

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Yates**

# A Bill

**SENATE BILL 809**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 15, CHAPTER 22 TO  
9 AUTHORIZE THE ASSESSMENT AND COLLECTION OF AN ANNUAL FEE  
10 ON GROUND AND SURFACE WATER USED FOR *PUBLIC SUPPLY*,  
11 COMMERCIAL AND INDUSTRIAL PURPOSES; AND FOR OTHER  
12 PURPOSES."

## Subtitle

15 "TO AUTHORIZE THE ASSESSMENT AND COLLECTION OF ANNUAL FEE  
16 ON GROUND AND SURFACE WATER USED FOR *PUBLIC SUPPLY*,  
17 COMMERCIAL & INDUSTRIAL PURPOSES."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. Arkansas Code 15-22-913 is amended by adding the following  
22 new subsection(a) (3):

23 "(3) The withdrawal of water from wells or surface sources subject to  
24 registration under §§ 15-22-215 or 15-22-302, for *public supply*, commercial or  
25 industrial water purposes in accord with the following schedule:

26	<i>First 5 ac-ft</i>	<i>\$25.00</i>
27	<i>Next 495 ac-ft</i>	<i>\$ 4.75 per ac-ft</i>
28	<i>Next 500 ac-ft</i>	<i>\$ 3.50 per ac-ft</i>
29	<i>Next 500 ac-ft</i>	<i>\$ 2.50 per ac-ft</i>
30	<i>All over 1,500 ac-ft</i>	<i>\$ 1.40 per ac-ft"</i>

31  
32 SECTION 2. Arkansas Code 15-22-914 shall be amended to read as follows:

33 "15-22-914. Disposition of earnings and fees.

34 (a) Fees, penalties, and other funds collected under this subchapter,  
35 except those collected under § 15-22-913(a) (3), shall be deposited in the

1 Arkansas Water Development Fund, established by § 15-22-507. Two thirds (2/3)  
2 of such funds deposited shall be used for an education and information program  
3 and cost sharing for water conservation and development. The remaining one  
4 third (1/3) may be used for the administration of this subchapter and the  
5 commission may transfer those funds to the districts' delegated authority  
6 under this subchapter as it deems necessary.

7 (b) All monies collected under § 15-22-913(a)(3) shall be deposited in  
8 the Water Protection and Management Fee Revolving Fund to be utilized by the  
9 Soil and Water Conservation Commission in implementation of the State Water  
10 Plan and the Ground Water Protection and Management Act.

11

12 SECTION 3. Water Protection and Management Fee Revolving Fund.

13 (a) There is hereby created on the books of the State Treasurer, State  
14 Auditor and Chief Fiscal Officer of the state a fund to be known as the  
15 Arkansas Soil and Water Conservation Commission Water Protection and  
16 Management Revolving Fund and to be used for the support of the Arkansas Soil  
17 and Water Conservation Commission as appropriated by law. Monies may be  
18 transferred from this fund to other funds from which appropriations for the  
19 benefit of the Arkansas Soil and Water Conservation Commission are made.

20 (b) Subject to the rules and regulations as may be implemented by the  
21 Chief Fiscal Officer of the state, all unexpended funds received in the  
22 Arkansas Soil and Water Conservation Commission Water Protection and  
23 Management Revolving Fund shall be carried forward and made available for  
24 expenditures for the same purpose for any following fiscal year. Expenditures  
25 of funds collected under this act to be used by the Arkansas Soil and Water  
26 Conservation Commission shall be limited to the purpose of the implementation  
27 of the Ground Water Protection and Management Act and the State Water Plan.

28

29 SECTION 4. All provisions of this act of a general and permanent nature  
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
31 Revision Commission shall incorporate the same in the Code.

32

33 SECTION 5. If any provision of this act or the application thereof to  
34 any person or circumstance is held invalid, such invalidity shall not affect  
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

3

4 SECTION 6. All laws and parts of laws in conflict with this act are  
5 hereby repealed.

6

7 SECTION 7. EMERGENCY. It is hereby found and determined by the General  
8 Assembly that to protect the public health and to serve the needs of the  
9 citizens of Arkansas this act should become effective immediately. Therefore,  
10 an emergency is hereby declared to exist, and this act being immediately  
11 necessary for the preservation of the public peace, health, and safety shall  
12 be in full force and effect from and after July 1, 1993.

13

14

*/s/Senator Yates*

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2

3