

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: H3/9/05 H3/29/05

A Bill

HOUSE BILL 2606

5 By: Representative M. Martin
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For An Act To Be Entitled

9 AN ACT CONCERNING WATERSHED PROTECTION; AND FOR
10 OTHER PURPOSES.

Subtitle

11 AN ACT CONCERNING WATERSHED PROTECTION.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 *SECTION 1. Arkansas Code Title 4, Chapter 35, is amended to add an*
19 *additional subchapter to read as follows:*

20 4-35-401. Comprehensive watershed protection plan.

21 (a) By January 1, 2009, all water authorities in the State of Arkansas
22 shall:

23 (1) Establish a comprehensive watershed protection plan that is
24 prepared by a qualified and licensed professional environmental or ecological
25 engineer. The plan shall:

26 (A) Identify and categorize all areas of critical use and
27 the associated requirements for full and partial condemnation;

28 (B) Calculate the costs for purchase of condemned lands
29 and the compensation for the property devaluation due to limited or
30 restricted use for watershed protection;

31 (C) Present the associated costs of condemnation and
32 compensation to customers or rate payers both in total and as future impact
33 fees or increased service costs to finance implementation of the plan;

34 (D) Calculate the future impact of the watershed
35 protection plan on property tax values and revenues and submit the
36 calculation to all school districts, counties, and municipalities affected by



1 the plan; and

2 (E) Evaluate and use technological solutions for watershed
3 protection in lieu of condemnation where effective and economically
4 justified; and

5 (2) Make the comprehensive watershed protection plan publicly
6 available upon completion and shall republish the plan within thirty (30)
7 days of any changes or updates made to the plan.

8 (b)(1) All costs incurred for the development of the watershed
9 protection plan and the associated costs to implement the plan shall be the
10 sole responsibility of the water authority and shall not be funded by the
11 state.

12 (2) All required inspection and enforcement measures shall be
13 the sole responsibility of the water authority and shall not be provided by
14 or funded by the state.

15 (c) Property not identified for full or partial condemnation in the
16 watershed protection plan on January 1, 2015, shall be permanently exempt
17 from full or partial condemnation by the water authority.

18 (d) Notwithstanding any other provision in this section, the physical
19 construction of water projects and reservoir expansion not related to
20 watershed protection are exempt from the limitations on condemnation provided
21 by this section.

22 (e)(1) Water authorities that are supplied by underground sources are
23 exempt from creating a watershed protection plan until the water authority
24 desires to protect underground watersheds by condemnation.

25 (2) If a water authority that is supplied by underground sources
26 desires to protect underground watersheds by condemnation, the water
27 authority shall meet all other provisions of this section except that
28 property not identified for full or partial condemnation in the watershed
29 protection plan within six (6) years after initiation of the plan shall be
30 permanently exempt from full or partial condemnation by the water authority.

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32 /s/ M. Martin
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