

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: S3/11/97

## A Bill

HOUSE BILL 1476

5 By: Representatives Northcutt, Fletcher, Mullenix, McGinnis, Simmons, and Milum  
6 By: Senator Edwards  
7  
8

### For An Act To Be Entitled

9  
10 "AN ACT TO AMEND VARIOUS SECTIONS OF THE REGIONAL WATER  
11 DISTRIBUTION DISTRICT ACT; AND FOR OTHER PURPOSES."  
12

### Subtitle

13  
14 "AN ACT TO AMEND VARIOUS SECTIONS OF THE  
15 REGIONAL WATER DISTRIBUTION DISTRICT  
16 ACT."  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code 14-116-207 is amended to read as follows:

21 "§ 14-116-207. Exclusion of land for irrigation purposes.

22 (a) Any owner of real property within the territory of the proposed  
23 water district may, at any time before the entry of the order establishing the  
24 district ~~and~~ or before the entry of the order establishing an improvement  
25 project area including such real property, petition the court to exclude his  
26 property for agricultural irrigation water uses.

27 (b) To exclude the property from the district, the court must make the  
28 following determination:

29 (1) The property is supplied by adequate agricultural irrigation  
30 water from surface sources *or other sources*; and

31 (2) The property is not and will not in the future be benefited  
32 *by the improvements of the proposed water district.*  
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34 SECTION 2. Arkansas Code 14-116-402(10), which is one of the statutory  
35 powers of water districts, is amended to read as follows:

36 "(10) Have and exercise the right of eminent domain for the purpose of

1 acquiring rights-of-way and other properties necessary in the construction or  
 2 operation of its property and business in the manner now provided by the  
 3 condemnation laws of this state for acquiring private property for public use;  
 4 however, this power shall not be used by an irrigation water district for the  
 5 acquisition or construction of ~~farm~~ private on-farm irrigation reservoirs or  
 6 *natural water courses*, and any surplus property obtained by an irrigation  
 7 water district under this power shall be first offered to the person or  
 8 persons owning the remaining property from which it was taken at the price  
 9 paid as eminent domain damages before it may be sold to others;"

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11 SECTION 3. Arkansas Code 14-116-501(a)(1) is amended to read as  
 12 follows:

13 "(a)(1) Upon the securing of a petition described in subsection (b) of  
 14 this section, a water district may, ~~if the order establishing the district~~  
 15 ~~expressly so permits,~~ develop an improvement project plan for any purpose  
 16 contained in § 14-116-102 that would benefit the lands within the district."

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18 SECTION 4. All provisions of this act of a 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.

21

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

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28 SECTION 6. All laws and parts of laws in conflict with this act are  
 29 hereby repealed.

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*/s/Northcutt et al*

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