

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Gibson

SENATE BILL 446

"AN ACT TO AMEND SUBDIVISION (2) OF SUBSECTION (A) OF SECTION
6 OF ACT 81 OF 1957 CONCERNING ARKANSAS' DAM SAFETY PROGRAM"

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

SECTION 1. Subdivision (2) of Subsection (A) of Section 6 of Act 81 of 1957, as amended, the same being Arkansas Statutes Annotated 21-1306(a), is hereby amended to read as follows:

"(2) Any representative of the Commission shall have the right, at any time, to enter upon the land upon which the dam is built, or is to be built, to inspect work of construction thereof, and the maintenance and operation of the dam after construction. If the Commission determines that the dam is unsafe, it shall request in writing that the owner of the dam perform such repair as the Commission deems necessary to assure the safety of the dam. If the owner fails to perform adequate repair within a reasonable period of time, as determined by the Commission, the Commission shall cause the dam to be repaired, breached or any other necessary action to be taken and the cost incurred by the Commission in performing such an act shall be lien against the property whereupon the same is located. The Commission shall perfect the lien by filing a notice of lien with the circuit clerk of the county wherein the dam is located, and the notice shall constitute a lien as of the date of the expenditure of the monies by the Commission, and shall have priority second only to the lien of real estate taxes imposed upon the dam. Further, no action shall be brought against the State or the Commission or its agents or employees for the recovery of damages caused by the partial or total failures of any dam or reservoir or through the operation of any dam or reservoir upon the grounds that such defendant is liable by virtue of any of the following:

(a) The approval of the dam or reservoir, or approval of flood handling plans during construction.

(b) the issuance or enforcement of orders relative to maintenance and operation of the dam or reservoir.

(c) Control and regulation of the dam or reservoir.

(d) Measures taken to protect against failure during an emergency."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

