

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.

Act 279 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/18/09

A Bill

HOUSE BILL 1349

5 By: Representatives Cook, J. Rogers
6 By: Senators Miller, R. Thompson
7
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9 **For An Act To Be Entitled**

10 AN ACT CONCERNING THE RUNNING WATER LEVEE
11 DISTRICT; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 CONCERNING THE RUNNING WATER LEVEE
15 DISTRICT.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Uncodified Section 2 of Act 386 of 1917 is amended to read
21 as follows:

22 Section 2. (a) The affairs of said district shall be managed by three
23 commissioners appointed by the quorum court, all of whom shall be owners of
24 real property within the district, ~~and one of whom shall always reside in~~
25 ~~Lawrence county, while one shall reside in Randolph county, and the third~~
26 ~~commissioner may reside in either of said counties. W. M. Ponder of Lawrence~~
27 ~~county and Ben A. Brown and C. A. Going of Randolph county are hereby~~
28 ~~appointed the first commissioners of said district and they and their~~
29 ~~successors shall hold office until their respective successors are elected~~
30 ~~and qualified. The said Brown shall hold office until the first Monday in~~
31 ~~March 1919, the said Going shall hold office until the first Monday in March~~
32 ~~1921; and the said Ponder shall hold office until the first Monday in March~~
33 ~~1923. On the first Monday in March 1919, and on the first Monday in March of~~
34 ~~each alternate year thereafter a meeting of the owners of real property in~~
35 ~~said district shall be held at the courthouse in the town of Walnut Ridge for~~



1 ~~the purpose of electing a commissioner to take the place of the commissioner~~
2 ~~whose office will then expire. At said meeting only owners of real property~~
3 ~~in said district may vote; but women owning property may vote as men;~~
4 ~~guardians of minors and insane persons may vote for their wards, and~~
5 ~~corporations may vote by their president or secretary. Notice of said~~
6 ~~meeting shall be given by the secretary of the board by publication for two~~
7 ~~weeks prior to such meeting in some newspaper issued in the town of Walnut~~
8 ~~Ridge, and in some newspaper issued in the town of Pocahontas. Any secretary~~
9 ~~who shall fail to give this notice shall forfeit his office and be ineligible~~
10 ~~for re-election thereto.~~

11 (b) Notice of the appointment shall be given by publication in a
12 newspaper of general circulation in the area one (1) time at least seven (7)
13 days before a date set by the county court for a hearing on any objections to
14 the appointment.

15 (c) The quorum court of each county shall each appoint one (1)
16 commissioner, and the county judge of each county by agreement shall appoint
17 the third commissioner, who may be an owner of property in both counties.

18 (d) A majority of said board shall constitute a quorum. Said board
19 shall be deemed a body politic and corporate, with power to sue and be sued,
20 to have a corporate seal, and to do all acts necessary or advantageous in the
21 carrying out of the purposes of their corporation. Said board shall receive
22 as compensation the sum of ~~five dollars (\$5.00)~~ twenty-five dollars (\$25.00)
23 per day for each meeting with their necessary expenses in going to and
24 returning therefrom. Each member of the board shall, as named in this Act,
25 take an oath within thirty (30) days after its passage that he or she will
26 faithfully discharge his or her duty as commissioner of the district and that
27 he will not be interested in any contract let by the board; ~~and their~~
28 ~~successors shall take like oath within thirty (30) days after their election~~
29 ~~or appointment.~~ A failure to take such oath shall be deemed a refusal to
30 accept the office. Vacancies on the board shall be filled by the remaining
31 members. Said board shall organize by electing one of its members as
32 ~~chairman~~ chair and it shall elect a secretary, who shall receive the sum of \$
33 ~~25.00~~ one hundred dollars (\$100) a year in full payment of his or her
34 services. In lieu of a treasurer, the commissioner shall select that solvent
35 bank ~~within the limits of Randolph and Lawrence counties which~~ that will
36 contract to pay the highest rate of interest on daily balances, and said bank

1 shall give bond in sum to be fixed by the board sufficient to cover any funds
2 likely to be in its hands.

3 (e) The said board may also employ such attorneys, engineers, agents,
4 and employees as it may deem necessary to carry out the purposes of this Act,
5 ~~provided that the amount expended for attorney's fees and engineers' fees~~
6 ~~shall in no year exceed 10 per cent of the amount actually expended in that~~
7 ~~year for construction work on said levees.~~

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9 SECTION 2. Uncodified Section 4 of Act 386 of 1917 is amended to read
10 as follows:

11 Section 4. It is ascertained and hereby declared that the land in said
12 district protected by said levees, and also all railroads, tramroads,
13 telegraph and telephone lines therein ~~which~~ that are behind said levees will
14 be benefited by the maintenance thereof in proportion to the amount for which
15 they are assessed, by betterment assessments in the several drainage
16 districts in which they are located, and it is hereby made the duty of the
17 board of directors hereinbefore named and their successors in office, to levy
18 upon the said betterment assessment a tax not to exceed one per cent ~~which~~
19 that shall be levied and collected each year ~~until a surplus of two thousand~~
20 ~~dollars is provided for emergencies. No tax to be levied at any time when~~
21 ~~the surplus in the treasury is equal to or exceeds two thousand dollars~~
22 ~~except when the same is needed to repair actual breaks or washouts in which~~
23 ~~emergency a sum sufficient to meet the emergency but not to exceed in any one~~
24 ~~year in any case one per cent of the betterment assessment shall be levied~~
25 ~~and collected upon all lands railroad and tramroads within said districts.~~

26

27 SECTION 3. Uncodified Section 8 of Act 386 of 1917 is amended to read
28 as follows:

29 Section 8. The board of commissioners herein mentioned shall have
30 control of the construction of the improvements in said district. ~~They~~ It
31 may advertise in local papers or papers published in other States for
32 proposals for doing any work by contract; and no work exceeding ~~one thousand~~
33 ~~dollars~~ twenty thousand dollars (\$20,000) shall be let without public
34 advertisement; and ~~they~~ it may accept or reject any proposals. The county
35 court of the county where any commissioner resides may remove him or her and
36 appoint his or her successor upon proof of incompetency or neglect of duty;

1 but the charges shall be in writing, and such commissioner shall have the
2 right to be heard in his or her defense and to appeal to the circuit court.

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4 SECTION 4. Uncodified Section 11 of Act 386 of 1917 is amended to add
5 an additional subdivision as follows:

6 (b)(1) The board of commissioners may apply to the county court to
7 levy an alternative tax for the purpose of maintenance, repair, and operation
8 of all plants, properties, and improvements within the district, which may be
9 levied as a flat tax per acre.

10 (2) Upon application for a flat tax designation, the county
11 clerk shall publish a notice of hearing on the issue for two (2) weeks in a
12 newspaper in general circulation in each of the counties in which the
13 district has land. Any property owner who opposes the flat tax may appear at
14 the hearing and state his or her objections to a flat tax designation.

15
16 /s/ Cook

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18 **APPROVED: 3/03/2009**