

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

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

A Bill

SENATE BILL 865

4
5 By: Senator Bradford
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For An Act To Be Entitled

8
9 "AN ACT TO PROVIDE A METHOD FOR DRAINAGE DISTRICTS TO
10 BE ABOLISHED WHEN NO LONGER BENEFICIAL; DECLARING AN
11 EMERGENCY; AND OTHER PURPOSES."

Subtitle

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14 "A METHOD TO ABOLISH NON-BENEFICIAL
15 DRAINAGE DISTRICTS."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Title 14, Chapter 121, Subchapter 10 of the Arkansas Code is
21 amended to add the following section to be numbered by the Arkansas Code
22 Revision Commission:

23 "Procedures when improvements are abandoned, no maintenance assurances
24 given and all indebtedness paid.

25 (a) The board of commissioners of any drainage district in this state,
26 when they may deem it inadvisable or impracticable and not for the best
27 interests of the property owners of the district for the district to continue
28 in operation, may, when all indebtedness of the district has been fully paid
29 and if no assurance of continued operation and maintenance has been given to
30 the United States or the state, file a petition in the court in which the
31 district was organized praying the court to abolish the district. In the
32 petition the commissioners shall set out the reasons why they are of the
33 opinion that the district should be abolished. In addition, the petition shall
34 contain a current financial statement of the district and a plan of
35 distribution of any money held by the district consistent with the district's
36 prior assessment of benefits.

1 (b)(1) Upon the filing of the petition, the court shall direct the
 2 clerk to give notice by publication in some newspaper in the county or
 3 counties in which the property in the district lies, for not less than two (2)
 4 consecutive weekly publications.

5 (2) The notice shall set out the purpose of the petition, the
 6 plan of distribution and the day set for the hearing thereof.

7 (c) The court shall fix a day for the hearing of the petition and shall
 8 hear the evidence thereon.

9 (d)(1) If the court is of the opinion that it is for the best interests
 10 of the property owners of the district that the petition be granted, it shall
 11 by order approve the plan of distribution and upon proper distribution of
 12 funds abolish the district.

13 (2) If the court is of the opinion that it is for the best
 14 interests of the property owners that the organization of the district be
 15 continued, then it shall overrule the petition.

16 (e) The overruling of one (1) petition for the abandonment of a
 17 district shall not be a bar to the filing of another petition for that
 18 purpose."

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

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

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

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 33 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
 34 Eighty-second General Assembly that current law provides no way for drainage
 35 districts to be abolished and funds returned to landowners within the district
 36 when districts are no longer beneficial to landowners within the district.

1 Therefore, an emergency is declared to exist and this act being immediately
2 necessary for the preservation of the public peace, health and safety shall
3 become effective on the date of its approval by the Governor. If the bill is
4 neither approved nor vetoed by the Governor, it shall become effective on the
5 expiration of the period of time during which the Governor may veto the bill.
6 If the bill is vetoed by the Governor and the veto is overridden, it shall
7 become effective on the date the last house overrides the veto.

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