

**A Bill**

*By Senator Bullet; By Representatives Scroggin, J. Taylor*

**For an Act to be Entitled**

An act to provide for the appointment of a floodplain administrator in a municipal or county government and to authorize the accreditation of the floodplain administrator by the Arkansas Soil and Water Conservation Commission; and for other purposes.

**Subtitle**

To provide for the appointment of a floodplain administrator in a municipal or county government and to authorize the accreditation of the floodplain administrator.

Be it enacted by the General Assembly of the state of Arkansas:

Section 1. Arkansas Code §14-268-103 is amended to read as follows:

**14-268-102. Definitions.**

As used in this chapter:

- 1) "Commission" means the Arkansas Soil & Water Conservation Commission;
- 2) "Floodplain administrator" means the person designated by a city, town, or a county, to administer and implement this chapter and other federal and state laws and local ordinances and regulations relating to the management of flood-prone areas; and
- 3) "Flood-prone areas" means areas that are subject to, or are exposed to, flooding and flood damage.

Section 2. Arkansas Code §14-268-103 is amended to read as follows:

**14-268-103. Penalty.**

Any person or corporation who violates any measure adopted under this chapter, which prohibits the development of land by improvements that are exposed to flood damage or that are threatened by flood hazards, may be

fined not more than five hundred dollars (\$500) for each offense. Each day during which a violation exists is a separate offense.

Section 3. Arkansas Code Title 14, Chapter 268, is amended to add an additional section to read as follows:

**14-268-106. Floodplain Administrator.**

- a) Each county, city, or town ordinance adopted under this chapter shall designate a person to serve as the floodplain administrator to administer and implement the ordinance and any local codes and regulations relating to the management of flood-prone areas.
- b) Beginning July 1, 2004, each floodplain administrator shall become accredited by the Arkansas Soil & Water Conservation Commission under the commission's authority regarding flood control under §15-24-102 and §15-24-109.

Section 4. Arkansas Code §15-24-102 (a), concerning the flood central powers and duties of the Arkansas Soil & Water Conservation Commission, is amended to read as follows:

- a) It shall be the duty of the Arkansas Soil & Water Conservation Commission to:
  - 1) Study, consider, and determine upon a sound public policy with regard to flood prevention, flood control, and flood protection;
  - 2) Compile figures and other information on current and previous flood damage and scientific data relative to the recurrence of floods such as rainfall, runoff, flowing channels, stream obstruction, existing facilities for storing surplus waters, and existing protection works; and
  - 3) Accredite persons having requisite knowledge in floodplain management and in minimization and prevention of flood hazards and losses.

Section 5. Accreditation of floodplain administrators.

- a)
  - 1) In determining accreditation standards for floodplain administrators, the Arkansas Soil & Water Conservation

Commission may consider an applicant's knowledge, experience, skills, and training in floodplain management and in minimization and prevention of flood hazards and losses.

- 2) The accreditation standards may include:
  - A. Passage of an examination;
  - B. Completion of approved training; or
  - C. Certification by a nationally recognized floodplain management organization.
- b) Continuing training may be required for persons who want continued accreditation.
- c) The commission may charge accreditation fees in amounts up to the following:
  - 1) Original accreditation, thirty dollars (\$30.00);
  - 2) Annual renewal of accreditation, twenty dollars (\$20.00); and
  - 3) Late fee for renewal after thirty (30) days, fifteen dollars (\$15.00).
- d)
  - 1) Accreditation fees collected are cash funds and shall not be deposited in the State Treasury.
  - 2) The cash funds shall be held and applied by the commission solely for the uses under this subchapter.
  - 3) The cash funds shall not be deemed to be a part of the State Treasury for any purpose, including, without limitation, the provisions of Arkansas Constitution, Article 5 §29, Article 16 §12, or Arkansas Constitution, Amendment 20, or any other constitutional or statutory provision.