

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

A Bill

SENATE BILL 35

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

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

13 "14-120-216. Contract authority.

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

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

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

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

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

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35 SECTION 3. All provisions of this act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
2 Code Revision Commission shall incorporate the same in the Code.

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

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

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

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/s/Dowd

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