an examination;

(B) Completion of approved training; or

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

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

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

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

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

and

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

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

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

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

*/s/ Gullett, et al*

**APPROVED: 3/27/2003**