

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives Northcutt, Cash, Wingfield, and Jordan**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §15-22-219 TO INCREASE DAM
9 SAFETY ANNUAL AND REVIEW FEES; TO ASSESS FEES ON RESERVOIR
10 TAX CREDIT APPLICATIONS; AMEND ARKANSAS CODE §15-22-913 TO
11 ESTABLISH A FEE FOR WATER SUPPLY WELLS NOT CURRENTLY
12 ASSESSED UNDER THE CODE; TO AUTHORIZE THE SOIL AND WATER
13 CONSERVATION COMMISSION TO ASSESS AND COLLECT FEES; AND
14 FOR OTHER PURPOSES."

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Subtitle

17 "TO AMEND ARKANSAS CODES §§15-22-219 AND 15-22-913 AND ADD
18 LANGUAGE CONCERNING FEES TO BE ASSESSED BY THE SOIL AND
19 WATER CONSERVATION COMMISSION."

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

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23 SECTION 1. Arkansas Code Annotated 15-22-219 is hereby amended to read
24 as follows:

25 "§15-22-219. Fees.

26 (a) Any person applying for a permit and having plans and
27 specifications examined under §15-22-211 shall, in consideration therefor, pay
28 to the commission an initial dam permit application review fee equal to one
29 percent (1%) of the estimated cost of construction for the dam, which, in any
30 case, shall not be less than one hundred dollars (\$100) nor more than one
31 thousand dollars (\$1,000). The dam permit application review fee shall be
32 assessed as an initial fee upon application for the dam permit or upon a major
33 modification of a dam requiring the issuance of a revised permit.

34 (b) Any person obtaining a permit under the provisions of §15-22-210
35 shall, in consideration therefor, pay to the commission a fee equal to twelve

1 cents (12¢) per acre-foot of water which the dam involved is designed to
2 impound, but not less than twenty-five dollars (\$25.00), nor more than ten
3 thousand dollars (\$10,000). The permit shall provide that the same fee shall
4 be paid by that person to the commission each year thereafter during which the
5 dam is maintained, on or before the anniversary date of the issuance of the
6 permit.

7 (c) The fees in subsections (a) and (b) of this section shall be
8 deposited by the commission to the Arkansas Water Development Fund to be used
9 by the commission as provided by law and shall not be paid into the State
10 Treasury."

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12 SECTION 2. (a) Any taxpayer claiming credits against Arkansas Income
13 Tax liability on cost of construction and installation or restoration of water
14 impoundments or water control structures as provided in §26-51-1006 shall be
15 assessed a fee in an amount equal to three percent (3%) of the total tax
16 credit authorized by the commission. A minimum assessment shall be one
17 hundred fifty dollars (\$150.00).

18 (b) Any taxpayer claiming credits against Arkansas Income Tax liability
19 on cost of abandoning or reducing extraction of groundwater and utilizing
20 surface water in lieu of groundwater as provided in §26-51-1007 shall be
21 assessed a fee in an amount equal to three percent (3%) of the total tax
22 credit authorized by the commission. A minimum assessment shall be one
23 hundred fifty dollars (\$150.00).

24 (c) All fees shall be due and payable to the Arkansas Soil and Water
25 Conservation Commission when an "Application for Tax Credit Approval" is
26 filed. Should payment be based on an estimate of cost which is less than
27 actual final total cost of the project, the balance will be due and payable
28 when application for a "Certificate of Completion for Tax Credit" is filed.
29 No certificate shall be issued until the balance due is received.

30 (d) In the case of a project involving adjoining landowners, liability
31 for the fee shall be assessed according to the percentage of cost to each
32 participating party.

33 (e) All fees collected shall be deposited in the Arkansas Soil and
34 Water Conservation Commission's Water Development Fund.

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1 SECTION 3. The Arkansas Soil and Water Conservation Commission may
2 assess and collect fees for recovery of the costs of implementing and
3 administering programs which have been delegated to the commission or
4 conservation districts.

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

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10 SECTION 5. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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

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19 SECTION 7. EMERGENCY. It is hereby found and determined by the General
20 Assembly that additional funding is necessary to maintain the efficient
21 delivery of services provided by the Soil and Water Conservation Commission
22 and further delay in providing for additional funding may work irreparable
23 harm on the commission_s ability to provide its services. Therefore, an
24 emergency is hereby declared to exist and this act being necessary for the
25 immediate preservation of the public peace, health and safety shall be in full
26 force and effect from and after its passage and approval.

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/s/Wanda Northcutt, et al

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As Engrossed: 3/8/93 3/11/93

HB 1654

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