

statutes which prohibit counties from obligating themselves for more than 90 per cent of their annual income. We regret that time and travel allowances will not permit us to return to Washington for this hearing.

Actually, there are five counties in Arkansas that are involved in the whole Ouachita River Navigation Project; namely, Bradley, Ashley, Union, Calhoun, and Ouachita. Ninety-nine (99) per cent of the Felsenthal Navigation Pool problem affects the first three counties.

I shall confine my remarks to the portion of the reports pertaining to county governments and their relationship to this project.

First, in behalf of the five county governments involved, I should like to express our appreciation to the Vicksburg District of the U.S. Army Corps of Engineers for their spirit of cooperation in furnishing necessary maps and documents to the county governments and the Association.

The county governments from the Louisiana border to the Camden port are all completely in support of this project, realizing its far-reaching importance to our area of the United States. And, even though we have signed assurances and have cooperated to the very best of our abilities, we find that with all our sincere desire to work and cooperate with all interested in the project, we fall short of being able to financially accomplish that which is expected of us. Our county government structure is such that we find it financially impossible to acquire the necessary lands for this much needed and economically sound navigation project.

Attached to this report are legal opinions from the Attorney General's Office of the State of Arkansas, to the Honorable John L. McClellan, which explains some of the legal authorities and limitations of our county governments.

To stress the point, I shall use my own county as an example: To bring the Channel to 9' or 67 M.S.L. will require approximately 2,590 acres in my county alone. Even at a minimum of \$100.00 per acre, the estimated cost would be \$259,000.00. The total General Revenue for 1967 was \$128,295.92. More than half of the General Revenue is required to satisfy Statutory Claims; leaving approximately \$64,000.00 to pay Contractual Claims which are necessary for the proper conduct of the county government. \$117,071.08 was expended for these purposes.

If ways can be found to overcome these problems, the five County Judges representing their county governments, pledge their wholehearted cooperation and support in bringing the 9' Channel on the Ouachita to a reality.

The five County Governments along with the Ouachita River Valley Association respectfully request the Congress of the United States to modify the Ouachita Navigation Project as authorized by the Rivers and Harbors Act approved 14 July, 1960 (Public Law 86-645) in order that this project may be completed.

This report respectfully submitted in behalf of the county governments of Ashley, Union, Ouachita, Calhoun, and Bradley County.

OFFICE OF THE ATTORNEY GENERAL,
Little Rock, Ark., May 11, 1967.

MR. H. K. THATCHER,
Executive Vice President,
Ouachita River Valley Association, Camden, Ark.

DEAR MR. THATCHER: In regard to our recent conference you stated that the counties making up the Felsenthal Navigation Complex are having some problems in trying to buy title to land in the complex in compliance with applicable Federal Acts. You stated that there are three counties in the project area and that some 20,000 acres are involved at an average cost of \$100.00 per acre; you further said that the counties do not have the revenues to pay cash.

Please be advised that the County Courts are limited in the amount of taxes which they can levy and are specifically limited in the appropriations which they can make. Ark. Stat. Ann. § 17-411 (1956 Repl.), provides:

"The court shall specify the amount of appropriations for each purpose in dollars and cents, and the total amount of appropriations for all county or district purposes for any one (1) year shall not exceed ninety per cent (90%) of the taxes levied for that year."

Also, Ark. Stat. Ann. § 17-416 (1956 Repl.) provides:

"No county court or agent of any county shall hereafter make any contract on behalf of the county unless an appropriation has been previously made therefor and is wholly or in part unexpended; and in no event shall any county court or agent of any county make any contract in excess of any such appropriation made, and the amount of such contract or contracts shall be limited to the amount of the appropriation made by the quorum court."