

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 942 OF 1993**  
**HOUSE BILL 1654**

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

5  
6  
7

## **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."

15

## **Subtitle**

16  
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."

20

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

22

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  
36 cents (12¢) per acre-foot of water which the dam involved is designed to

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

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

10

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

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

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

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

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

34

35 SECTION 3. The Arkansas Soil and Water Conservation Commission may

1 assess and collect fees for recovery of the costs of implementing and  
2 administering programs which have been delegated to the commission or  
3 conservation districts.

4

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

8

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

14

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

17

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

26

27

28

29

30

31

32

33

*/s/Wanda Northcutt, et al*

34

35

APPROVED: 4/7/93

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

**HB 1654**

1

**rrs215**