

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

A Bill

SENATE BILL 711

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 14-116-402 TO CLARIFY THE
9 POWERS OF REGIONAL WATER DISTRICTS TO AUTHORIZE ANYONE TO
10 ENTER ONTO ANY DISTRICT WATER, BUT ONLY IF THE DISTRICT
11 HAS ABSOLUTE TITLE TO LAND UNDER THE WATER; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "TO CLARIFY THE POWERS OF REGIONAL WATER
16 DISTRICTS TO AUTHORIZE PEOPLE TO ENTER
17 ONTO DISTRICT WATER, BUT ONLY IF THEY
18 HAVE TITLE TO LAND UNDER THE WATER."

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

22 SECTION 1. Arkansas Code § 14-116-402(3) is amended to read as
23 follows:

24 "(3)(A) Acquire absolute title to and use for any purpose and at any
25 place water stored in any reservoir or other water source created by the
26 construction of a multipurpose dam by or under the direction and supervision
27 of the United States Army Corps of Engineers or by the water district with
28 federal financial or other assistance furnished by the United States
29 Secretary of Agriculture under the provisions of the Watershed Protection and
30 Flood Prevention Act or any other federal law;

31 (B) Acquire water storage and withdrawal rights in any reservoir
32 or other water source created by the construction of a multipurpose dam by or
33 under the direction and supervision of the United States Army Corps of
34 Engineers or by the water district with federal financial or other assistance
35 furnished by the United States Secretary of Agriculture under the provisions

1 of the Watershed Protection and Flood Prevention Act, as amended, or any
2 other federal law;

3 (C) Transport, distribute, sell, furnish, and dispose of the
4 water from whatever source derived to any person at any place;

5 (D) Construct, erect, purchase, lease as lessee and in any
6 manner acquire, own, hold, maintain, operate, sell, dispose of, lease as
7 lessor, exchange, and mortgage plants, buildings, works, machinery, supplies,
8 equipment, apparatus, facilities, property rights, and transportation and
9 distribution lines, facilities, equipment, or systems necessary, convenient,
10 or useful;

11 (E) Regulate, define, and control the rate and location of any
12 withdrawal or transfer of water, in natural or manmade channels, which is
13 owned, acquired, or developed by the district;

14 (F) Authorize persons to enter water which has been or is being
15 transported or is held by the water district, but only if the water district
16 has acquired absolute title to the land under the water;"

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18 SECTION 2. All provisions of this act of general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provisions of this act or the application thereof to
23 any person or circumstance is held invalid, the invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provisions or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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31 SECTION 5. Emergency. It is hereby found and determined by the
32 Eightieth General Assembly of the State of Arkansas that some persons are
33 concerned that the present regional water district law permits water
34 districts to authorize persons to enter onto private property across which
35 regional water districts are transporting or storing water; that this is

1 contrary to the desires of the owners of the underlying lands across which
2 the water flows or is stored; and that these concerns hinder the use and
3 operation of the regional water districts. Therefore, in order to clarify
4 and limit the powers of regional water districts, an emergency is hereby
5 declared to exist, and this act being necessary for the immediate
6 preservation of the public peace, health, and safety, shall be in full force
7 and effect from and after its passage and approval.

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