1 2	State of Arkansas 82nd General Assembly	A Bill	Act 1321 of 1999
3	Regular Session, 1999		SENATE BILL 865
4			
5	By: Senator Bradford		
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7			
8		For An Act To Be Entitled	
9	"AN ACT TO	O PROVIDE A METHOD FOR DRAINAGE DISTICT	rs to
10		HED WHEN NO LONGER BENEFICIAL; DECLARIN	IG AN
11	EMERGENCY	AND OTHER PURPOSES."	
12			
13		Subtitle	
14		ETHOD TO ABOLISH NON-BENEFICIAL	
15	DRAI	NAGE DISTRICTS."	
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17			
18	BE IT ENACTED BY THE (	GENERAL ASSEMBLY OF THE STATE OF ARKANS	SAS:
19			
20		le 14, Chapter 121, Subchapter 10 of th	
21	amended to add the following section to be numbered by the Arkansas Code		
22	Revision Commission:		
23		n improvements are abandoned, no mainte	enance assurances
24	given and all indebted		
25	·	of commissioners of any drainage distri	
26		inadvisable or impracticable and not f	
27		erty owners of the district for the dis	
28		en all indebtedness of the district has	<del>-</del>
29	' <u>'</u>	f continued operation and maintenance h	_
30		the state, file a petition in the court	
31	' <u>-</u>	d praying the court to abolish the dist	
32		oners shall set out the reasons why the	<u> </u>
33	opinion that the district should be abolished. In addition, the petition shal		
34		ancial statement of the district and a	
35		oney held by the district consistent wi	th the district's
36	prior assessment of be	enerits.	

\*SJH529\*

1	(b)(1) Upon the filing of the petition, the court shall direct the		
2	clerk to give notice by publication in some newspaper in the county or		
3	counties in which the property in the district lies, for not less than two (2		
4	consecutive weekly publications.		
5	(2) The notice shall set out the purpose of the petition, the		
6	plan of distribution and the day set for the hearing thereof.		
7	(c) The court shall fix a day for the hearing of the petition and shal		
8	hear the evidence thereon.		
9	(d)(1) If the court is of the opinion that it is for the best interests		
10	of the property owners of the district that the petition be granted, it shall		
11	by order approve the plan of distribution and upon proper distribution of		
12	funds abolish the district.		
13	(2) If the court is of the opinion that it is for the best		
14	interests of the property owners that the organization of the district be		
15	continued, then it shall overrule the petition.		
16	(e) The overruling of one (1) petition for the abandonment of $a$		
17	district shall not be a bar to the filing of another petition for that		
18	purpose. "		
19			
20	SECTION 2. All provisions of this act of a general and permanent nature		
21	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code		
22	Revision Commission shall incorporate the same in the Code.		
23			
24	SECTION 3. If any provision of this act or the application thereof to		
25	any person or circumstance is held invalid, such invalidity shall not affect		
26	other provisions or applications of the act which can be given effect without		
27	the invalid provision or application, and to this end the provisions of this		
28	act are declared to be severable.		
29			
30	SECTION 4. All laws and parts of laws in conflict with this act are		
31	hereby repealed.		
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33	SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the		
34	Eighty-second General Assembly that current law provides no way for drainage		

districts to be abolished and funds returned to landowners within the district

when districts are no longer beneficial to landowners within the district.

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1	Therefore, an emergency is declared to exist and this act being immediately
2	necessary for the preservation of the public peace, health and safety shall
3	become effective on the date of its approval by the Governor. If the bill is
4	neither approved nor vetoed by the Governor, it shall become effective on the
5	expiration of the period of time during which the Governor may veto the bill.
6	If the bill is vetoed by the Governor and the veto is overridden, it shall
7	become effective on the date the last house overrides the veto.
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10	APPROVED: 4/12/1999
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