

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: S2/27/13
A Bill

SENATE BILL 185

By: Senator D. Johnson
By: Representatives Williams, 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 § 15-11-704(a), concerning the Wildlife Observation Trails Pilot Program, is amended to read as follows to clarify its application:

(a) There is ~~continued~~ created a program to be known as the "Wildlife Observation Trails Pilot Program".

SECTION 2. Arkansas Code § 15-11-706(a)(1), concerning the Wildlife Observation Trails Pilot Program Advisory Board, is amended to read as follows to clarify its application:

(a)(1) There is ~~continued~~ created an advisory body to the Department of Parks and Tourism to be known as the "Wildlife Observation Trails Pilot Program Advisory Board" to provide recommendations to the Director of the Department of Parks and Tourism and the Arkansas State Game and Fish Commission to develop criteria to establish and fund the development and maintenance of wildlife observation trails through the distribution of grant



moneys under this subchapter.

SECTION 3. Arkansas Code § 15-13-102(5), concerning the definitions used in the Arkansas Alternative Fuels Development Act, is amended to read as follows to add language for clarification:

(5) “Bi-fuel compressed natural gas motor vehicle or school bus” means a motor vehicle or school bus that is powered by compressed natural gas and gasoline or diesel;

SECTION 4. Arkansas Code § 15-13-102(8), concerning the definitions used in the Arkansas Alternative Fuels Development Act, is amended to read as follows to add language for clarification:

(8) “Conversion kit” means a set of supplies, materials, parts, tools, or equipment used to convert a diesel-powered or gasoline-powered motor vehicle or school bus to a dedicated or bi-fuel compressed natural gas motor vehicle or school bus;

SECTION 5. Arkansas Code § 15-13-102(9), concerning the definitions used in the Arkansas Alternative Fuels Development Act, is amended to read as follows to add language for clarification:

(9) “Dedicated compressed natural gas motor vehicle or school bus” means a motor vehicle or school bus that is powered only by compressed natural gas;

SECTION 6. Arkansas Code § 15-13-204(a)(1), concerning quality determinations and testing under the Arkansas Alternative Fuels Development Act, is amended to read as follows to add language for clarification:

(1) Are useable in motor vehicles or school buses;

SECTION 7. Arkansas Code § 15-13-205 is amended to read as follows to repeal language for clarification:

15-13-205. Rules.

The Director of the Department of Finance and Administration shall promulgate rules ~~and regulations~~ to provide for the administration of this subchapter.

SECTION 8. Arkansas Code § 15-13-301 is amended to read as follows to add language that was intended to be merged:

15-13-301. Arkansas Alternative Fuels Development Program.

(a) The Arkansas Alternative Fuels Development Program is established and shall be developed and administered by the Arkansas Agriculture Department.

(b) The program shall include four (4) types of incentives:

(1) Capital and operation production incentives for alternative fuels producers;

(2) Production incentives for feedstock processors;

(3) Distribution incentives for alternative fuels distributors;

and

(4) Rebate incentives for the costs of converting diesel-powered and gasoline-powered motor vehicles or school buses into dedicated or bi-fuel compressed natural gas motor vehicles or school buses.

(c) The incentives under this subchapter are available only for the following after July 1, 2011:

(1) Capital investments in alternative fuels production facilities, feedstock processing facilities, or distribution facilities;

(2) The production of alternative fuels;

(3) The processing of feedstock; or

(4) The conversion of diesel-powered and gasoline-powered motor vehicles or school buses to dedicated or bi-fuel compressed natural gas motor vehicles or school buses.

SECTION 9. Arkansas Code § 15-22-808(c)(1), concerning the repayment of loans from the Arkansas Water Resources Cost Share Revolving Fund, is amended to read as follows:

(c)(1) Loans from the fund shall be repaid in full at an interest rate up to the maximum allowed under Arkansas Constitution, Article 19, § 13, as amended by Arkansas Constitution, Amendment 60 89.

SECTION 10. Arkansas Code § 15-22-1212(a)(6)(A), concerning the powers of a Sparta Aquifer critical groundwater county conservation board, is amended to read as follows:

(6)(A)(i) Sell and issue bonds secured by and payable from its revenues and enter into such trust indentures and other documents and undertakings as may be appropriate thereto.

(ii) The bonds shall be payable over a period of not more than forty (40) years and shall bear interest at an interest rate or rates that do not to exceed that set forth in the interest rate or rates permitted by Arkansas Constitution, Amendment 65 89.

SECTION 11. Arkansas Code Title 15, Chapter 13, Subchapter 3 is amended to add an additional section specifically tailored for rebate incentives for motor vehicles to read as follows:

15-13-307. Rebate incentives for modification by a certified technician of motor vehicles.

(a) The Arkansas Alternative Fuels Development Program shall include an incentive program that provides a rebate to a single public entity, company, organization, or its affiliate to assist in the purchase of a conversion kit used to convert a diesel motor vehicle or gasoline motor vehicle to a dedicated or bi-fuel compressed natural gas motor vehicle and to assist in covering the differential and incremental costs associated with the conversion of a diesel motor vehicle or gasoline motor vehicle into a dedicated or bi-fuel compressed natural gas motor vehicle.

(b) The Arkansas Agriculture Department shall create a rebate application process for a single public entity, company, organization, or its affiliate to obtain a rebate that shall include:

(1) An application for a rebate under this subchapter that includes at a minimum:

(A) An affidavit or proof that the motor vehicle is registered in Arkansas or will be registered in Arkansas upon acquisition of the motor vehicle; and

(B) Evidence of:

(i) The purchase of a dedicated motor vehicle and the differential costs; or

(ii) The differential costs or incremental costs associated with the conversion of a diesel motor vehicle or gasoline motor vehicle into a dedicated or bi-fuel compressed natural gas motor vehicle;

- (2) Instructions about the rebate process;
- (3) Scoring procedures to determine the award of the rebates;

and

(4) Other factors that the Secretary of the Arkansas Agriculture Department deems necessary.

(c)(1) The department shall prepare an annual progress report on rebates made under this section.

(2) The report shall include the:

(A) Amount of each rebate;

(B) Purpose of the rebate;

(C) Total amount expended by the rebate recipient in converting the motor vehicle to a dedicated or bi-fuel compressed natural gas motor vehicle; and

(D) Results produced or the progress made statewide in the overall conversion of diesel motor vehicles and gasoline motor vehicles to dedicated or bi-fuel compressed natural gas motor vehicles.

(3) The report for each state fiscal year shall be filed by June 30 of the following fiscal year with the office of the Governor and the Legislative Council.

(d) The rebate to be awarded by the department is the lesser of:

(1) Fifty percent (50%) of the cost for the differential costs, conversion kit, and incremental costs of converting to a dedicated or bi-fuel compressed natural gas motor vehicle; or

(2) One (1) of the following as determined by weight:

(A) Five thousand dollars (\$5,000) for a motor vehicle with a gross vehicle weight rating of not more than eight thousand five hundred pounds (8,500 lbs.);

(B) Eight thousand dollars (\$8,000) for a motor vehicle with a gross vehicle weight rating of more than eight thousand five hundred pounds (8,500 lbs.) but not more than fourteen thousand pounds (14,000 lbs.);

or

(C) Thirty-two thousand dollars (\$32,000) for a motor vehicle with a gross vehicle weight rating of more than twenty-six thousand pounds (26,000 lbs.).

(e) A single person, public entity, company, organization, or its affiliates may not receive more than seventy-five thousand dollars (\$75,000)

per fiscal year for motor vehicle conversion kit costs, differential costs, and incremental costs.

(f) An alternative fuel distributor receiving a grant under § 15-13-304 may receive a rebate under this section.

SECTION 12. 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 Eighty-Ninth General Assembly. All such acts shall have the 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