

Stricken language would be deleted from and underlined language would be added to present law.
Act 1149 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S2/12/15
A Bill

SENATE BILL 116

By: Senator D. Johnson
By: Representative Vines

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 15 OF
THE ARKANSAS CODE CONCERNING NATURAL RESOURCES AND
ECONOMIC DEVELOPMENT; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 15
OF THE ARKANSAS CODE CONCERNING NATURAL
RESOURCES AND ECONOMIC DEVELOPMENT.

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

SECTION 1. Arkansas Code § 15-4-2802(4) is repealed to eliminate the definition concerning the Alternate Fuels Commission because the commission has been abolished.

~~(4) "Commission" means the Alternative Fuels Commission; and~~

SECTION 2. Arkansas Code § 15-4-2804 is repealed because funding for the grants and the Alternative Fuels Commission have been abolished.

~~15-4-2804. Incentives for biodiesel producers.~~

~~(a) The Alternative Fuels Commission may provide grants not to exceed ten cents (10¢) per gallon of biodiesel fuel produced by a biodiesel producer who has met the qualifications prescribed by the commission under its regulations.~~

~~(b) The grants authorized by subsection (a) of this section shall be~~



~~limited to the first five million (5,000,000) gallons of biodiesel fuel produced annually by a biodiesel producer qualified by the commission for a period not to exceed five (5) years.~~

~~(c) The grants authorized by subsection (a) of this section shall be disbursed from the Alternative Fuels Fund established under § 15-10-701 [repealed] and from the Health Adequacy Committee Fund, § 19-6-487 under the disbursement procedures to be established by the Department of Finance and Administration.~~

~~(d) The commission shall not authorize grants that exceed or may expect to exceed the balance of funds available or expected to be available in the fund.~~

~~(e) In the event the number of biodiesel producers qualified by the commission exceeds the balance of funds available to allow each qualified biodiesel producer to receive the maximum benefits under subsections (a) and (b) of this section, the commission shall suspend the qualification of additional biodiesel producers until such time as additional funds are available.~~

SECTION 3. Arkansas Code § 15-4-2805 is repealed because the Alternate Fuels Commission has been abolished and has no further duties under the Biodiesel Incentive Act, § 15-4-2801 et seq.

~~15-4-2805. Rules and regulations.~~

~~The Alternative Fuels Commission shall promulgate regulations as necessary to implement the provisions of this subchapter.~~

SECTION 4. The introductory language of Arkansas Code § 15-4-3605(e), concerning certification of qualified equity investments under the New Markets Jobs Act of 2013, is amended to read as follows, to add clarifying language:

(e) An approved applicant may transfer all or part of the applicant's certified qualified equity investment authority to the applicant's controlling entity or any qualified community development entity controlled by or under common control with the applicant if the approved applicant:

SECTION 5. Arkansas Code § 15-5-1607 is amended to read as follows, to clarify a reference:

15-5-1607. Review committee.

The review committee shall recommend to the trustees of the Venture Capital Investment Trust the payment of fees and expenses out of the Arkansas Risk Capital Matching Fund for the operation of the fund.

SECTION 6. Arkansas Code § 15-5-1805(b)(1)(A)(ii), concerning terms and conditions for bonds for energy efficiency projects, is amended to read as follows, to add clarifying language and conform usage:

(ii) Submitted a resolution to the authority authorizing the issuance of bonds~~;~~ and

SECTION 7. Arkansas Code § 15-10-903(a), concerning rebates for clean-burning motor fuel refueling stations, is amended to read as follows, to add clarifying language:

(a) The Arkansas Energy Office of the Arkansas Economic Development Commission shall offer a rebate for each approved compressed natural gas refueling station, liquefied natural gas refueling station, and liquefied petroleum gas refueling station in an amount equal to the lesser of seventy-five percent (75%) of the qualifying costs of the compressed natural gas refueling station, liquefied natural gas refueling station, or liquefied petroleum gas refueling station or four hundred thousand dollars (\$400,000).

SECTION 8. Arkansas Code § 15-10-903(d)(4), concerning rebates for clean-burning motor fuel refueling stations, is amended to read as follows, to add clarifying language.

(4) The applicant meets the siting requirements stated in the National Fire Protection Association's NFPA 52: Vehicular Gaseous Fuel Systems Code, 2013 Edition.

SECTION 9. Arkansas Code § 15-13-102(12), concerning definitions for the Arkansas Alternative Fuels Development Act, is amended to read as follow, to add clarifying language:

(12) "Differential costs" means the difference in costs between:

(A) A dedicated compressed natural gas motor vehicle or a dedicated propane gas motor vehicle; and

(B) A comparably equipped motor vehicle powered by

gasoline or diesel;

SECTION 10. Arkansas Code § 15-13-306(f)(2)(C), concerning rebate incentives for modification of motor vehicles, is amended to read as follows, to clarify a reference:

(C) Twenty thousand dollars (\$20,000) for a motor vehicle with a gross vehicle weight rating that is more than fourteen thousand pounds (14,000 lbs.) but does not exceed twenty-six thousand pounds (26,000 lbs.);
or

SECTION 11. Arkansas Code § 15-22-808 is amended to read as follows to conform the use of the fund to its dual codification in Arkansas Code § 19-5-1042:

15-22-808. Arkansas Water Resources Cost Share Revolving Fund.

(a) ~~A The revolving fund is created on the books of the Auditor of State and the Treasurer of State entitled the "Arkansas Water Resources Cost Share Revolving Fund" to provide created under § 19-5-1042 is a depository for funds which may be appropriated or otherwise secured for the purposes of cost-sharing with the federal government in local water resources development projects as provided for in~~ under this subchapter.

(b)(1) The fund shall be used to:

~~(A) provide~~ Provide loans or grants to local governments ~~for the purpose established in~~ under this subchapter; and

~~(B) Pay the administrative costs of a project not to exceed twenty percent (20%) of the total cost of the project.~~

(2) Funds from the repayment of loans from the fund shall be returned to the fund and shall be reused in a manner consistent with the purpose of this subchapter.

(c)(1) Loans from the fund shall be repaid in full at an interest rate up to the maximum allowed under ~~the~~ the Arkansas Constitution, ~~Article 19, § 13, as amended by Arkansas Constitution, Amendment 60.~~

(2) The terms and conditions of repayment of the ~~state~~ loans for cost-sharing shall be specified and agreed to in writing ~~prior to the~~ before awarding ~~of~~ the loan.

SECTION 12. Arkansas Code § 15-55-214 is repealed, to remove obsolete

language.

~~15-55-214. Transfer of the State Board of Registration for Professional Geologists.~~

~~(a)(1) Effective July 1, 2013, the State Board of Registration for Professional Geologists is transferred to the Arkansas Geological Survey and shall be administered by the Arkansas Geological Survey Director.~~

~~(2) All authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, allocations, or other funds of the State Board of Registration for Professional Geologists are transferred to the Arkansas Geological Survey.~~

~~(b) In order to protect the State Board of Registration for Professional Geologists, to allow for continuation of necessary procedures, and to provide for a smooth transition to the Arkansas Geological Survey, the Arkansas Geological Survey Director may not realign the functions or records of the State Board of Registration for Professional Geologists before July 1, 2014.~~

SECTION 13. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Ninetieth General Assembly. All such acts shall have full force and effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.

/s/D. Johnson

APPROVED: 04/06/2015