

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Dowd**

A Bill

ACT 264 OF 1995
SENATE BILL 35

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 14-120-203 AND 14-120-216
9 TO AUTHORIZE DRAINAGE AND LEVEE DISTRICTS TO PROVIDE FOR
10 THE CONSTRUCTION AND MAINTENANCE OF FLOOD PROTECTION
11 IMPROVEMENTS OUTSIDE THE DISTRICTS_ BOUNDARIES *WITHIN THE*
12 *RED RIVER BASIN; ALLOWING THE ACQUISITION OF NECESSARY*
13 *PROPERTY RIGHTS; GIVING THE REQUIRED ASSURANCES; AND FOR*
14 *OTHER PURPOSES."*

Subtitle

17 "TO AUTHORIZE DRAINAGE AND LEVEE
18 DISTRICTS TO PROVIDE FOR THE
19 CONSTRUCTION AND MAINTENANCE OF FLOOD
20 PROTECTION IMPROVEMENTS OUTSIDE THE
21 DISTRICTS_ BOUNDARIES *WITHIN THE RED*
22 *RIVER BASIN."*

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

26 *SECTION 1. Arkansas Code § 14-120-203 is amended to read as follows:*

27 *"14-120-203. Construction.*

28 *(a) This subchapter shall be liberally construed and applied to enable*
29 *levee districts, or drainage districts, or levee and drainage districts to*
30 *cooperate with the United States of America, or any agents or agency thereof,*
31 *with respect to the making of contracts or agreements, and the performance of*
32 *the obligations and requirements thereby imposed, relating to the construction*
33 *of flood control and drainage works within the boundaries of any such district*
34 *by the United States of America, which are designed to control the floodwaters*
35 *of the Mississippi River and its tributaries.*

36 *(b) Districts located within the Red River basin are empowered to*

1 cooperate with the United States of America or any agents or agencies thereof,
2 with respect to the making of contracts or agreements, and the performance of
3 the obligation and requirements thereby imposed, relating to the construction
4 and maintenance of levees, revetments, realignments and other flood protection
5 works, located outside the boundaries of the district.

6 (c) It is the legislative intent that all provisions of this subchapter
7 shall be liberally and reasonably construed so as to give them full force and
8 effect to the end that the purposes and objectives of this subchapter are
9 fully and expeditiously accomplished."

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11 SECTION 2. Arkansas Code § 14-120-216 is amended to read as follows:

12 "14-120-216. Contract authority.

13 The board of directors of any levee district, drainage district, or any
14 levee and drainage district, in this state is authorized and empowered to make
15 and execute any and all necessary and proper contracts with the United States
16 Army Corps of Engineers, or any other federal agency, to the end that:

17 (1) The district will provide the lands, rights-of-way, and easements
18 necessary by purchase, lease, donation, condemnation or otherwise for the
19 construction, maintenance, repair, realignment, and/or restoration of the
20 works of improvement of any flood control, or drainage project, of the
21 Mississippi River and its tributaries which heretofore have been adopted and
22 authorized or any such project which may be adopted and authorized by the
23 United State of America and the cost thereof paid by the board of directors of
24 the district;

25 (2) The district will hold and save the United States of America free
26 from damages due to the construction of any such flood control and drainage
27 works;

28 (3) The district will perpetually maintain and operate the flood control
29 and drainage works, after completion thereof, in accordance with regulations
30 prescribed by the Corps of Engineers or other federal agency; and

31 (4) The district will provide any and all additional local assurances
32 required of the district by the Corps of Engineers or other federal agency."

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34 SECTION 3. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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

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9 SECTION 5. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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12 SECTION 6. EMERGENCY. It is hereby found and determined by the General
13 Assembly that the law pertaining to drainage and levee districts should be
14 expanded to authorize the districts *within the Red River basin* to sponsor
15 construction and maintain, repair, restore, and/or realign levees, revetments,
16 realignments and other associated flood protection improvements and to
17 authorize districts to grant, undertake and carry out assurances of local
18 cooperation and to acquire and make available rights-of-way incident to the
19 prosecution of such works of public improvement which are located outside the
20 boundaries of the districts in order to allow the districts to give assurances
21 to the Corps of Engineers that such improvements will be maintained by the
22 districts; that until such authority is granted, the Corps of Engineers
23 projects located outside a drainage or levee district may be in jeopardy; and
24 that this act should go into effect immediately in order to persuade the Corps
25 of Engineers to continue with revetment projects located outside the
26 boundaries of any levee or drainage district. Therefore, an emergency is
27 hereby declared to exist, and this act being immediately necessary for the
28 preservation of the public peace, health, and safety shall be in full force
29 and effect from and after its passage and approval.

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/s/Dowd

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APPROVED: 2-13-95

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