

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/19/99

A Bill

SENATE BILL 895

5 By: Senator Scott
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For An Act To Be Entitled

9 "AN ACT TO LEVY A CONSERVATION FEE OF FOUR CENTS PER
10 THOUSAND GALLONS OF WATER WITHDRAWN FROM THE SPARTA
11 AQUIFER BY REGISTERED WATER USERS; TO AUTHORIZE THE
12 ARKANSAS SOIL AND WATER COMMISSION TO PRESCRIBE THE
13 PROCEDURE FOR REPORTING AND REMITTING THE FEE LEVIED
14 HEREIN; TO PROVIDE THAT THE FUNDS DERIVED FROM THE
15 CONSERVATION FEE SHALL BE USED EXCLUSIVELY TO MATCH
16 FEDERAL FUNDS AVAILABLE TO ENCOURAGE SHIFTING
17 DEPENDENCE FROM GROUND WATER TO SURFACE WATER; AND FOR
18 OTHER PURPOSES. "

Subtitle

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21 "TO PROVIDE FOR THE LEVY AND COLLECTION
22 OF A CONSERVATION FEE ON WATER WITHDRAWN
23 FROM THE SPARTA AQUIFER BY ARKANSAS
24 REGISTERED WATER USERS. "

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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. It has been found by the Eighty-second General Assembly that
30 the Sparta aquifer's high quality water resource must be maintained for the
31 long-term health and quality of life for Arkansans. The aquifer is currently
32 being depleted and degraded by continued increasing levels of withdrawals. The
33 purpose of this act is to encourage conservation of Sparta water and to
34 provide revenues for alternative water resources.

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36 SECTION 2. As used in this act:

1 (1) "Commission" means the Arkansas Soil and Water Conservation
2 Commission;

3 (2) "Conservation fee" means the fee levied herein upon registered
4 water users who withdraw water from the Sparta aquifer in Arkansas;

5 (3) "Registered water user" means any person or entity, whether as
6 owner, lessee or otherwise, who utilizes a well that has a maximum potential
7 flow rate of more than fifty thousand (50,000) gallons of water per day from
8 the Sparta aquifer in Arkansas; and

9 (4) "Water year" means a period beginning on October 1 and ending on
10 September 30.

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12 SECTION 3. (a) There is hereby levied on each registered water user a
13 conservation fee of four cents (4¢) per one thousand (1,000) gallons of water
14 withdrawn from the Sparta aquifer in Arkansas.

15 (b) The conservation fee levied under subsection (a) shall not apply to
16 water used for agricultural purposes until the water year beginning in 2004.

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18 SECTION 4. The conservation fee shall not be levied upon the water from
19 a well utilized by a registered water user if:

20 (1) It is located on property that is being assessed benefits by a
21 conservation district, regional water distribution district, watershed
22 improvement district or improvement district for the purpose of providing the
23 improvements contained in an improvement plan to supply surface water to
24 conserve, replace, or reduce Sparta water use acceptable to the commission, or

25 (2) The registered water user pays a per gallon charge on water
26 withdrawn by the well to any Sparta aquifer critical ground water county board
27 for the purpose of providing the improvements contained in an improvement plan
28 to supply surface water to conserve, replace or reduce Sparta water use
29 acceptable to the commission.

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31 SECTION 5. (a) By the beginning of the 1999 water year, each
32 registered water user shall install and maintain a meter or meters conforming
33 to such specifications as shall be prescribed by the commission, for the
34 purpose of measuring and recording the quantity of water withdrawn from the
35 Sparta aquifer by the user.

36 (b) By the beginning of the 2003 water year, each agricultural

1 registered water user shall install and maintain a meter or meters conforming
2 to such specifications as shall be prescribed by the commission, for the
3 purpose of measuring and recording the quantity of water withdrawn from the
4 Sparta aquifer by the user.

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6 SECTION 6. Each registered water user shall report and remit the fee
7 levied herein at the times and in the manner as shall be prescribed by
8 administrative regulation of the commission.

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10 SECTION 7. All revenues derived from the conservation fee shall be
11 deposited in the Arkansas Water Development Fund to be used exclusively to
12 match federal funds available to encourage ground water conservation or
13 conversion from the use of ground water to the use of surface water.

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15 SECTION 8. Any registered water user who fails or refuses to report and
16 remit the conservation fee levied herein at the time and in the manner
17 prescribed by the commission shall be subject to a penalty of thrice the
18 amount determined by the commission to be due.

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20 SECTION 9. Any registered water user who knowingly falsifies a report
21 required to be filed by this act or who tampers with a meter installed
22 pursuant to this act with the intent to cause such meter to inaccurately
23 reflect water usage shall be guilty of a Class A misdemeanor.

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25 SECTION 10. Arkansas Code 26-51-1003(7) is amended to read as follows:

26 "(7) "Project" means:

27 (A) The construction, installation, or restoration of water
28 impoundments or water control structures of twenty (20) acre-feet or more
29 designed for the purpose of storing water to be used for agricultural
30 irrigation or industrial processing;

31 (B) The conversion from groundwater to surface water use by
32 agricultural, commercial, industrial, or recreational water users;

33 (C) Agricultural land leveling resulting in water savings due to
34 the more efficient use of irrigation water for which tax credits are claimed;
35 ~~and~~

36 (D) The purchase and installation of water metering or water

1 measuring devices or equipment designed to measure the quantity of water
 2 withdrawn from ground water sources. Installation of such devices shall be
 3 considered a conversion from ground water to surface water for tax credit
 4 purposes; and"

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 6 SECTION 11. The Arkansas Soil and Water Conservation Commission shall
 7 adopt appropriate rules and regulations to assure the effective and efficient
 8 administration of this act.

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 10 SECTION 12. All provisions of this act of a general and permanent
 11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 12 Code Revision Commission shall incorporate the same in the Code.

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 14 SECTION 13. If any provision of this act or the application thereof to
 15 any person or circumstance is held invalid, such invalidity shall not affect
 16 other provisions or applications of the act which can be given effect without
 17 the invalid provision or application, and to this end the provisions of this
 18 act are declared to be severable.

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 20 SECTION 14. All laws and parts of laws in conflict with this act are
 21 hereby repealed.

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 23 /s/ Scott
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