

**ORDINANCE [1983:945] REGARDING CHARGES UNDER THE WATER LAW
[1983:291] ETC.**

General regulations

§ 1. When a verdict or a decision requiring a permit holder to pay a charge under chapter 10 of the water law [1983:291], has gained legal force, that verdict or decision should be sent to the authority to which the charge should be paid.

§ 2. When a permit is awarded for a water project, for which a community charge must be paid under chapter 10, § 1 of the water law [1983:291], the permittee must report the date of the permit to the regional administration.

When construction or other actions which affect the water conditions are begun in connection with a water project, and a general fishing charge is payable under chapter 10, § 6 of the water law, the permittee must report the date construction begins to the National Board of Fisheries.

Charges that are paid to the regional administration should immediately be put into an interest-bearing bank account. The National Board of Fisheries should do the same with charges paid to it, and when those charges will presumably be claimed during the following calendar year. Other charge payments should immediately be transferred by the Board of Fisheries to the National Board of Commerce for administration.

§ 3. If a charge payable to the regional administration or the National Board of Fisheries is not paid in due course, the authority should promptly seek execution of the verdict or decision under Law 1986:735, effective December 1, 1986.

District charges

The use of charges for the prevention of damages etc.

§ 4 . Anyone who is caused damage by a water project where a district charge is due under chapter 10, § 1 of the water law [1983:291], and where compensation has not been determined by the water court, can apply in writing to the water court for compensation from the charge funds to pay for the costs to prevent or reduce such damage, or for compensation for such damage.

If such an application is made before the expiration of the time set in chapter 15, § 17 of the water law, to limit the making of claims for unexpected damages, it should not be considered after the expiration of such time, unless special circumstances require otherwise. Where several applications have been made, they should, if possible, be considered at the same time.

§ 5. When hearing matters under § 4, the water court should be made up of the chairman, a technical member and two jurymen. The chairman may determine that two technical members should participate.

At the hearing, consideration should be given to the circumstances of the case. If the water court believes that a special investigation is needed, such investigation can be carried out through the collection of information from the local authorities or in any

other appropriate way. When the circumstances require, a notice regarding the case should be published in a local paper.

Special costs to the water court, related to the investigation of the matter and the hearing, should be paid with funds that have been paid for the water project under chapter 10, § 1 of the water law. [1983:291] The water court may decide that the claimant should receive a reasonable compensation for his costs in the matter from these funds.

§ 6. Decisions under § 5 can be appealed to the Water Court of Appeal. The decision of the Water Court of Appeal can not be appealed.

§ 7. If the claimant through a legally binding decision has been awarded compensation for costs, or compensation under § 4, or under § 5, third paragraph, second sentence, the amount of compensation should be paid to him by the regional administration.

The use of charge funds for public purposes

§ 8. If a charge under chapter 10, §1 of the water law [1983:291] has been paid for a water project which affects the countryside in several regions, and funds for this purpose are available under § 4 of this chapter, the remaining portion of the charge should be distributed to the regional administrations in the affected regions, according to their mutual agreement. If they can not agree, the government will determine how the charge should be distributed.

§ 9. To the extent needed, funds have been set aside for utilization under § 4 of this ordinance, charge funds under chapter 10, § 1 of the water law [1983:291] should, in

other cases, be used to invest in purposes that benefit economic activity or service in the county, or in other ways that benefit the county.

For purposes referred to in the previous sentence, loans or subsidies can be given. Such a loan or subsidy can not, however, be given in a way that requires future grants for such purposes or that imposes unintended costs on the state or affected counties.

In determining the amount of the loan or the subsidy, consideration should be given to the importance of the purpose for which the loan or the subsidy is intended, and the share of the costs that the loan or the subsidy will constitute. Consideration should also be given to government support for the county that has been given in other forms.

§ 10. An application for a loan or subsidy for purposes other than those contemplated under § 4 for funds under chapter 10, § 1 of the water law [1983:291] should be made to the regional administration in the region where the funds are to be used.

If the application seeks a loan or subsidy for the promotion of the reindeer industry, the regional administration should, with its own supporting statement, refer the matter to the National Board of Agriculture for determination. The amount of funds at the immediate disposal of the National Board of Agriculture to promote the reindeer industry is determined each year in consultation between the regional administration and the National Board of Agriculture. If the authorities can not agree on the amount of these funds or, at the hearing on an application, on the need for additional funds for this purpose, the issue is then decided by the government.

Decisions on loans and subsidy matters are made by the regional administration or, in cases under paragraph two, sentence one, by the National Board of Agriculture.

Consultation should take place with all the affected municipalities and, if special reasons exist, with the president of the water court. If the decision, because of the amount or other circumstances, is of particular significance or involves central principles, the regional administration or the National Board of Agriculture should refer the matter to the government for decision.

Fishing charges

§11. Unless the verdict or the decision directs otherwise, the National Board of Fisheries or, on the authority of the National Board of Fisheries, the regional fishery commission decides on the utilization of fishing charges that have been assessed under chapter 10, § 5 of the water law. [1983:291]

Fishing charges that have been assessed under chapter 10, § 6 of the water law should be used to pay for research and development on fishing management, as directed by the National Board of Fisheries, in consultation with the national research councils of forestry and agriculture.

Charges under the first and the second paragraphs can not, without the consent of the government, be used for the operations of the National Board of Fisheries or the regional commissions. [Law 1989:183]