

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of Senate Bill No. 230**

"AN ACT TO BE KNOWN AS THE WATER QUALITY PROTECTION ACT OF 2005."

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**Amendment No. 1 to Senate Bill No. 230.**

Amend Senate Bill No. 230 as originally introduced:

Page 2, delete lines 14 through 17 and substitute the following:

"leading to the use of condemnation by consolidated waterworks systems to manage land use in a watershed. Through this chapter, the General Assembly provides alternatives to condemnation."

AND

Page 2, delete line 24 and substitute the following:

"action, other than a consolidated waterworks system's right of eminent domain;"

AND

Page 2, line 33 delete "water supplier" and substitute "consolidated waterworks system"

AND

Page 3, delete line 19 and substitute the following:

"conservation easement;

(4) "Consolidated waterworks system" means a consolidated waterworks system created and existing under the Consolidated Waterworks Authorization Act, § 25-20-301, et seq., and any successor to a consolidated waterworks system;"

AND

Page 3, line 20 delete "(4)" and substitute "(5)"

AND

Page 3, delete line 22 and 23 and substitute the following:

"(6) "Executive director" means the Executive Director of the



Arkansas Soil and Water Conservation Commission, acting for and on behalf of the commission;

AND

Page 3, line 24 delete “(6)” and substitute “(7)”

AND

Page 3, delete lines 29 through 31 and substitute the following:

“(8) “Public water supply” means a source of surface water from which water is derived for drinking or domestic purposes by a consolidated water system;”

AND

Page 3, line 32 delete “(8)” and substitute “(9)”

AND

Page 3, line 34 delete “(9)” and substitute “(10)”

AND

Page 4, line 3 delete “(10)” and substitute “(11)”

AND

Page 4, delete lines 7 through 11

AND

Page 4, delete lines 14 through 17 and substitute the following:

“(13) “Watershed resources” means any water of the state, all surface waters located within the watershed of a water of the state, and all ground waters that are hydraulically connected to and recharge the watershed resources.”

AND

Page 4, line 21 after “if” and before “the” add “the executive director finds that”

AND

Page 5, line 9 delete “water supplier” and substitute “consolidated waterworks system”

AND

Page 5, line 26 delete “(5)” and substitute “(5)(A)”

AND

Page 5, delete line 30 and substitute the following:  
“identified.

(B) The development plan and all the methods and best management practices must be signed by a registered professional engineer or other professional licensed in the relevant field of expertise;”

AND

Page 6, line 4 after “to” and before “carry” add “pay all fees due to the commission and to”

AND

Page 7 delete lines 8 through 20 and substitute the following:

“15-25-205. Right and power of consolidated waterworks systems to condemn.

Notwithstanding any other legislative grant of power to condemn property through eminent domain, with the exception of reasonable and necessary lakeside buffers and streamside buffers, consolidated waterworks systems may not acquire property by eminent domain to prohibit alterations or control land uses within the watershed of a public water supply unless the consolidated waterworks system can demonstrate by clear and convincing evidence that all alternatives to condemnation including a stewardship agreement have been evaluated and demonstrated to be inadequate to prevent a material adverse impact to the water quality of the public water supply.”

AND

Page 7 delete line 24 and substitute the following:

“stewardship agreements and to implement the provisions of this chapter.”

AND

Page 7 delete lines 26 through 30

AND

Page 8, line 5 delete “entities with the power of eminent domain” and substitute “consolidated water systems”

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_  
By: Senator B. Johnson  
JDF/JDF - 02-01-2005 19:57  
JDF099 \_\_\_\_\_ Secretary