

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. 2 to House Bill No. 1583

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

Page 1, delete line 36, and substitute the following:

"waivers, as in effect on February 2013, unless excepted under § 14-271-109, and damage of an interstate or intrastate natural gas pipeline facility or an interstate or intrastate hazardous liquid pipeline facility, be subject to civil penalties in an amount not to exceed two (2) times the amount of property damage to the interstate or intrastate natural gas pipeline facility or an interstate or intrastate hazardous liquid pipeline facility up to a maximum of ~~twenty five thousand dollars (\$25,000)~~ two hundred thousand dollars (\$200,000) for each violation for each day that the violation persists, except that the maximum civil penalty shall not exceed ~~five hundred thousand dollars (\$500,000)~~ two million dollars (\$2,000,000) for any related series of violations."

AND

Page 2, delete lines 1 through 6 entirely

AND

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

(3) § 23-15-206(b);

(4) § 23-15-206(c);

(5) § 23-15-208(a); or

(6) § 23-15-209(a).

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



person knowingly violates §14-271-112(a) and:

(1) With respect to the violation, damages or destroys an interstate or intrastate natural gas pipeline facility that results in serious physical injury or actual damage to property of more than fifty thousand dollars (\$50,000);

(2) With respect to the violation, damages or destroys an interstate or intrastate natural gas pipeline facility, knows or has reason to know of the damage or destruction, and does not report the damage or destruction promptly to the operator of the interstate or intrastate natural gas pipeline facility or to local law enforcement authorities; or

(3) With respect to the violation, damages an intrastate hazardous liquid pipeline facility that results in the release of more than fifty (50) barrels of 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 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.

(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 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).

(e) 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 - 04-01-2013 17:10:17

KLL317

Secretary