

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S4/5/13
A Bill

HOUSE BILL 1582

By: Representative Barnett

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS NATURAL GAS PIPELINE
SAFETY ACT OF 1971; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS NATURAL GAS
PIPELINE SAFETY ACT OF 1971.

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

SECTION 1. Arkansas Code § 23-15-205(a), concerning safety standards for transporting gas and pipeline facilities, is amended to read as follows:

(a) The Arkansas Public Service Commission by order pursuant to the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for purposes of this subchapter only may promulgate, amend, enforce, waive, and repeal minimum safety standards for the transportation of gas and pipeline facilities.

SECTION 2. Arkansas Code § 23-15-211(a), concerning civil penalties for violating safety rules for pipeline facilities or transporting gas, is amended to read as follows:

(a) ~~Any~~ A person who violates ~~any~~ a provision of § 23-15-209 or ~~any~~ a regulation issued under this subchapter ~~shall be~~ is subject to a civil penalty not to exceed:

~~(1) one hundred thousand dollars (\$100,000)~~ Two hundred thousand dollars (\$200,000) for each day that the violation persists; and

~~(2) However, the maximum civil penalty shall not exceed one million dollars (\$1,000,000)~~ Two million dollars (\$2,000,000) for any related



series of violations.

SECTION 3. Arkansas Code § 23-15-214(c)(1), concerning the annual assessment fee charged to the transporter, owner, or operator of a natural gas pipeline, is amended to read as follows:

(c)(1) The calculation of annual assessment fees will be based on the pipeline miles reported to the Office of Pipeline Safety of the Arkansas Public Service Commission on or before ~~February 15~~ March 15 of each year.

SECTION 4. Arkansas Code Title 5, Chapter 69, is amended to add an additional section to read as follows:

5-69-103. Pipelines and pipeline facilities.

(a) A person upon conviction is guilty of a Class D felony if the person knowingly violates:

(1) § 14-271-110(a);

(2) § 23-15-206(b) or (c);

(3) § 23-15-208(a);

(4) § 23-15-209(a); or

(5) An order, safety standard, rule, or regulation of the Arkansas Public Service Commission pursuant to § 23-15-205.

(b) A person upon conviction is guilty of a Class D felony if the person:

(1) Knowingly violates § 14-271-112(a); and

(2) With respect to the violation:

(A) Damages or destroys an interstate or intrastate natural gas pipeline facility that results in serious physical injury or actual damage to property exceeding fifty thousand dollars (\$50,000);

(B) Damages or destroys an interstate or intrastate natural gas pipeline facility and:

(i) Knows or has reason to know of the damage or destruction; and

(ii) Does not report the damage or destruction promptly to the operator of the pipeline facility or to local law enforcement authorities; or

(C) Damages an intrastate hazardous liquid pipeline facility that results in the release of more than fifty (50) barrels of the

hazardous liquid.

(c)(1) A person who knowingly engages in the unauthorized disposal of solid waste within the right-of-way of an interstate or intrastate pipeline facility or an interstate or intrastate hazardous liquid pipeline facility upon conviction is guilty of a Class D felony.

(2)(A) As used in this subsection, "solid waste" means:

(i) Garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; and

(ii) Other discarded material from a waste treatment plant, water supply treatment plant, or air pollution control facility including solid, liquid, semisolid, or contained gaseous material resulting from:

(a) Industrial, commercial, mining, or agricultural operations; or

(b) Community activities.

(B) "Solid waste" does not include:

(i) Solid or dissolved material in domestic sewage or solid discovered in materials in irrigation return flows or industrial charges that are point sources subject to permits under 33 U.S.C. § 1342 as it existed on January 1, 2013; or

(ii) Source material, special nuclear material, or byproduct material as defined in 42 U.S.C. § 2011 et seq. as it existed on January 1, 2013.

(d) A person who knowingly damages or destroys an interstate or intrastate pipeline facility or an interstate or intrastate hazardous liquid pipeline facility upon conviction is guilty of a:

(1) Class A misdemeanor if the amount of actual damage is one thousand dollars (\$1,000) or less;

(2) Class D felony if the amount of actual damage exceeds one thousand dollars (\$1,000) but is no more than five thousand dollars (\$5,000);

(3) Class C felony if the amount of the actual damage exceeds five thousand dollars (\$5,000) but is no more than twenty-five thousand dollars (\$25,000); or

(4) Class B felony if the amount of actual damage exceeds twenty-five thousand dollars (\$25,000).

(e) A person who knowingly tampers with, damages, removes, or destroys a pipeline sign or right-of-way marker required by a law or regulation of the state upon conviction is guilty of a:

(1) Class A misdemeanor if the amount of actual damage is one thousand dollars (\$1,000) or less;

(2) Class D felony if the amount of actual damage exceeds one thousand dollars (\$1,000) but is no more than five thousand dollars (\$5,000);

(3) Class C felony if the amount of the actual damage exceeds five thousand dollars (\$5,000) but is no more than twenty-five thousand dollars (\$25,000); or

(4) Class B felony if the amount of actual damage exceeds twenty-five thousand dollars (\$25,000).

/s/Barnett