

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.

Act 310 of the Regular Session

As Engrossed: S2/15/07 H3/5/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 298

4
5 By: Senator Bisbee
6 By: Representatives Anderson, Medley

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9 **For An Act To Be Entitled**

10 AN ACT TO CLARIFY THE EXEMPTIONS TO THE
11 DEFINITION OF "DEVELOPMENT IMPACT FEE"; TO
12 PROVIDE FOR A REFUND OF CERTAIN FEES; AND FOR
13 OTHER PURPOSES.

14
15 **Subtitle**

16 AN ACT TO CLARIFY THE EXEMPTIONS TO THE
17 DEFINITION OF "DEVELOPMENT IMPACT FEE";
18 AND TO PROVIDE FOR A REFUND OF CERTAIN
19 FEES.

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

23
24 SECTION 1. Arkansas Code § 14-56-103(a)(3), concerning development
25 impact fees, is amended to read as follows:

26 (3)(A) "Development impact fee" means a fee or charge imposed by
27 a municipality or by a municipal service agency upon or against a development
28 in order to generate revenue for funding or for recouping expenditures of the
29 municipality or municipal service agency that are reasonably attributable to
30 the use and occupancy of the development. A fee or charge imposed for this
31 purpose is a "development impact fee" regardless of what the fee or charge is
32 named.

33 (B) "Development impact fee" shall not include:

34 (i) Any ad valorem real property taxes;

35 (ii) Any special assessments for an improvement



1 district;

2 (iii) ~~Any utility hookup fees or access fees~~ fee for
3 making the physical connection for utility services, or any fee to recover
4 the construction costs of the line to which the connection is made; ~~or~~

5 (iv) Any fees for filing development plats or plans
6 for building permits or for construction permits assessed by a municipality
7 or a municipal service that are approximately equal to the cost of the plat,
8 plan, or permit review process to the municipality or the municipal service
9 agency; or

10 (v) Any fee paid according to a written agreement
11 between a municipality or municipal service agency and a developer for
12 payment of improvements contained within the agreement;

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14 SECTION 2. Retroactive Effect.

15 This act shall be applied retroactively to July 16, 2003. Any
16 municipality or municipal service agency that, on or after July 16, 2003,
17 collected a utility hookup fee or access fee that fits the definition of
18 development impact fee as defined in § 14-56-103(a)(3) shall refund any
19 portion of the fee or fees that were not levied for making the physical
20 connection for utility services or to recover the construction costs of the
21 line to which the connection is made.

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23 /s/ Bisbee

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25 APPROVED: 3/19/2007