

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
83rd General Assembly
Regular Session, 2001

As Engrossed: S3/15/01

A Bill

SENATE BILL 509

By: Senator Cash

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE TITLE 22, CHAPTER 1, SUBCHAPTER 2 TO ADD AN ADDITIONAL SECTION TO PROVIDE THAT DRAINAGE IMPROVEMENT DISTRICTS SHALL NOT LOSE REAL PROPERTY OR EASEMENTS OF THE DISTRICTS TO ADVERSE POSSESSION; AND FOR OTHER PURPOSES.

Subtitle

PROVIDES THAT DRAINAGE IMPROVEMENT DISTRICTS SHALL NOT LOSE REAL PROPERTY OR EASEMENTS TO ADVERSE POSSESSION.

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

SECTION 1. Arkansas Code Title 22, Chapter 1, Subchapter 2, is amended to add an additional section to read as follows:

22-1-205. Property of drainage districts.

(a) As used in this section, a "drainage district" means a drainage improvement district formed by an act of the General Assembly, a drainage district formed and operated under Title 14, Chapter 120 or a drainage improvement district formed and operated under Title 14, Chapter 121.

(b)(1) No title or right of possession to property of a drainage district, or any portion thereof, shall be acquired by adverse possession or adverse occupancy.

(2) No easement or right of way of a drainage district for flowage, storage rights and any other servitude upon, over, and across any lands, or any portion thereof, shall be acquired by adverse possession or

1 adverse occupancy.

2 (c) The real property rights of a drainage district shall not be
3 defeated in any cause of action or proceeding by reason of adverse possession
4 or adverse occupancy of district property, or any portion thereof, where the
5 parties claiming the adverse possession commence legal action after the
6 effective date of this section.

7
8 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly that the properties and easements of drainage districts are acquired
10 and maintained at great expense to the farmers and landowners within the
11 districts; that these properties and servitudes are subject to extended
12 periods of time where no person observes the activities which are actually
13 taking place on these lands and easements; that retention of title to these
14 properties are necessary for drainage and flood control management on lands
15 within the districts; and that it shall be the public policy of this state
16 that no person acquire title to drainage district properties by adverse
17 possession and this policy should have immediate force and effect. Therefore,
18 an emergency is declared to exist and this act being immediately necessary for
19 the preservation of the public peace, health and safety shall become effective
20 on the date of its approval by the Governor. If the bill is neither approved
21 nor vetoed by the Governor, it shall become effective on the expiration of the
22 period of time during which the Governor may veto the bill. If the bill is
23 vetoed by the Governor and the veto is overridden, it shall become effective
24 on the date the last house overrides the veto.

25 */s/ Cash*