

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1425

4 By: Representatives Simmons, Calhoun, and Baker

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## For An Act To Be Entitled

8 "AN ACT TO AMEND THE DRAINAGE IMPROVEMENT DISTRICT LAW TO  
9 ALLOW TAXES TO BE LEVIED AS A FLAT TAX PER ACRE; TO  
10 PROVIDE THAT NO CONSTRUCTION WORK IN EXCESS OF TEN  
11 THOUSAND DOLLARS (\$10,000) SHALL BE PERFORMED BY THE  
12 DISTRICT WITHOUT PUBLIC ADVERTISEMENT; AND FOR OTHER  
13 PURPOSES."

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## Subtitle

16 "AMEND DRAINAGE IMPROVEMENT DISTRICT LAW  
17 TO ALLOW TAXES TO BE LEVIED AS FLAT TAX  
18 PER ACRE; NO CONSTRUCTION WORK IN EXCESS  
19 OF \$10,000 BE PERFORMED WITH PUBLIC  
20 ADVERTISEMENT."

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

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24 SECTION 1. Arkansas Code 14-121-305 is amended to read as follows:

25 "§ 14-121-305. Powers and duties.

26 (a) The boards of commissioners mentioned in this chapter shall have  
27 control of the construction of the improvements in their districts.

28 (b)(1) A board may advertise in local papers or papers published in  
29 other states for proposals for doing any work by contract.

30 (2) No work exceeding ten thousand dollars (\$10,000) shall be  
31 let without public advertisement.

32 (3) A board may accept or reject any proposals.

33 (c) A board may:

1           (1) Appoint all necessary agents for carrying on the work and  
2 fix their pay;

3           (2) Buy all necessary material and implements;

4           (3) Sell material or implements on hand which may not be  
5 necessary for the completion of the improvement; and

6           (4) Make all such contracts in the prosecution of the work as  
7 may best subserve the public interest.

8           (d) It shall be the duty of a board to have the amount of work done by  
9 any contractor estimated, from time to time as may be desirable, by the  
10 engineer selected by the board. The board shall draw its warrants in favor of  
11 the contractor for not more than ninety percent (90%) of the amount of work  
12 so reported, reserving the remainder until it has been ascertained that the  
13 work has been completed according to contract and is free from liens."  
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15           SECTION 2. Arkansas Code 14-121-412 is amended to read as follows:

16           "§ 14-121-412. District continuance - Additional levy.

17           (a) The district shall not cease to exist upon the completion of its  
18 drainage system but shall continue to exist for the purpose of preserving the  
19 system, of keeping the ditches clear from obstruction, and of extending,  
20 widening, or deepening the ditches from time to time as it may be found  
21 advantageous to the district.

22           (b) To this end the commissioners may from time to time apply to the  
23 county court for the levying of additional taxes. The taxes may be levied as  
24 a flat tax per acre. Upon the filing of the petition, notice shall be  
25 published by the clerk for two (2) weeks in a newspaper published in each of  
26 the counties in which the district embraces land. Any property owner seeking  
27 to resist the additional levy may appear at the next regular, special, or  
28 adjourned term of the county court or adjourned day of the court and urge his  
29 objections thereto. Either the property owners or the commissioners may  
30 appeal from the finding of the county court."  
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32           SECTION 3. Arkansas Code 14-121-801(b)(6) is amended to read as  
33 follows:

34           "(6) For the purpose of carrying out all of the provisions of this  
35 section, districts are authorized to levy a maintenance tax and obtain funds,

1 as now provided by law. The tax may be levied as a flat tax per acre."

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3 SECTION 4. Arkansas Code 14-121-811(a)(3) is amended to read as  
4 follows:

5 "(3) For the purpose of carrying out the provisions of this section,  
6 the drainage districts are authorized to levy a maintenance tax and obtain  
7 funds as now provided by law. The tax may be levied as a flat tax per acre."

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9 SECTION 5. All provisions of this act of a general and permanent  
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
11 Code Revision Commission shall incorporate the same in the Code.

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

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19 SECTION 7. All laws and parts of laws in conflict with this act are  
20 hereby repealed.

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22 SECTION 8. EMERGENCY. It is hereby found and determined by the  
23 General Assembly that Drainage Improvement Districts should be authorized to  
24 levy their assessments as a flat tax per acre; that the statutes do not  
25 specifically now authorize such; that such authority should be granted  
26 immediately; and this act will grant that authority. Therefore, an emergency  
27 is hereby declared to exist and this act being necessary for the immediate  
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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