

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

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: H3/4/99 H3/18/99 H3/29/99

## A Bill

SENATE BILL 493

5 By: Senators Ross, Mahony  
6 By: Representatives P. Malone, White, G. Jeffress, J. Jeffress  
7

### For An Act To Be Entitled

10 "AN ACT TO CREATE THE OUACHITA RIVER COMMISSION, TO  
11 CREATE OUACHITA RIVER IMPROVEMENT DISTRICTS; TO CREATE  
12 THE OUACHITA RIVER WATERWAYS PROJECT TRUST FUND; AND  
13 FOR OTHER PURPOSES. "

### Subtitle

16 "AN ACT TO CREATE THE OUACHITA RIVER  
17 COMMISSION, TO CREATE OUACHITA RIVER  
18 IMPROVEMENT DISTRICTS; TO CREATE THE  
19 OUACHITA RIVER WATERWAYS PROJECT TRUST  
20 FUND. "

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

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25 SECTION 1. It is the intent of this act to create the Ouachita River  
26 Commission. The commission's purpose is to promote the recreational benefits  
27 of the river. Specifically this act reaffirms the integrity of the river with  
28 respect to the existing configuration of the channel and sand bars. No studies  
29 shall be undertaken that would, as a premise, allow any modification of the  
30 channel bends or sandbars of the river. It is the stated purpose of this act  
31 to accomplish an increase in river use without any bend cuts and/or bend  
32 widenings.

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34 SECTION 2. This act shall be cumulative and shall not repeal any  
35 existing law, nor shall it be deemed to take from any levee, drainage, or  
36 other improvement district any power or right the district now has to enter

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1 into and perform any agreement or contract with the United States Army Corps  
2 of Engineers or other federal agency.

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4 SECTION 3. There is created and established the Ouachita River  
5 Commission with the following powers, duties, and responsibilities:

6 (1) To cooperate with the appropriate state and federal agencies for  
7 the study, planning and implementation of needed improvements and/or projects  
8 to and along the main stem of the Ouachita River in Clark, Ouachita, Calhoun,  
9 Union, Bradley and Ashley Counties, Arkansas;

10 (2) To review, study, and examine any plan by the State of Arkansas or  
11 the federal government, or any agency thereof, for the improvement of the main  
12 stem of the Ouachita River in Arkansas and to ascertain the nature and purpose  
13 of the improvement, the benefits to be expected therefrom, and the necessity,  
14 feasibility and estimated cost thereof;

15 (3) To determine the local, nonfederal costs necessary for the  
16 construction, operation, and maintenance of any Ouachita River improvement  
17 project including, but not limited to port and terminal facilities along and  
18 upon the main stem thereof; and

19 (4) To delineate the area to be benefited by improvement of the main  
20 stem of the Ouachita River.

21  
22 SECTION 4. (a)(1) The Ouachita River Commission shall be composed of  
23 seven (7) members, appointed by the Governor as follows: one (1) who is a  
24 resident and elector of Clark County, one (1) who is a resident and elector of  
25 Ouachita County, one (1) who is a resident and elector of Calhoun County, one  
26 (1) who is a resident and elector of Union County, one (1) who is a resident  
27 and elector of Bradley County, one (1) who is a resident and elector of Ashley  
28 County, and one (1) who is the highest ranking official of the Ouachita River  
29 Valley Association and who is a resident of Arkansas.

30 (2) The Governor's appointment shall be with the advice and  
31 consent of the Arkansas Senate.

32 (b) Prior to entering upon the commission duties, each member of the  
33 commission shall take, subscribe, and file in the office of the Secretary of  
34 State an oath to support the Constitution of the United States and the  
35 Constitution of the State of Arkansas and to faithfully perform the duties of  
36 the office upon which he is about to enter.

1       (c) Members shall be appointed for seven (7) year staggered terms, to  
2 be assigned by lot. The terms shall commence on September 1 of each year and  
3 the first term shall expire on September 1, 2001. Every year thereafter, one  
4 (1) member's term shall expire.

5       (d) The commission shall annually select by majority vote one (1) of  
6 its members to serve as a chairperson and one (1) to serve as vice  
7 chairperson.

8       (e) In the event of a vacancy on the commission for any reason other  
9 than expiration of a regular term, the vacancy shall be filled for the  
10 unexpired portion of the term by appointment of the commission member in  
11 subdivision (a)(1) of a person meeting the same qualifications required for  
12 initial appointment.

13       (f) Members of the commission shall receive no pay for their services,  
14 but whenever the General Assembly shall have appropriated funds to the  
15 Ouachita River Waterways Project Trust Fund administered by the Arkansas Soil  
16 and Water Conservation Commission, they may upon proper application to the  
17 Arkansas Soil and Water Conservation Commission, be reimbursed for expenses in  
18 accordance with Arkansas Code 25-16-902.

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20       SECTION 5. The Ouachita River Commission may receive and use any  
21 federal, state, or private funds, donations, and grants made available for the  
22 study, planning and implementation of needed improvements and/or projects to  
23 and along the main stem of the Ouachita River.

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25       SECTION 6. (a) There is established on the books of the Treasurer of  
26 State, Auditor of State, and the Chief Fiscal Officer of the State a trust  
27 fund to be known as the Ouachita River Waterways Project Trust Fund.

28       (b) This fund shall consist of those moneys approved by the General  
29 Assembly and the interest income earned from the investment of funds accruing  
30 to the Ouachita River Waterways Project Trust Fund.

31       (c)(1) It may be used for such purposes as may be authorized by law  
32 including, but not limited to wildlife and recreation purposes, and bank  
33 stabilization.

34       (2) The funds shall not be used for bend cuts and/or bend  
35 widenings.

36       (d) Investment of the funds available shall be by the Treasurer of

1 State in such amounts and in such manner as may be directed by the Ouachita  
2 River Commission. In no event, however, shall the funds be invested for longer  
3 than a continuous two (2) year period.

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5 SECTION 7. All provisions of this Act of a general and permanent nature  
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 8. If any provision of this Act or the application thereof to  
10 any person or circumstance is held invalid, such invalidity shall not affect  
11 other provisions or applications of the Act which can be given effect without  
12 the invalid provision or application, and to this end the provisions of this  
13 Act are declared to be severable.

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15 SECTION 9. All laws and parts of laws in conflict with this Act are  
16 hereby repealed.

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*/s/ Ross, et al*