

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.

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

A Bill

HOUSE BILL 2515

5 By: Representatives Bradford, Clemons, Flowers, Mahony
6 By: Senator J. Taylor
7

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

14 AN ACT TO AMEND VARIOUS PROVISIONS OF
15 THE SPARTA AQUIFER CRITICAL GROUNDWATER
16 COUNTIES' REMEDIATION ACT.
17
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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 ~~Galhoun, 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~~
36 ~~aggravated by the unrestrained direct withdrawal of water from the aquifer~~



1 ~~and that this crisis is not adequately addressed by any existing law.~~

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

6
 7 SECTION 2. Arkansas Code § 15-22-1203(6), concerning the definition of
 8 "county" as used in the Sparta Aquifer Critical Groundwater Counties'
 9 Remediation Act, is amended to read as follows:

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

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

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

18
 19 SECTION 3. Arkansas Code § 15-22-1214 is amended to read as follows:
 20 15-22-1214. Water conservation levy.

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 25 ~~withdrawn:~~

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

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

30 ~~(b) However, the Sparta Aquifer critical groundwater county~~
 31 ~~conservation board shall have the power to reduce the conservation fee upon~~
 32 ~~issuance of its written findings to the effect that the conservation fee as~~
 33 ~~reduced will continue~~ in an amount deemed appropriate by the board to
 34 discourage the withdrawal of aquifer water by registered water users and
 35 significant water users.

36 ~~(c) In like manner, the board may issue its written findings to the~~

1 ~~effect that it is necessary that the conservation fee be raised to discourage~~
2 ~~withdrawal and increase the fee to any level allowed hereby, whereupon the~~
3 ~~conservation fee shall be raised to such a level.~~

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