

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

A Bill

HOUSE BILL 2123

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

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

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

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21 SECTION 1. Arkansas Code 15-22-913 is amended by adding the following
22 new *Subsections (a) (3) and (4)*:

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 500,000 gallons</i>	<i>\$20.00</i>
27	<i>Next 80 million gallons</i>	<i>\$23.05 per ac-ft</i>
28	<i>Next 160 million gallons</i>	<i>\$9.50 per ac-ft</i>
29	<i>Next 160 million gallons</i>	<i>\$4.60 per ac-ft</i>
30	<i>All over 400.5 million gallons</i>	<i>\$2.00 per ac-ft</i>

31 (4) *Any person operating a water system that issues regular water bills*
32 *for water service may recover the cost of the fees prescribed in §15-22-*
33 *913(a) (3) by apportioning the total amount of the fees charged to the water*
34 *system among its customers in any manner that the water system determines to*
35 *be equitable, provided that the rates charged other public water systems shall*

1 be in accord with the rates contained in this section. The fees shall not be
2 considered as a part of the water rates of the respective water system.

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

5 "15-22-914. Disposition of earnings and fees.

6 (a) Fees, penalties, and other funds collected under this subchapter,
7 except those collected under § 15-22-913(a)(3), shall be deposited in the
8 Arkansas Water Development Fund, established by § 15-22-507. Two thirds (2/3)
9 of such funds deposited shall be used for an education and information program
10 and cost sharing for water conservation and development. The remaining one
11 third (1/3) may be used for the administration of this subchapter and the
12 commission may transfer those funds to the districts' delegated authority
13 under this subchapter as it deems necessary.

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

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

20 (a) There is hereby created on the books of the State Treasurer, State
21 Auditor and Chief Fiscal Officer of the state a fund to be known as the
22 Arkansas Soil and Water Conservation Commission Water Protection and
23 Management Revolving Fund and to be used for the support of the Arkansas Soil
24 and Water Conservation Commission as appropriated by law. Monies may be
25 transferred from this fund to other funds from which appropriations for the
26 benefit of the Arkansas Soil and Water Conservation Commission are made.

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

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

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

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

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

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21 /s/Rep. Thurman

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As Engrossed: 3/17/93 3/24/93

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