

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

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

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

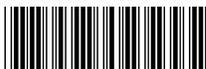
### Subtitle

14 AN ACT TO AMEND VARIOUS PROVISIONS OF  
15 THE SPARTA AQUIFER CRITICAL GROUNDWATER  
16 COUNTIES' REMEDIATION ACT.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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 is amended to read as follows:  
8 15-22-1203. Definitions.

9 As used in this subchapter:

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

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

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

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

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

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

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

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

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

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

35 ~~(8)(9)~~ (9) "Person" means any natural person, firm, association,  
36 corporation, trust, partnership, governmental agency, state or political

1 subdivision, county, municipality, or other legal entity;

2 ~~(9)~~(10) (A) "Registered water user" means any person who, whether  
3 as an owner, lessee, operator, or otherwise, including a board, operates one  
4 (1) or more wells with a minimum potential flow rate of fifty thousand  
5 gallons (50,000 gals.) or more of aquifer water per day and is required to  
6 register with the commission under § 15-22-302.

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

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

13 ~~(11)~~(12) "Significant water user" means any person who, whether  
14 as owner, lessee, operator, or otherwise, including a board, operates one (1)  
15 or more wells with a maximum flow rate of less than fifty thousand gallons  
16 (50,000 gals.) of aquifer water per day and is determined by the board to be  
17 using aquifer water for other than domestic purposes;

18 ~~(12)~~(13) "Sparta Aquifer critical groundwater county  
19 conservation board" or "board" means any Sparta Aquifer critical groundwater  
20 conservation county board established pursuant to this subchapter; and

21 ~~(13)~~(14) "Water facilities" means any facilities for the  
22 withdrawal, storage, transportation, treatment, or distribution of water,  
23 together with any properties, real, personal, or mixed, tangible or  
24 intangible, related or appropriate thereto.

25

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

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

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

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

