

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 363

By: Senator Rapert  
By: Representative Gazaway

## 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 § 15-3-705(a), concerning eligibility for matching grants under the Arkansas Small Business Innovation Research Matching Grant Program, is amended to read as follows to correct a grammatical error:

(a) To be eligible for a matching grant under this subchapter, an applicant shall:

(1) Be an eligible business; and

(2) Certify that:

(A) The eligible business:

(i) For Phase I applications, has received a Small Business Innovation Research grant from a sponsoring agency in response to a specific federal solicitation; or

(ii) For Phase II applications, has:

(a) Submitted a final Phase I report to the sponsoring agency;



(b) Demonstrated that the sponsoring agency has interest in the Phase II proposal; and

(c) Submitted a Phase II proposal to the sponsoring agency; and

(B) All federal Small Business Innovation Research grant requirements will be met.

SECTION 2. Arkansas Code § 15-4-3804(a), concerning state agency procurement goals and preference under the Local Food, Farms, and Jobs Act, is amended to read as follows to repeal obsolete language:

~~(a)(1) For the fiscal year 2018, each agency shall make it a goal to ensure that ten percent (10%) of the amount budgeted for the agency's purchases of food products is spent on local farm or food products.~~

~~(2) For fiscal years beginning on and after July 1, 2018~~ For each fiscal year, each agency shall make it a goal to ensure that twenty percent (20%) of the amount budgeted for the agency's purchases of food products is spent on local farm or food products.

SECTION 3. Arkansas Code § 15-5-1905 is amended to read as follows to clarify references and conform to defined terms in the subchapter:

15-5-1905. Excess funds – Allowable investments.

Moneys in funds created by resolution or trust indenture of the Arkansas Development Finance Authority in excess of the amount then necessary for making ~~educational~~ education loans or guaranteed educational loans and purchasing ~~educational~~ education loan notes or guaranteed educational loan notes under this subchapter or in excess of the amount necessary to meet current debt service may be invested by the authority or on its behalf in:

(1) Direct obligations or obligations whose principal and interest are guaranteed by the United States;

(2) Direct obligations of or participation certificates guaranteed by the Federal Financing Bank, Federal Intermediate Credit Bank, federal land banks, Federal Home Loan Bank, Government National Mortgage Association, or banks for cooperatives;

(3) Certificates of deposit of any bank, savings and loan association, or trust company whose deposits are fully secured by a pledge of securities of any kind specified in subdivision (1) or subdivision (2) of

this section;

(4) Certificates of deposit of any bank, savings and loan association, or trust company, which deposit is fully insured by the Federal Deposit Insurance Corporation;

(5) Repurchase agreements sold by any bank, savings and loan association, or trust company, provided that the repurchase agreement is fully secured by a pledge of securities of any kind specified in subdivision (1) or subdivision (2) of this section;

(6) General obligations of the state or its political subdivisions;

(7) Obligations, including investment agreements, of any bank, savings and loan association, trust company, or other financial institution, or a holding company thereof, whose credit is rated in either of the top two (2) rating categories by a nationally recognized credit rating service or corporation;

(8) Money market funds that invest only in obligations described in subdivision (1) or subdivision (2) of this section, or which are rated in the highest two (2) categories by one (1) or more nationally recognized rating agencies; and

(9) Any other investment permitted by the indenture under which such funds are held, provided that such investment is rated as investment grade by one (1) or more nationally recognized rating agencies.

SECTION 4. Arkansas Code § 15-5-1908 is amended to read as follows to conform to the defined terms in the subchapter:

15-5-1908. Purchase of student loan notes.

Before purchasing a guaranteed educational loan note or an ~~educational~~ education loan note under this subchapter, the Student Loan Authority Division of the Arkansas Development Finance Authority shall reasonably determine that:

(1) The guaranteed educational loan note or education loan note represents a guaranteed educational loan or education loan actually disbursed to a qualified borrower;

(2) Due diligence both in making and collecting the guaranteed educational loan or education loan has been exercised with respect to that guaranteed educational loan or education loan;

(3) The guaranteed educational loan or education loan meets such other reasonable criteria as may be established from time to time by the Arkansas Development Finance Authority; and

(4) Other defects do not exist affecting the ability of the guaranteed educational loan or education loan to be guaranteed.

SECTION 5. Arkansas Code § 15-57-204(b), concerning quartz crystal mining on private property, is amended to read as follows to clarify references:

(b) Upon completion of mining on private property, the private property owner shall:

(1) Leave the mining site in a condition that safeguards the mining site from trespass if any highwalls are left on the mining site; and

(2)(A) Whenever possible:

(i) Backfill spoil into the pits;

(ii) Cover the mining site with topsoil; and

(iii) Revegetate the mining site to prevent

pollution of the waters of the state.

(B) If the private property owner does not place spoil back into the final cut, the private property owner shall:

(i) Grade the spoil so that no slope is steeper than one foot (1') vertical to three feet (3') horizontal; and

(ii) Respread and revegetate the topsoil to prevent pollution of the waters of the state.

SECTION 6. Arkansas Code § 15-57-310(c)(1) and (2), concerning permits under The Arkansas Open-Cut Land Reclamation Act, are amended to read as follows to clarify references and make stylistic changes:

(c)(1) ~~Notwithstanding the provisions of this section, the~~ The Arkansas Department of Transportation or its contractor ~~shall not be~~ is not required to obtain a permit for an open-cut mine when the material is used exclusively in the construction, reconstruction, improvement, or maintenance of roadways.

(2) Reclamation of the area shall conform to the standard specifications for highway construction upon discontinuation of use of the pit for the ~~above-listed purposes~~ construction, reconstruction, improvement,

or maintenance of roadways.

SECTION 7. Arkansas Code § 15-57-320(h), concerning exemptions under The Arkansas Open-Cut Land Reclamation Act, is amended to read as follows to clarify a reference:

(h) The permitting provisions of this subchapter do not apply to quartz crystal mined on private property by the person who owns both the surface rights and subsurface rights of the private property.

SECTION 8. Arkansas Code § 15-58-503(a)(3)(B) and (C), concerning regulations related to surface coal mining, are amended to read as follows to correct internal references:

(B) The costs of the following activities, which shall be performed by a qualified public or private laboratory or other public or private qualified entity designated by the Arkansas Department of Environmental Quality shall be borne, upon written request of the small operator, by the department in accordance with regulations issued by the commission:

(i) The determination of the probable hydrologic consequences required by this subdivision ~~(a)(2)~~ (a)(3), including the engineering analysis and designs necessary for the determination;

(ii) The development of cross-sections, maps, and plans of land to be affected by an application for a surface coal mining and reclamation permit which shall be prepared by or under the direction of a qualified registered professional engineer or geologist with assistance from experts in related fields such as land surveying and landscape architecture, showing pertinent elevation and location of test borings or core samplings and depicting the following information:

(a) The nature and depth of the various strata of overburden;

(b) The location of subsurface water, if encountered, and its quality;

(c) The nature and thickness of any coal or rider seam above the coal seam to be mined;

(d) The nature of the stratum immediately below the coal seam to be mined;

(e) All mineral crop lines and the strike and dip of the coal to be mined, within the area of the land to be affected;

(f) Existing or previous surface mining limits;

(g) The location and extent of known workings of any underground mines, including mine openings to the surface;

(h) The location of aquifers;

(i) The estimated elevation of the water table;

(j) The location of spoil, waste, or refuse areas and topsoil preservation areas;

(k) The locations of all impoundments for waste or erosion control;

(l) Any settling or water treatment facility;

(m) Constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and

(n) Profiles at appropriate cross-sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

(iii) The geologic drilling and a statement of the result of the test borings or core samplings from the permit area, including:

(a) Logs of the drill holes;

(b) The thickness of the coal seam found, and an analysis of the chemical properties of the coal;

(c) The sulfur content of any coal seam;

(d) Chemical analysis of potentially acid or toxic-forming sections of the overburden; and

(e) Chemical analysis of the stratum lying immediately underneath the coal to be mined,

except that the provisions of this subdivision ~~(a)(2)(B)(iii)~~ (a)(3)(B)(iii) may be waived by the director with respect to the specific application by a written determination that such requirements are unnecessary;

(iv) The collection of archeological information and any other historical information sufficient to prepare accurate maps to an appropriate scale clearly showing all man-made features and significant known

archeological sites existing on the date of application, and the preparation of plans necessitated thereby;

(v) Preblast surveys, as requested by a resident or owner of a man-made dwelling or structure within one-half ( $\frac{1}{2}$ ) mile of any portion of the permitted area. The applicant or permittee shall conduct the preblast survey of such structures and submit the survey to the director and a copy to the resident or owner making the request;

(vi) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values required by the director under this chapter; and

(vii) The department shall provide or assume the cost of training small operators concerning the preparation of permit applications and compliance with the regulatory program and shall ensure that small operators are aware of the assistance available under this subdivision ~~(a)(2)~~ (a)(3).

(C) A coal operator that has received assistance pursuant to this subdivision ~~(a)(2)~~ (a)(3) shall reimburse the department for the cost of the services rendered if the director finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand (300,000) tons during the twelve (12) months immediately following the date on which the operator is issued the surface coal mining and reclamation permit.

SECTION 9. Arkansas Code § 15-58-503(a)(4)(C), concerning regulations related to surface coal mining, is amended to read as follows to correct internal references:

(C) The assessment of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance specified in subdivision ~~(a)(2)~~ (a)(3) of this section has been made by the director and the proposed operation thereof has been designed to prevent material damage to the hydrologic balance outside the permit area;

SECTION 10. Arkansas Code § 15-58-503(a)(4)(G), concerning regulations related to surface coal mining, is amended to read as follows to repeal obsolete language, correct internal references, and make stylistic changes:

(G) ~~After March 1, 1995, the~~ The prohibition of subdivision ~~(a)(3)(E)~~ (a)(4)(E) of this section shall not apply to a permit application due to any violation resulting from an unanticipated event or condition at a surface coal mining operation on lands eligible for remining under a permit held by the person making the application. As used in this subdivision ~~(a)(3)(E)~~ (a)(4)(E), ~~the term "violation" has the same meaning as the term has under~~ means the same as described in subdivision ~~(a)(3)(E)~~ (a)(4)(E) of this section.

SECTION 11. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Second General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Second General Assembly and this act:

(A) The act of the regular session of the Ninety-Second General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Second General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

APPROVED: 3/8/19