

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 1774 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

*As Engrossed: H3/10/05 S3/28/05*

**A Bill**

HOUSE BILL 2515

5 By: Representatives Bradford, Clemons, Flowers, Mahony, *Maxwell, Bolin*  
6 By: Senator J. Taylor  
7  
8

**For An Act To Be Entitled**

10 AN ACT TO AMEND VARIOUS PROVISIONS OF THE SPARTA  
11 AQUIFER CRITICAL GROUNDWATER COUNTIES'  
12 REMEDIATION ACT; AND FOR OTHER PURPOSES.  
13

**Subtitle**

15 AN ACT TO AMEND VARIOUS PROVISIONS OF  
16 THE SPARTA AQUIFER CRITICAL GROUNDWATER  
17 COUNTIES' REMEDIATION ACT.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 15-22-1202 is amended to read as follows:  
23 15-22-1202. Legislative findings and intent.

24 ~~(a) It has been found by the General Assembly that certain counties in~~  
25 ~~the State of Arkansas presently have critical water shortages in the Sparta~~  
26 ~~Aquifer where the potentiometric surface has dropped below the top of the~~  
27 ~~Sparta formation in the critical groundwater area containing Bradley,~~  
28 ~~Calhoun, Columbia, Ouachita, and Union counties, and that the potentiometric~~  
29 ~~surface in the critical groundwater area containing Arkansas, Jefferson,~~  
30 ~~Lonoke, Prairie, Pulaski, and White counties has not dropped below the top of~~  
31 ~~the formation, and that the critical groundwater area designation covering~~  
32 ~~Arkansas, Jefferson, Lonoke, Prairie, Pulaski, and White counties is~~  
33 ~~presently being contested in the courts of our state, and that further,~~  
34 ~~because of the existing depletion of the groundwater from the Sparta Aquifer~~  
35 ~~which underlies those counties, that this crisis, in some instances, is~~



1 ~~aggravated by the unrestrained direct withdrawal of water from the aquifer~~  
 2 ~~and that this crisis is not adequately addressed by any existing law.~~

3 ~~(b)~~ It is the intent of this subchapter to make available revenues and  
 4 resources to ~~address this crisis and to~~ discourage the withdrawal of Sparta  
 5 Aquifer water by certain large water users in Bradley, Calhoun, Columbia,  
 6 Jefferson, Ouachita, and Union counties.

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 8 SECTION 2. Arkansas Code § 15-22-1203 is amended to read as follows:  
 9 15-22-1203. Definitions.

10 As used in this subchapter:

11 (1) "Acquire" means to acquire by purchase, lease, devise, gift,  
 12 or other mode of acquisition and by any method selected by a Sparta Aquifer  
 13 critical groundwater county conservation board;

14 (2) "Aquifer water" means water removed from the Sparta Aquifer;

15 (3) "Commission" means the Arkansas Soil and Water Conservation  
 16 Commission;

17 (4) "Conservation fee" means any fee fixed pursuant to this  
 18 subchapter and levied upon any registered water user or significant water  
 19 user;

20 (5) "Construct" means to construct, equip, install or to  
 21 otherwise develop by any means selected by a board;

22 (6) "County" means any Arkansas county:

23 (A) In which at least ninety percent (90%) of the reported  
 24 groundwater usage from the Sparta Aquifer is for municipal and industrial  
 25 purposes ~~on the date of the petition~~ as of July 1, 2005; and

26 (B) Which has been or is found and determined by the  
 27 commission to be within a critical groundwater area prior to ~~July 1, 1998~~  
 28 July 1, 2005, within the meaning of the Arkansas Groundwater Protection and  
 29 Management Act, § 15-22-901 et seq.;

30 (7) "Improvement plan" means a plan to carry out the  
 31 construction and acquisition of water facilities or to provide for the  
 32 conservation of aquifer water, or both;

33 (8) "Major water user" means any person that, during any month  
 34 of the year, averages withdrawal from the Sparta Aquifer of one million  
 35 (1,000,000) or more gallons of aquifer water per day;

36 ~~(8)(9)~~ "Person" means any natural person, firm, association,

1 corporation, trust, partnership, governmental agency, state or political  
2 subdivision, county, municipality, or other legal entity;

3 ~~(9)~~(10) (A) "Registered water user" means any person who, whether  
4 as an owner, lessee, operator, or otherwise, including a board, operates one  
5 (1) or more wells with a minimum potential flow rate of fifty thousand  
6 gallons (50,000 gals.) or more of aquifer water per day and is required to  
7 register with the commission under § 15-22-302.

8 (B) The withdrawal of water which is expected to be  
9 returned to an aquifer by the user does not cause a person to be a registered  
10 water user;

11 ~~(10)~~(11) "Revenues" means revenues derived from any source,  
12 including, without limitation, the wholesale or retail sale of water and the  
13 conservation fees;

14 ~~(11)~~(12) "Significant water user" means any person who, whether  
15 as owner, lessee, operator, or otherwise, including a board, operates one (1)  
16 or more wells with a maximum flow rate of less than fifty thousand gallons  
17 (50,000 gals.) of aquifer water per day and is determined by the board to be  
18 using aquifer water for other than domestic purposes;

19 ~~(12)~~(13) "Sparta Aquifer critical groundwater county  
20 conservation board" or "board" means any Sparta Aquifer critical groundwater  
21 conservation county board established pursuant to this subchapter; and

22 ~~(13)~~(14) "Water facilities" means any facilities for the  
23 withdrawal, storage, transportation, treatment, or distribution of water,  
24 together with any properties, real, personal, or mixed, tangible or  
25 intangible, related or appropriate thereto.

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27 SECTION 3. Arkansas Code § 15-22-1214 is amended to read as follows:  
28 15-22-1214. Water conservation levy.

29 ~~(a) There is levied and fixed~~ The Sparta Aquifer critical groundwater  
30 county conservation board may levy and fix upon each registered water user  
31 and significant water user of aquifer water a conservation fee ~~at the~~  
32 ~~following rates per one thousand gallons (1000 gals.) of aquifer water~~  
33 ~~withdrawn:~~

34 ~~(1) Twenty four cents (24) per one thousand gallons (1000~~  
35 ~~gals.) until May 1, 2001; and~~

36 ~~(2) Thirty six cents (36) per one thousand gallons (1000 gals.)~~

1 thereafter.

2 ~~(b) However, the Sparta Aquifer critical groundwater county~~  
3 ~~conservation board shall have the power to reduce the conservation fee upon~~  
4 ~~issuance of its written findings to the effect that the conservation fee as~~  
5 ~~reduced will continue in an amount deemed appropriate by the board to~~  
6 discourage the withdrawal of aquifer water by registered water users and  
7 significant water users.

8 ~~(c) In like manner, the board may issues its written findings to the~~  
9 ~~effect that it is necessary that the conservation fee be raised to discourage~~  
10 ~~withdrawal and increase the fee to any level allowed hereby, whereupon the~~  
11 ~~conservation fee shall be raised to such a level However, when the board has~~  
12 ~~extended an alternate water source to the property line of a major water user~~  
13 ~~and the major water user does not connect to and begin using the alternate~~  
14 ~~water source, the major water user may be assessed a conservation fee~~  
15 ~~determined by the board, not to exceed ninety-six cents (96¢) per one~~  
16 ~~thousand gallons (1000 gals.) of aquifer water withdrawn, until the major~~  
17 ~~water user connects to and uses the alternate water source.~~

18  
19 /s/ Bradford

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22 APPROVED: 4/06/2005  
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