

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1725

5 By: Representatives Williams, Vines  
6

## For An Act To Be Entitled

8 AN ACT TO REPEAL OBSOLETE PROVISIONS CONCERNING  
9 NATURAL RESOURCES AND ECONOMIC DEVELOPMENT IN TITLE  
10 15 OF THE ARKANSAS CODE; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO REPEAL OBSOLETE PROVISIONS CONCERNING  
14 NATURAL RESOURCES AND ECONOMIC  
15 DEVELOPMENT IN TITLE 15 OF THE ARKANSAS  
16 CODE.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 15-4-2206(a)(3), concerning the powers and  
23 duties of the Arkansas Workforce Investment Board, is repealed.

24 ~~(3) Commenting on an annual basis on the measures taken pursuant~~  
25 ~~to section 113(b)(14) of the Carl D. Perkins Vocational and Applied~~  
26 ~~Technology Education Act;~~  
27

28 SECTION 2. Arkansas Code § 15-4-2803(e), concerning an expired tax  
29 credit for biodiesel suppliers, is repealed.

30 ~~(e)(1) A supplier is entitled to a refund of all or a portion of the~~  
31 ~~tax imposed on the supplier under §§ 26-56-201, 26-56-502, and 26-56-601.~~

32 ~~(2)(A) The amount of the refund authorized in subdivision (e)(1)~~  
33 ~~of this section shall be equal to fifty cents (50¢) for each gallon of~~  
34 ~~biodiesel fuel used by the supplier to produce a biodiesel mixture for sale~~  
35 ~~by the supplier or for use by the supplier in a trade or business.~~

36 ~~(B) To the extent the gallons of biodiesel fuel mixed with~~



1 undyed, clear distillate special fuel to make a biodiesel mixture exceed two  
 2 percent (2%) of the total biodiesel mixture, the refund shall be limited to  
 3 two percent (2%) of the total gallons of biodiesel mixture.

4 (3) The refund allowed under this subsection shall first be  
 5 available to a supplier when:

6 (A) One (1) or more biodiesel producers:

7 (i) Sign a financial incentive agreement with the  
 8 Arkansas Economic Development Council;

9 (ii) Are approved by the Alternative Fuels  
 10 Commission as biodiesel producers with biodiesel fuel production capacity to  
 11 produce at least one million gallons (1,000,000 gal.) of biodiesel fuel in a  
 12 twelve-month period;

13 (iii) Certify that they will produce biodiesel fuel  
 14 meeting appropriate federal and state standards; and

15 (iv) Begin production of biodiesel fuel; and

16 (B) The supplier is approved as a biodiesel supplier by  
 17 the Director of the Department of Finance and Administration in accordance  
 18 with rules promulgated by the director.

19 (4) A supplier may file a claim for refund for the sale or use  
 20 of biodiesel mixture that occurred on or after the date that all of the  
 21 requirements of subdivision (c)(3) of this section have been met.

22 (5)(A) A claim for refund under this subsection shall be filed  
 23 quarterly, and in no event shall a claim be filed later than one (1) year  
 24 after the sale or use of the biodiesel mixture under subdivision (c)(2) of  
 25 this section.

26 (B) The total amount of refunds paid to a supplier during  
 27 a calendar year shall not exceed the tax liability of the supplier under §§  
 28 26-56-201, 26-56-502, and 26-56-601 during the calendar year.

29 (C) Except as otherwise provided in this subsection, a  
 30 claim for refund under this subsection shall be subject to the Arkansas Tax  
 31 Procedure Act, § 26-18-101 et seq.

32 (6) The director shall promulgate rules for the administration  
 33 and enforcement of this subsection.

34 (7) This subsection shall expire on June 30, 2007.

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 36 SECTION 3. Arkansas Code § 15-5-411(b), concerning previous grants to

1 the Arkansas Development Finance Authority's Bond Guaranty Reserve Account,  
 2 is repealed.

3 ~~(b)(1) Excluding the interest income classified as special revenues as~~  
 4 ~~authorized by §§ 15-41-110 and 27-70-204, the first six million dollars~~  
 5 ~~(\$6,000,000) of interest income received by the Treasurer of State during the~~  
 6 ~~fiscal year commencing July 1, 1985, from the investment of state funds as~~  
 7 ~~authorized by the State Treasury Management Law, § 19-3-201 et seq.~~  
 8 ~~[repealed], are declared to be cash funds restricted in their use and~~  
 9 ~~dedicated and are to be used solely as authorized by this subchapter.~~

10 ~~(2)(A) Such cash funds as received by the Treasurer of State~~  
 11 ~~shall not be deposited or deemed to be a part of the State Treasury for~~  
 12 ~~purposes of Arkansas Constitution, Article 5, § 29; Arkansas Constitution,~~  
 13 ~~Article 16, § 12; Arkansas Constitution, Amendment 20; or any other~~  
 14 ~~constitutional or statutory provision.~~

15 ~~(B) The Treasurer of State shall pay such cash funds to~~  
 16 ~~the authority for depositing those amounts in the account for the purposes~~  
 17 ~~authorized by this subchapter.~~

18 ~~(3) The interest earnings transferred directly to the authority~~  
 19 ~~are declared to be cash funds restricted in their use and dedicated and to be~~  
 20 ~~used solely as authorized in this subchapter.~~

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 22 SECTION 4. Arkansas Code § 15-5-422(b), concerning previously received  
 23 moneys for the Correction Facilities Construction Fund, is repealed.

24 ~~(b)(1) After providing for the exclusion of the interest income~~  
 25 ~~classified as special revenues as authorized by §§ 15-41-110 and 27-70-204,~~  
 26 ~~the first two million dollars (\$2,000,000) of interest income received each~~  
 27 ~~fiscal year by the Treasurer of State beginning with the fiscal year~~  
 28 ~~commencing July 1, 1988, and ending with the fiscal year ending June 30,~~  
 29 ~~2008, from the investment of state funds invested as authorized by the State~~  
 30 ~~Treasury Management Law, § 19-3-201 et seq. [repealed], are declared to be~~  
 31 ~~cash funds restricted in their use and dedicated and are to be used solely as~~  
 32 ~~authorized in § 15-5-213.~~

33 ~~(2)(A) The cash funds when received by the Treasurer of State~~  
 34 ~~shall not be deposited or deemed to be a part of the State Treasury for~~  
 35 ~~purposes of Arkansas Constitution, Article 5, § 29; Arkansas Constitution,~~  
 36 ~~Article 16, § 12; Arkansas Constitution, Amendment 20; or any other~~

1 ~~constitutional or statutory provision.~~

2 ~~(B) The Treasurer of State shall pay the cash funds to the~~  
 3 ~~authority for deposit in the Correction Facilities Construction Fund for the~~  
 4 ~~purposes authorized by § 15-5-213.~~

5 ~~(3) The interest earnings transferred directly to the authority~~  
 6 ~~are declared to be cash funds restricted in their use and dedicated and to be~~  
 7 ~~used solely as authorized in § 15-5-213.~~

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 9 SECTION 5. DO NOT CODIFY. The enactment and adoption of this act  
 10 shall not repeal, expressly or impliedly, the acts passed at the regular  
 11 session of the Eighty-Ninth General Assembly. All such acts shall have full  
 12 force and effect, and so far as those acts intentionally vary from or  
 13 conflict with any provision contained in this act, those acts shall have the  
 14 effect of subsequent acts amending or repealing the appropriate parts of the  
 15 Arkansas Code of 1987.

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 18 **APPROVED: 04/11/2013**  
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