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1 State of Arkansas
2 78th General Assembly
3 Regular Session, 1991
4 By: Representative Shaver
5
6

A Bill

HOUSE BILL 1740

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 15-24-102, 15-24,104,
9 15-24,105, 15-24-107, AND 15-24-108 AND TO AMEND
10 SUBCHAPTER 7 OF CHAPTER 120 OF TITLE 14 OF THE ARKANSAS
11 CODE OF 1987 TO ESTABLISH A WATER DISTRICT, IRRIGATION
12 AND DRAINAGE IMPROVEMENT DISTRICT, AND CONSERVATION
13 DISTRICT FINANCIAL AND FACILITIES REPORTING
14 REQUIREMENT TO THE ARKANSAS SOIL AND WATER
15 CONSERVATION COMMISSION; AND FOR OTHER PURPOSES."
16

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

19 SECTION 1. Arkansas Code 15-24-102 is hereby amended to read as
20 follows:

21 "15-24-102. Commission powers and duties generally.

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

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

26 (2) Compile figures on flood damage current and past and
27 information and scientific data relative to the recurrence of floods
28 such as rainfall, runoff, flowing channels, stream obstruction, existing
29 facilities for storing surplus waters, and existing protection works.

30 (b) The commission shall have power to:

31 (1) Clean out, widen, deepen, straighten, change, alter, divert,
32 or eliminate in whole or in part the course or terminus of any natural or
33 artificial water streams;

34 (2) To shape or protect stream banks for the improvement of
35 hydraulic efficiency in the discharge of flood waters;

36 (3) To acquire lands necessary for reservoir dam sites and lines;

1 (4) To construct, take over, maintain, and operate dams,
2 reservoirs, holding or impounding basins, flood gates, revetments, or
3 any other works and improvements deemed necessary to prevent floods and
4 to control, preserve, and regulate the flow of rivers and streams;

5 (5) Construct dikes, levees, or other artificial barriers to
6 protect against inundation of property when deemed advisable by the
7 commission;

8 (6) As an incident to the foregoing, relocate or revise bridges,
9 buildings, roads, streets, railroads, service lines and connections of
10 public service utilities, fences, and to do generally all things
11 necessary for the fulfillment of the purposes of this subchapter.

12 (c) The commission shall have the power to acquire by donation,
13 lease, purchase, or condemnation and, to hold or own in the name of the
14 state, real and personal property, easements, and the public works
15 erected and constructed under the authority of this subchapter, except
16 that;

17 ~~(1) None of the work, improvements, nor construction provided for~~
18 ~~in the preceding portion of this section, nor in any other portion of~~
19 ~~this subchapter, shall be done, undertaken, or performed within the~~
20 ~~boundary limits of any levee or drainage district;~~

21 ~~(2) This subchapter shall not confer upon the state commission nor~~
22 ~~other authority any jurisdiction, control, supervision, or authority~~
23 ~~whatsoever over the lands within the boundaries of any levee or drainage~~
24 ~~district now existing or hereafter organized;~~

25 ~~(3) Further, the state commission shall not have:~~

26 ~~(4) Any control, authority, or jurisdiction over any such levee or~~
27 ~~drainage district, nor over the directors or commissioners of any levee~~
28 ~~or drainage districts, nor lake lands within the boundaries of any levee~~
29 ~~or drainage district as aforesaid;~~

30 ~~(5) Any authority to affect the existence of any levee or drainage~~
31 ~~district in any manner;~~

32 ~~(6) Any power to require reports from districts nor any~~
33 ~~supervision or control over them;~~

34 ~~(7) (c) However, any levee or drainage district shall have the~~
35 ~~authority upon the voluntary action of its governing board to make~~
36 ~~contracts with the commission herein created and to make compacts and~~

1 contracts with the Government of the United States or any of its agencies
 2 and may thereby voluntarily grant to the commission general or special
 3 powers as drainage or levee districts may deem proper." ~~The grant shall~~
 4 ~~be limited specifically to the matters and things voluntarily agreed~~
 5 ~~upon by the governing board of the districts. In order to become~~
 6 ~~effective, the contract with the state commission shall be approved by~~
 7 ~~the county court or judge in vacation, if the district is in one (1)~~
 8 ~~county, and by the circuit court of its domicile or the judge thereof in~~
 9 ~~vacation, if in more than one (1) county, and recorded on the court~~
 10 ~~records.~~

11

12 SECTION 2. Arkansas Code 15-24-104 is hereby amended to read as
 13 follows:

14 "15-24-104. Rights of levee and drainage districts.

15 (a) The following rights of any and all levee districts or
 16 drainage districts are expressly declared, ratified, and confirmed:

17 (1) The right to make compacts and contracts with the United
 18 States Government or with any agency of that government or created by
 19 that government, to borrow money and repay it, and to accept and receive
 20 any and all federal moneys, grants, contributions, gratuities, or loans,
 21 or aid of any nature made available by the United States Government or by
 22 any of its agencies or instrumentalities;

23 (2) The right of any and all levee or drainage districts to
 24 refinance their indebtedness in cooperation with any and all applicable
 25 governmental agencies and the right to proceed in pursuance of any
 26 insolvency statute or bankruptcy act adopted by the Congress of the
 27 United States or by the State of Arkansas."

28 ~~(b) Nothing in this subchapter shall be construed to require the~~
 29 ~~state commission to approve or pass upon any such proceedings or~~
 30 ~~bankruptcy or insolvency proceedings or litigation of any nature~~
 31 ~~affecting levee or drainage districts. Each and every drainage or levee~~
 32 ~~district may proceed with any and all refinancing and refunding plans,~~
 33 ~~insolvency and bankruptcy proceedings, or either, and any and all~~
 34 ~~litigation with like effect as if the state commission had not been~~
 35 ~~created.~~

36

1 SECTION 3. Arkansas Code 15-24-105 is hereby amended to read as
2 follows:

3 "15-24-105. Cooperation with United States - Applications for
4 allotment or assistance.

5 (a) The Arkansas Soil and Water Conservation Commission is
6 authorized and empowered on behalf of the state to:

7 (1) Cooperate with the Department of Defense proper federal
8 authority of the United States in every way contemplated by any of the
9 acts of Congress passed in connection with flood control on any of the
10 streams in Arkansas; and

11 (2) Make necessary application for allotment or assistance from
12 the federal government, to submit all project statements, surveys,
13 plans, specifications and estimates and other reports or information
14 required by the constituted federal authority, and to enter into all
15 necessary contracts with the proper federal authorities in order to
16 secure this full cooperation of the United States Government and the
17 benefits of all present and future allotments in aid of flood control.

18 (b) The commission is authorized and empowered on behalf of the
19 state to:

20 (1) Cooperate with any local entity with flood control or
21 prevention authority in any way determined by the commission to be in the
22 best interest of the state; and

23 (2) Enter into the necessary contracts with local entities to
24 provide necessary assistance in the area of flood prevention and
25 control."

26 ~~(b)(1) However, the jurisdiction and authority of the Arkansas~~
27 ~~Soil and Water Conservation Commission shall not extend to the works,~~
28 ~~improvements, nor to the territory embraced within any levee or drainage~~
29 ~~district now existing or hereafter organized.~~

30 ~~(2) All of the limitations and reservations in favor of such~~
31 ~~districts apply as set out in 15-24-102(e).~~

32 ~~(3) Any levee or drainage district may voluntarily contract with~~
33 ~~the Government of the United States or any of its agencies of whatsoever~~
34 ~~nature and may contract voluntarily with the state commission created in~~
35 ~~this subchapter, subject to court approval and recordation as set out in~~
36 ~~15-24-102, to the extent only as the governing board of each individual~~

1 ~~levee or drainage district may deem proper. This subchapter shall not~~
2 ~~require approval by the state commission of any application, petition,~~
3 ~~contract, improvement, legal proceedings, or any other proceedings~~
4 ~~whatsoever as to the territory within the boundaries of any levee or~~
5 ~~drainage district or to any official act of any district.~~

7 SECTION 4. Arkansas Code 15-24-107 is hereby amended to read as
8 follows:

9 "15-24-107. Eminent domain.

10 (a) The commission, where necessary for the purpose of this
11 subchapter, shall have a dominant right of eminent domain over the right
12 of eminent domain of railroads, telegraph, telephone, gas, water power,
13 and other companies and corporations and over counties, townships,
14 cities, and villages.

15 (b) In the exercise of this right, due care shall be taken to
16 cause no unnecessary damage to other public utilities.

17 (c) The commission shall also have the right to condemn for the
18 use of any project any land or property necessary for the purpose of this
19 subchapter and appropriate the land or property in the same manner as
20 lands, rights-of-way, and easements are acquired by the Arkansas State
21 Highway and Transportation Department."

22 ~~(1) No power of eminent domain nor appropriation shall exist in~~
23 ~~the state commission over any lands or property within the boundaries of~~
24 ~~any levee or drainage district now existing or hereafter organized.~~

25 ~~(2) Nor shall the powers of eminent domain vested in any levee or~~
26 ~~drainage district be limited in any manner by this subchapter unless by~~
27 ~~the voluntary consent of the levee or drainage district through its~~
28 ~~governing board by contract, to be approved and recorded in the manner~~
29 ~~provided in this chapter.~~

31 SECTION 5. Arkansas Code 15-24-108 is hereby amended to read as
32 follows:

33 "15-24-108. Receipt of federal or other funds - Flood Control Fund.

34 (a) The commission is authorized to receive on behalf of the State
35 of Arkansas any or all federal moneys, grants, contributions,
36 gratuities, or loans available for territory and projects within the

1 ~~jurisdiction of the commission, or hereafter made available by~~ from the
2 Government of the United States or any of its agencies or
3 instrumentalities for flood control work and improvement under such
4 rules and regulations not inconsistent with the provisions of this
5 chapter as may be provided by laws of the Congress of the United States
6 or any federal agency or instrumentality and to receive donations,
7 contributions, and gratuities, from any other source and to pay them over
8 to the State Treasurer.

9 (b) It shall be the duty of the State Treasurer to set up a fund
10 known as the State Flood Control Fund, and all money shall be placed in
11 the fund by the State Treasurer. The fund shall not be used for any
12 purpose except the purposes set forth in this subchapter; ~~provided,~~
13 ~~there is reserved to all levee or drainage districts the authority and~~
14 ~~right to receive on behalf of districts any and all federal moneys,~~
15 ~~grants, contributions, gratuities, loans, or other governmental aid~~
16 ~~whichever that may be applicable to the projects, improvements, or~~
17 ~~territory within any levee or drainage district. In all matters,~~
18 ~~districts may deal directly with the United States Government and with~~
19 ~~its agencies or any of them without the approval, consent, or supervision~~
20 ~~of the state commission and without being subject to its jurisdiction to~~
21 ~~any extent whatsoever, except that levee or drainage districts may~~
22 ~~voluntarily contract with the state commission by contract to be~~
23 ~~approved and recorded as set out in this chapter. Local entities shall~~
24 have the ability to receive any and all federal grants, loans, or other
25 assistance applicable to projects and improvements which the entity is a
26 sponsor.

27 (c) The commission shall as it deems necessary develop any
28 regulations necessary to administer its responsibilities under this
29 chapter."

31 SECTION 6. Arkansas Code 14-120-701 is hereby amended to read as
32 follows:

33 "14-120-701. Purpose and intent.

34 (a) It is the express purpose and intent of this subchapter to
35 require ~~levee and drainage~~ districts to keep their facilities in proper
36 repair, whenever the districts shall have given assurances to the

1 federal government that maintenance of a facility would be provided upon
2 its completion.

3 (b) In imposing the duty upon ~~levee and drainage~~ districts, the
4 General Assembly takes cognizance of the fact that many ~~levee and~~
5 ~~drainage~~ facilities in the State of Arkansas are constructed through the
6 cooperation of the federal government and that adequate maintenance of
7 these facilities in good faith is extremely important if the State of
8 Arkansas is to continue to receive the benefit of future development of
9 ~~levee and drainage~~ projects in this state by the federal government.

10 (c) The General Assembly also recognizes that a number of ~~levee or~~
11 ~~drainage~~ districts may be involved in an overall ~~connecting levee or~~
12 ~~drainage~~ project that results in mutual benefits to all districts in the
13 affected area.

14 (d) If one (1) or more of these districts fails to provide
15 adequate maintenance according to the assurance given the federal
16 government, the lack of maintenance can jeopardize the entire project.

17 (e) Therefore, each district shall have the duty of maintaining
18 its facility and shall not endanger the facilities of the other districts
19 in the affected area.

20 (f) In addition, the General Assembly recognizes that the policies
21 of Congress in planning future ~~levee and drainage~~ work in the State of
22 Arkansas will be influenced by the adequacy with which ~~levee and drainage~~
23 districts in this state provide maintenance of existing facilities
24 according to the terms of the assurances given the federal government.

25 (g) In order to encourage Congress to continue to make available
26 funds for future development and improvement of ~~levee and drainage~~
27 ~~projects~~ in this state, the General Assembly recognizes that the State of
28 Arkansas must take steps to see that the assurances given to the federal
29 government by ~~levee and drainage districts~~ as authorized by the laws of
30 this state shall be fulfilled. It is declared that the purpose of this
31 subchapter is to require that maintenance shall be provided."

32
33 SECTION 7. Arkansas Code 14-120-702 is hereby amended to read as
34 follows:

35 "14-120-702. Authority and powers of the governing board of
36 commissioners.

1 (a) The governing board of ~~commissioners of any drainage or~~
2 ~~drainage and levee~~ a district organized under the laws of the State of
3 Arkansas are authorized and empowered to purchase, lease, or rent,
4 separately as individual districts or jointly with other districts such
5 machinery, equipment, and material to be used in repairing, deepening,
6 widening, clearing, and maintaining the ~~ditches and levees~~ the project
7 of their districts.

8 (b) The governing board of ~~commissioners~~ is further authorized and
9 empowered to employ personnel as necessary and incident to the use of the
10 machinery, equipment, and material obtained.

11 (c) For the purpose of carrying out the provisions of this
12 subchapter, ~~drainage districts, and levee and drainage districts with~~
13 taxing authority, are authorized to levy a maintenance tax and obtain
14 funds as now provided by law. Revenue based districts may set aside a
15 portion of their receipts for operation and maintenance."

16
17 SECTION 8. Arkansas Code 14-120-703 is hereby amended to read as
18 follows:

19 "14-120-703. Maintenance requirements.

20 (a) Whenever any ~~levee or drainage~~ district in the State of
21 Arkansas shall have given assurances to the United States Army Corps of
22 Engineers or any other appropriate federal agency thereof that the ~~levee~~
23 ~~or drainage~~ district will maintain any ~~levee or drainage~~ facility upon
24 its completion by the federal government, then that ~~levee or drainage~~
25 district shall maintain the ~~levee or drainage~~ facility according to the
26 terms of the assurance agreement entered into with the federal
27 government.

28 (b) It shall be the duty of the governing board of commissioners
29 of all levee and drainage districts to take all appropriate action to
30 maintain their ~~levee and drainage~~ the districts' facilities according to
31 the assurances given to the federal government."

32
33 SECTION 9. Arkansas Code 14-120-704 is hereby amended to read as
34 follows:

35 "14-120-704. Failure to maintain structures.

36 (a)(1) Whenever any ~~levee or drainage~~ district shall fail, refuse,

1 or neglect to maintain ~~its project~~ ~~the levee and drainage structures~~
 2 after completion, in compliance with the assurances given the federal or
 3 state government, then the ~~United States Army Corps of Engineers~~
 4 ~~appropriate agency~~ may give written notice to the officers of the levee
 5 and ~~drainage~~ district and in the notice shall set forth the plans and
 6 specifications and estimate of cost of restoring and maintaining the
 7 structures in accordance with the assurances given.

8 (2) The ~~levee and drainage~~ district shall take steps to comply
 9 with the specifications and requirements made by the ~~United States Army~~
 10 ~~Corps of Engineers~~ within six (6) months after receiving notice.

11 (3) In the event that the ~~levee and drainage~~ district has not
 12 taken steps to comply therewith within the period of time above provided,
 13 then the ~~United States Army Corps of Engineers~~ ~~appropriate agency~~ may
 14 give written notice to the ~~Attorney General of the State of Arkansas~~
 15 ~~commission~~ that the levee and drainage district has failed, refused, or
 16 neglected to comply with the requirements and upon receipt of written
 17 notice from the ~~United States Army Corps of Engineers to the Attorney~~
 18 ~~General of the State of Arkansas~~ ~~agency~~, then the ~~Attorney General~~
 19 ~~commission~~ shall, acting through the Attorney General or its own
 20 counsel, immediately bring a mandamus suit in a court of competent
 21 jurisdiction in the name of the State of Arkansas against the officers,
 22 commissioners, or directors of the ~~levee and drainage~~ district in the
 23 county in which the domicile of the district is situated. However, in the
 24 mandamus proceedings, if it is shown that the district has insufficient
 25 funds to meet and fulfill these requirements, then it shall be deemed a
 26 compliance with this subchapter if the district has taken steps to assess
 27 and levy a sufficient maintenance tax or to raise through users fee
 28 sufficient revenue to comply with the assurances given.

29 (b)(1) Where the governing board of commissioners of a ~~drainage or~~
 30 ~~levee~~ district has indicated by resolution that it will not comply with
 31 the specifications and requirements contained in the notice of the
 32 ~~United States Army Corps of Engineers~~, the ~~Attorney General~~ ~~commission~~
 33 may immediately, in lieu of a mandamus proceeding against the
 34 ~~commissioners governing board~~ of the district, bring an action and take
 35 other necessary legal steps in the proper local court, or courts, in the
 36 name of the State of Arkansas against the delinquent ~~levee or drainage~~

1 district, or subdivision thereof, or the governing board of
 2 ~~commissioners~~ thereof to effectuate, in the manner now provided by law,
 3 the assessment, reassessment, extension, or collection of a sufficient
 4 annual tax upon the real property or to raise through users fee
 5 sufficient revenue in the ~~levee or drainage~~ district to enable the
 6 performance of the assurances given to the federal government.

7 (2) ~~The Attorney General~~ commission may also bring the action
 8 where the board of commissioners has failed to perform the assurances
 9 after the giving of the notice above specified."

10
 11 SECTION 10. Arkansas Code 14-120-705 is hereby amended to read as
 12 follows:

13 "14-120-705. Collection and expenditure of tax - Costs.

14 (a) In all proceedings for the imposition and collection of an
 15 annual tax or users fee upon the real property in the ~~levee or drainage~~
 16 district, the powers and duties of the ~~Attorney General~~ commission in
 17 this respect shall cease when the order of the proper court in the matter
 18 has become final.

19 (b) The actual collection and expenditure of the tax or users fee
 20 shall be left to the governing board of ~~directors or commissioners~~ the
 21 district.

22 (c) If the board fails or refuses to make the collection and
 23 expenditure, mandamus proceedings may be instituted, or, in case a
 24 district is without representation, the ~~Attorney General~~ commission may,
 25 in the name of the State of Arkansas, petition the proper local court for
 26 a receiver for the district to collect and expend the taxes or users fee.

27 (d) The order of the court in all such proceedings shall provide
 28 for the payment of the legal costs, including a reasonable fee for the
 29 commission of the Attorney General, by the defendant district.

30 (e) The order of the court in imposing an assessment or
 31 reassessment of taxes upon the real property or an increase in users fees
 32 in the district shall take into account the costs and expenses."

33
 34 SECTION 11. Arkansas Code of 1937 Annotated, Title 14, Chapter
 35 120, is hereby amended to add a new Section 14-120-706 to read as
 36 follows:

1 "14-120-706. (a) Each district required by law to file an annual
2 sworn statement of the financial condition of the district and an annual
3 audit report with the circuit or chancery clerk shall file a copy of
4 their annual statement of financial condition and their audit report
5 with the commission at the same time these reports are filed with the
6 circuit or chancery clerk.

7 (b)(1) Each district not required by law to file an annual
8 statement of financial condition and an audit report shall file with the
9 commission on or before March 31 each year a sworn statement of the
10 financial condition of the district and an audit report, to cover the
11 year ending on December 31 preceding. The statement of financial
12 condition shall contain, among other things:

13 (A) A statement of the cash on hand as of January 1 of the
14 year for which the report is made, together with all other assets of the
15 district;

16 (B) The total receipts for the preceding year;

17 (C) The disbursements for administration, construction, and
18 maintenance for bonds redeemed, and for interest paid on outstanding
19 bonds; and

20 (D) Interest due on outstanding bonds, together with all
21 other indebtedness of the district.

22 (2) In districts with revenues, from whatever source derived, in
23 excess of twenty-five thousand dollars (\$25,000) per year, the books,
24 records, and last annual report of the district shall also be examined at
25 least once a year by a certified public accountant. The accountant shall
26 file a report of the examination with the commission within thirty (30)
27 days after completing the examination.

28 (3) The accountant shall recommend the form and methods for
29 keeping books and records and for making the reports of the district.

30 (4) The expense of the examination by the accountant shall be paid
31 as a part of the expenses of the district.

32 (c) All accounts of the district shall be open for inspection by
33 any person."

34
35 SECTION 12. Arkansas Code of 1987 Annotated, Title 14, Chapter
36 120, is hereby amended to add a new Section 14-120-707 to read as

1 follows:

2 "14-120-707. Each district shall file with the Commission on or
3 before March 31, 1992, a report containing, among other things:

4 (1) An inventory and description of all works of improvements,
5 levees, ditches, dams, structures, properties, and facilities owned or
6 maintained by the district;

7 (2) An evaluation of any drainage and flooding problems in the
8 district;

9 (3) A narrative description of the present condition and need, if
10 any, for possible repair or maintenance work; and

11 (4) Any other reasonable engineering information the commission
12 deems, by regulation, to be relevant to the adequate maintenance,
13 repair, and operation of a district's plant, properties, and
14 facilities."

15
16 SECTION 13. Arkansas Code of 1987 Annotated, Title 14, Chapter
17 120, is hereby amended to add a new Section 14-120-708 to read as
18 follows:

19 "14-120-708. As used in this subchapter, unless the context
20 otherwise requires:

21 (1) 'Commission' means the Arkansas Soil and Water conservation
22 Commission; and

23 (2) 'District' means all levee, drainage, irrigation, watershed,
24 and river impoundment districts, except those created by special act of
25 the legislature, in the state of Arkansas to include, but not limited to,
26 all those districts formed under Arkansas Code of 1987 Annotated, Title
27 14, Chapters 117, 118, 120, 121, and 122, and all regional water
28 districts formed under Chapter 116 of Title 14 of the Arkansas Code of
29 1987 Annotated, and project improvement areas formed under Chapter 125
30 of Title 14 of the Arkansas Code of 1987 Annotated."

31
32 SECTION 14. All provisions of this act of a general and permanent
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the
34 Arkansas Code Revision Commission shall incorporate the same in the
35 Code.

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SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 16. All laws and parts of laws in conflict with this act are hereby repealed.

Prosecuting Attorneys (Woodruff Co.; Salary; -
Courties. Sec. 1 establishes an \$18,000 salary for the
Woodruff County deputy prosecuting attorney; estab-
lishes a \$3,500 expense allowance. Sec. 2 Codification
clause. Sec. 3 Severability clause. Sec. 4 Repealing
clause.

(Judiciary)

(City, County & Local Affairs)

HB 1746 (Shaver)

Soil and Water Conservation Comm. (Water-Related Districts; Restructured) - Water. Sec. 1 amends ACA 15-24-102, removing jurisdiction restrictions placed on the Soil & Water Conservation Comm. regarding lands within levee and drainage districts. Sec. 2 amends ACA 15-24-104, removing the right of levee and drainage districts to act freely concerning financing and litigation without consulting the commission. Sec. 3 amends ACA 15-24-105, authorizing the commission to act as an agent of the state in dealing with flood control (was under control of levee and drainage districts). Sec. 4 amends

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ACA 15-24-107, deleting the exemption of levee and drainage districts from the commission's power of eminent domain. Sec. 5 amends ACA 15-24-108, permitting "local entities" to receive federal grants and loans for improvement projects formerly handled by levee and drainage districts. Sec. 6 amends ACA 14-120-701, removing specific reference to "levee and drainage" from all terminology regarding districts, leaving regulations applicable to all improvement districts. Sec. 7 amends ACA 14-120-702, adding "the governing" board (was board of commissioners) " to the powers of the board and deleting "levee and drainage" from references to districts. Sec. 8 amends ACA 14-120-703, deleting "levee and drainage" from reference to districts regarding maintenance requirements. Sec. 9 amends ACA 14-120-704, deleting "levee and drainage" from reference to districts in regulations for structural maintenance and changing U.S. Army Corps of Engineers to "appropriate agency;" giving the commission (was the Attorney General) the right to receive reports from the appropriate federal agency concerning structural maintenance problems; authorizing the commission to file suit against the offending district; authorizing the commission (was the Attorney General) to bring action against the district or the governing board or to raise the money through users fee. Sec. 10 amends ACA 14-120-705, replacing Attorney General with commission and eliminating "levee and drainage" from reference to districts in the cost of collection and expenditure of tax; adding "or users fee" to annual tax. Sec. 11 amends ACA 14-120, adding 706, requiring each district to file a copy of their annual required financial and audit reports with the commission; requiring other districts to file a sworn statement of financial condition with the commission; requiring districts with more than \$25,000 annual revenue to submit to an annual CPA examination, that report to be filed with the commission; requiring the district to pay for the examination; providing access to the public of all district accounts. Sec. 12 amends ACA 14-120, adding 707, requiring all districts to file with the commission a report of inventory, improvements, evaluation of drainage and flooding problems and engineering problems. Sec. 13 amends ACA 14-120, adding definitions for "Commission" and "Districts". Sec. 14 Codification clause. Sec. 15 Severability clause. Sec. 16 Repealing clause.

(Agriculture)

HB 1741 (Townsend, Wilkins, Brown, Walker, Hutton, Arnold, McCoy, Flanagin, Goodwin, Tullis, J. Wilson, Henry, Brownlee, Horn, Smith, Wagner)

Schools & School Districts (Noncertificated Employees; Dismissal Hearings). Sec. 1 titles act as Public School Employee Fair Hearing Act. Sec. 2 Definitions. Sec. 3 authorizes a superintendent to fire a probationary or non probationary employee by written

Randy -

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analysis of HB 1740
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