

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/15/07 H3/5/07

A Bill

SENATE BILL 298

5 By: Senator Bisbee
6 By: Representatives Anderson, Medley
7
8

For An Act To Be Entitled

10 AN ACT TO CLARIFY THE EXEMPTIONS TO THE
11 DEFINITION OF "DEVELOPMENT IMPACT FEE"; TO
12 PROVIDE FOR A REFUND OF CERTAIN FEES; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15 AN ACT TO CLARIFY THE EXEMPTIONS TO THE
16 DEFINITION OF "DEVELOPMENT IMPACT FEE";
17 AND TO PROVIDE FOR A REFUND OF CERTAIN
18 FEES.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 14-56-103(a)(3), concerning development
25 impact fees, is amended to read as follows:

26 (3)(A) "Development impact fee" means a fee or charge imposed by
27 a municipality or by a municipal service agency upon or against a development
28 in order to generate revenue for funding or for recouping expenditures of the
29 municipality or municipal service agency that are reasonably attributable to
30 the use and occupancy of the development. A fee or charge imposed for this
31 purpose is a "development impact fee" regardless of what the fee or charge is
32 named.

33 (B) "Development impact fee" shall not include:

34 (i) Any ad valorem real property taxes;

35 (ii) Any special assessments for an improvement

36 district;



1 (iii) Any ~~utility hookup fees or access fees~~ fee for
2 making the physical connection for utility services, or any fee to recover
3 the construction costs of the line to which the connection is made; ~~or~~

4 (iv) Any fees for filing development plats or plans
5 for building permits or for construction permits assessed by a municipality
6 or a municipal service that are approximately equal to the cost of the plat,
7 plan, or permit review process to the municipality or the municipal service
8 agency; or

9 (v) Any fee paid according to a written agreement
10 between a municipality or municipal service agency and a developer for
11 payment of improvements contained within the agreement;

12
13 SECTION 2. Retroactive Effect.

14 This act shall be applied retroactively to July 16, 2003. Any
15 municipality or municipal service agency that, on or after July 16, 2003,
16 collected a utility hookup fee or access fee that fits the definition of
17 development impact fee as defined in § 14-56-103(a)(3) shall refund any
18 portion of the fee or fees that were not levied for making the physical
19 connection for utility services or to recover the construction costs of the
20 line to which the connection is made.

21
22 /s/ Bisbee
23
24
25
26
27
28
29
30
31
32
33
34
35
36