

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1385

By: Representative Hinshaw

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 15-22-211 TO PERMIT THE ARKANSAS SOIL AND WATER CONSERVATION COMMISSION TO COLLECT FEES FOR THE REVIEW OF PLANS AND SPECIFICATIONS FOR DAM PERMIT APPLICATIONS; TO AMEND ARKANSAS CODE 15-22-214 TO INCREASE THE HEIGHT LIMIT OF EXEMPT DAMS FROM FIFTEEN (15) TO TWENTY-FIVE (25) FEET UNLESS DETERMINED TO BE A THREAT TO LIFE OR PROPERTY; TO AMEND ARKANSAS CODE 15-22-219 TO SPECIFY THE AMOUNT AND DISTRIBUTION OF THE DAM PERMIT APPLICATION REVIEW FEE, INCREASE THE AMOUNT OF THE ANNUAL DAM PERMIT FEE, AND TO ELIMINATE THE EXEMPTIONS FROM THE ANNUAL DAM PERMIT FEE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 15-22-211 is hereby amended to read as follows:

"15-22-211. Permits - Application. (a) The applicant for a dam construction permit shall file with the commission, upon a form prescribed by the commission, an application accompanied by plans and specifications for the construction and manner of operation and maintenance of the dam.

(b) The commission shall examine the plans and specifications of the dam and conduct other necessary investigations for the granting or denial of the permit, including inspection of the site of the proposed construction.

(c) The application for a dam construction permit shall be accompanied by the dam permit application review fee as specified in §15-22-219."

SECTION 2. Arkansas Code 15-22-214 is hereby amended to read as follows:

"15-22-214. Exemptions. (a) No permit shall be required for any dam which impounds less than fifty (50) acre-feet of water or is of a height less

than twenty-five (25) feet.

(b) No permit shall be required for any dam the height of which is at or below the ordinary high water mark on the stream.

(c) A permit shall be required of a dam exempted from a permit under subsection (a) or (b) of this section, if, upon petition by persons affected and after notice and hearing, the commission determines that the proposed dam would pose a significant threat to life or property."

SECTION 3. Arkansas Code 15-22-219 is hereby amended to read as follows:

"15-22-219. Fees. (a) Any person obtaining a permit under the provisions of § 15-22-210 shall, in consideration therefor, pay to the commission a fee equal to five cents (5¢) per acre-foot of water which the dam involved is designed to impound, but not less than twenty-five dollars (\$25.00). The permit shall provide that the same fee shall be paid by that person to the commission each year thereafter during which the dam is maintained, on or before the anniversary date of the issuance of the permit.

(b) Any person applying for a permit and having plans and specifications examined under § 15-22-211 shall, in consideration therefor, pay to the commission an initial dam permit application review fee equal to one percent (1%) of the estimated cost of construction for the dam, which, in any case, shall not be less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). The dam permit application review fee shall be assessed as an initial fee upon application for the dam permit or upon a major modification of a dam requiring the issuance of a revised permit.

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

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

SECTION 5. All laws or parts of laws in conflict with this act are hereby repealed.

