

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 363

5 By: Senator Rapert
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 15 OF
10 THE ARKANSAS CODE CONCERNING NATURAL RESOURCES AND
11 ECONOMIC DEVELOPMENT; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 15
16 OF THE ARKANSAS CODE CONCERNING NATURAL
17 RESOURCES AND ECONOMIC DEVELOPMENT.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 15-3-705(a), concerning eligibility for
23 matching grants under the Arkansas Small Business Innovation Research
24 Matching Grant Program, is amended to read as follows to correct a
25 grammatical error:

26 (a) To be eligible for a matching grant under this subchapter, an
27 applicant shall:

28 (1) Be an eligible business; and

29 (2) Certify that:

30 (A) The eligible business:

31 (i) For Phase I applications, has received a Small
32 Business Innovation Research grant from a sponsoring agency in response to a
33 specific federal solicitation; or

34 (ii) For Phase II applications, has:

35 (a) Submitted a final Phase I report to the
36 sponsoring agency;



1 (b) Demonstrated that the sponsoring agency
2 has interest in the Phase II proposal; and

3 (c) Submitted a Phase II proposal to the
4 sponsoring agency; and

5 (B) All federal Small Business Innovation Research grant
6 requirements will be met.

7
8 SECTION 2. Arkansas Code § 15-4-3804(a), concerning state agency
9 procurement goals and preference under the Local Food, Farms, and Jobs Act,
10 is amended to read as follows to repeal obsolete language:

11 ~~(a)(1) For the fiscal year 2018, each agency shall make it a goal to~~
12 ~~ensure that ten percent (10%) of the amount budgeted for the agency's~~
13 ~~purchases of food products is spent on local farm or food products.~~

14 ~~(2) For fiscal years beginning on and after July 1, 2018~~ For
15 each fiscal year, each agency shall make it a goal to ensure that twenty
16 percent (20%) of the amount budgeted for the agency's purchases of food
17 products is spent on local farm or food products.

18
19 SECTION 3. Arkansas Code § 15-5-1905 is amended to read as follows to
20 clarify references and conform to defined terms in the subchapter:

21 15-5-1905. Excess funds – Allowable investments.

22 Moneys in funds created by resolution or trust indenture of the
23 Arkansas Development Finance Authority in excess of the amount then necessary
24 for making ~~educational~~ education loans or guaranteed educational loans and
25 purchasing ~~educational~~ education loan notes or guaranteed educational loan
26 notes under this subchapter or in excess of the amount necessary to meet
27 current debt service may be invested by the authority or on its behalf in:

28 (1) Direct obligations or obligations whose principal and
29 interest are guaranteed by the United States;

30 (2) Direct obligations of or participation certificates
31 guaranteed by the Federal Financing Bank, Federal Intermediate Credit Bank,
32 federal land banks, Federal Home Loan Bank, Government National Mortgage
33 Association, or banks for cooperatives;

34 (3) Certificates of deposit of any bank, savings and loan
35 association, or trust company whose deposits are fully secured by a pledge of
36 securities of any kind specified in subdivision (1) or subdivision (2) of

1 this section;

2 (4) Certificates of deposit of any bank, savings and loan
3 association, or trust company, which deposit is fully insured by the Federal
4 Deposit Insurance Corporation;

5 (5) Repurchase agreements sold by any bank, savings and loan
6 association, or trust company, provided that the repurchase agreement is
7 fully secured by a pledge of securities of any kind specified in subdivision
8 (1) or subdivision (2) of this section;

9 (6) General obligations of the state or its political
10 subdivisions;

11 (7) Obligations, including investment agreements, of any bank,
12 savings and loan association, trust company, or other financial institution,
13 or a holding company thereof, whose credit is rated in either of the top two
14 (2) rating categories by a nationally recognized credit rating service or
15 corporation;

16 (8) Money market funds that invest only in obligations described
17 in subdivision (1) or subdivision (2) of this section, or which are rated in
18 the highest two (2) categories by one (1) or more nationally recognized
19 rating agencies; and

20 (9) Any other investment permitted by the indenture under which
21 such funds are held, provided that such investment is rated as investment
22 grade by one (1) or more nationally recognized rating agencies.

23

24 SECTION 4. Arkansas Code § 15-5-1908 is amended to read as follows to
25 conform to the defined terms in the subchapter:

26 15-5-1908. Purchase of student loan notes.

27 Before purchasing a guaranteed educational loan note or an ~~educational~~
28 education loan note under this subchapter, the Student Loan Authority
29 Division of the Arkansas Development Finance Authority shall reasonably
30 determine that:

31 (1) The guaranteed educational loan note or education loan note
32 represents a guaranteed educational loan or education loan actually disbursed
33 to a qualified borrower;

34 (2) Due diligence both in making and collecting the guaranteed
35 educational loan or education loan has been exercised with respect to that
36 guaranteed educational loan or education loan;

1 (3) The guaranteed educational loan or education loan meets such
2 other reasonable criteria as may be established from time to time by the
3 Arkansas Development Finance Authority; and

4 (4) Other defects do not exist affecting the ability of the
5 guaranteed educational loan or education loan to be guaranteed.

6
7 SECTION 5. Arkansas Code § 15-57-204(b), concerning quartz crystal
8 mining on private property, is amended to read as follows to clarify
9 references:

10 (b) Upon completion of mining on private property, the private
11 property owner shall:

12 (1) Leave the mining site in a condition that safeguards the
13 mining site from trespass if any highwalls are left on the mining site; and

14 (2)(A) Whenever possible:

15 (i) Backfill spoil into the pits;

16 (ii) Cover the mining site with topsoil; and

17 (iii) Revegetate the mining site to prevent
18 pollution of the waters of the state.

19 (B) If the private property owner does not place spoil
20 back into the final cut, the private property owner shall:

21 (i) Grade the spoil so that no slope is steeper than
22 one foot (1') vertical to three feet (3') horizontal; and

23 (ii) Respread and revegetate the topsoil to prevent
24 pollution of the waters of the state.

25
26 SECTION 6. Arkansas Code § 15-57-310(c)(1) and (2), concerning permits
27 under The Arkansas Open-Cut Land Reclamation Act, are amended to read as
28 follows to clarify references and make stylistic changes:

29 (c)(1) ~~Notwithstanding the provisions of this section, the~~ The
30 Arkansas Department of Transportation or its contractor ~~shall not be~~ is not
31 required to obtain a permit for an open-cut mine when the material is used
32 exclusively in the construction, reconstruction, improvement, or maintenance
33 of roadways.

34 (2) Reclamation of the area shall conform to the standard
35 specifications for highway construction upon discontinuation of use of the
36 pit for the ~~above-listed purposes~~ construction, reconstruction, improvement,

1 or maintenance of roadways.

2

3 SECTION 7. Arkansas Code § 15-57-320(h), concerning exemptions under
4 The Arkansas Open-Cut Land Reclamation Act, is amended to read as follows to
5 clarify a reference:

6 (h) The permitting provisions of this subchapter do not apply to
7 quartz crystal mined on private property by the person who owns both the
8 surface rights and subsurface rights of the private property.

9

10 SECTION 8. Arkansas Code § 15-58-503(a)(3)(B) and (C), concerning
11 regulations related to surface coal mining, are amended to read as follows to
12 correct internal references:

13 (B) The costs of the following activities, which shall be
14 performed by a qualified public or private laboratory or other public or
15 private qualified entity designated by the Arkansas Department of
16 Environmental Quality shall be borne, upon written request of the small
17 operator, by the department in accordance with regulations issued by the
18 commission:

19 (i) The determination of the probable hydrologic
20 consequences required by this subdivision ~~(a)(2)~~ (a)(3), including the
21 engineering analysis and designs necessary for the determination;

22 (ii) The development of cross-sections, maps, and
23 plans of land to be affected by an application for a surface coal mining and
24 reclamation permit which shall be prepared by or under the direction of a
25 qualified registered professional engineer or geologist with assistance from
26 experts in related fields such as land surveying and landscape architecture,
27 showing pertinent elevation and location of test borings or core samplings
28 and depicting the following information:

29 (a) The nature and depth of the various strata
30 of overburden;

31 (b) The location of subsurface water, if
32 encountered, and its quality;

33 (c) The nature and thickness of any coal or
34 rider seam above the coal seam to be mined;

35 (d) The nature of the stratum immediately
36 below the coal seam to be mined;

1 (e) All mineral crop lines and the strike and
2 dip of the coal to be mined, within the area of the land to be affected;

3 (f) Existing or previous surface mining
4 limits;

5 (g) The location and extent of known workings
6 of any underground mines, including mine openings to the surface;

7 (h) The location of aquifers;

8 (i) The estimated elevation of the water
9 table;

10 (j) The location of spoil, waste, or refuse
11 areas and topsoil preservation areas;

12 (k) The locations of all impoundments for
13 waste or erosion control;

14 (l) Any settling or water treatment facility;

15 (m) Constructed or natural drainways and the
16 location of any discharges to any surface body of water on the area of land
17 to be affected or adjacent thereto; and

18 (n) Profiles at appropriate cross-sections of
19 the anticipated final surface configuration that will be achieved pursuant to
20 the operator's proposed reclamation plan;

21 (iii) The geologic drilling and a statement of the
22 result of the test borings or core samplings from the permit area, including:

23 (a) Logs of the drill holes;

24 (b) The thickness of the coal seam found, and
25 an analysis of the chemical properties of the coal;

26 (c) The sulfur content of any coal seam;

27 (d) Chemical analysis of potentially acid or
28 toxic-forming sections of the overburden; and

29 (e) Chemical analysis of the stratum lying
30 immediately underneath the coal to be mined,

31 except that the provisions of this subdivision ~~(a)(2)(B)(iii)~~ (a)(3)(B)(iii)
32 may be waived by the director with respect to the specific application by a
33 written determination that such requirements are unnecessary;

34 (iv) The collection of archeological information and
35 any other historical information sufficient to prepare accurate maps to an
36 appropriate scale clearly showing all man-made features and significant known

1 archeological sites existing on the date of application, and the preparation
2 of plans necessitated thereby;

3 (v) Preblast surveys, as requested by a resident or
4 owner of a man-made dwelling or structure within one-half (½) mile of any
5 portion of the permitted area. The applicant or permittee shall conduct the
6 preblast survey of such structures and submit the survey to the director and
7 a copy to the resident or owner making the request;

8 (vi) The collection of site-specific resource
9 information and production of protection and enhancement plans for fish and
10 wildlife habitats and other environmental values required by the director
11 under this chapter; and

12 (vii) The department shall provide or assume the
13 cost of training small operators concerning the preparation of permit
14 applications and compliance with the regulatory program and shall ensure that
15 small operators are aware of the assistance available under this subdivision
16 ~~(a)(2)~~ (a)(3).

17 (C) A coal operator that has received assistance pursuant
18 to this subdivision ~~(a)(2)~~ (a)(3) shall reimburse the department for the cost
19 of the services rendered if the director finds that the operator’s actual and
20 attributed annual production of coal for all locations exceeds three hundred
21 thousand (300,000) tons during the twelve (12) months immediately following
22 the date on which the operator is issued the surface coal mining and
23 reclamation permit.

24
25 SECTION 9. Arkansas Code § 15-58-503(a)(4)(C), concerning regulations
26 related to surface coal mining, is amended to read as follows to correct
27 internal references:

28 (C) The assessment of the probable cumulative impact of
29 all anticipated mining in the area on the hydrologic balance specified in
30 subdivision ~~(a)(2)~~ (a)(3) of this section has been made by the director and
31 the proposed operation thereof has been designed to prevent material damage
32 to the hydrologic balance outside the permit area;

33
34 SECTION 10. Arkansas Code § 15-58-503(a)(4)(G), concerning regulations
35 related to surface coal mining, is amended to read as follows to repeal
36 obsolete language, correct internal references, and make stylistic changes:

1 (G) ~~After March 1, 1995, the~~ The prohibition of
 2 subdivision ~~(a)(3)(E)~~ (a)(4)(E) of this section shall not apply to a permit
 3 application due to any violation resulting from an unanticipated event or
 4 condition at a surface coal mining operation on lands eligible for remining
 5 under a permit held by the person making the application. As used in this
 6 subdivision ~~(a)(3)(E)~~ (a)(4)(E), ~~the term "violation" has the same meaning as~~
 7 ~~the term has under~~ means the same as described in subdivision ~~(a)(3)(E)~~
 8 (a)(4)(E) of this section.

9
 10 SECTION 11. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

11 It is the intent of the General Assembly that:

12 (1) The enactment and adoption of this act shall not expressly
 13 or impliedly repeal an act passed during the regular session of the Ninety-
 14 Second General Assembly;

15 (2) To the extent that a conflict exists between an act of the
 16 regular session of the Ninety-Second General Assembly and this act:

17 (A) The act of the regular session of the Ninety-Second
 18 General Assembly shall be treated as a subsequent act passed by the General
 19 Assembly for the purposes of:

20 (i) Giving the act of the regular session of the
 21 Ninety-Second General Assembly its full force and effect; and

22 (ii) Amending or repealing the appropriate parts of
 23 the Arkansas Code of 1987; and

24 (B) Section 1-2-107 shall not apply; and

25 (3) This act shall make only technical, not substantive, changes
 26 to the Arkansas Code of 1987.

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 29 **APPROVED: 3/8/19**