

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 1583

TO AMEND THE ARKANSAS UNDERGROUND FACILITIES DAMAGE PREVENTION ACT.

Amendment No. 1 to House Bill No. 1583

Amend House Bill No. 1583 as engrossed, H3/12/13 (version: 03/12/2013 09:48:41 AM):

Delete SECTION 5 of the bill and substitute the following:

"SECTION 5. Arkansas Code Title 5, Chapter 69, Subchapter 1, 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) § 14-271-112(a);
- (3) A rule or regulation prescribed under § 23-15-205;
- (4) § 23-15-206(b);
- (5) § 23-15-206(c);
- (6) § 23-15-208(a); or
- (7) § 23-15-209(a).

(b)(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 garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including without limitation solid, liquid, semisolid, or contained gaseous material resulting from industrial operations, commercial operations, mining operations, agricultural operations, or other community activities.

(B) "Solid waste" does not include solid or dissolved material in domestic sewage or solids discovered in materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 U.S.C. § 1342, as it existed on January 1, 2013, or source, special nuclear, or byproduct material as defined by 42 U.S.C. § 2011 et seq., as it existed on January 1, 2013.

(c) 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 is more than one thousand dollars (\$1,000) but less than five thousand dollars (\$5,000);

(3) Class C felony if the amount of actual damage is more than five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000); or

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

(d) A person who knowingly tampers with, damages, or destroys a pipeline sign or right-of-way marker required by law or rule 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 is more than one thousand dollars (\$1,000) but less than five thousand dollars (\$5,000);

(3) Class C felony if the amount of actual damage is more than five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000); or

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

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator E. Cheatham

KLL/BAT - 03-25-2013 10:20:29

KLL278

Secretary