

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

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**Subtitle of House Bill No. 1582**

TO AMEND THE ARKANSAS NATURAL GAS PIPELINE SAFETY ACT OF 1971.

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**Amendment No. 1 to House Bill No. 1582**

Amend House Bill No. 1582 as originally introduced:

Page 2, line 12, delete "5-69-218" and substitute "5-69-103"

AND

Page 2, delete lines 13 through 28 and substitute the following:

"(a) A person upon conviction is guilty of a Class D felony if the person knowingly violates:

- (1) § 14-271-110(a);
- (2) § 23-15-206(b) or (c);
- (3) § 23-15-208(a);
- (4) § 23-15-209(a); or

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

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

- (1) Knowingly violates § 14-271-112(a); and
- (2) With respect to the violation:

(A) Damages or destroys an interstate or intrastate natural gas pipeline facility that results in serious physical injury or actual damage to property exceeding fifty thousand dollars (\$50,000);

(B) Damages or destroys an interstate or intrastate natural gas pipeline facility and:

(i) Knows or has reason to know of the damage or destruction; and

(ii) Does not report the damage or destruction promptly to the operator of the pipeline facility or to local law enforcement authorities; or

(C) Damages an intrastate hazardous liquid pipeline facility that results in the release of more than fifty (50) barrels of the 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:

(i) Garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; and

(ii) Other discarded material from a waste treatment plant, water supply treatment plant, or air pollution control facility including solid, liquid, semisolid, or contained gaseous material resulting from:

(a) Industrial, commercial, mining, or agricultural operations; or

(b) Community activities.

(B) "Solid waste" does not include:

(i) Solid or dissolved material in domestic sewage or solid discovered in materials in irrigation return flows or industrial charges that are point sources subject to permits under 33 U.S.C. § 1342 as it existed on January 1, 2013; or

(ii) Source material, special nuclear material, or byproduct material as defined in 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 exceeds one thousand dollars (\$1,000) but is no more than five thousand dollars (\$5,000);

(3) Class C felony if the amount of the actual damage exceeds five thousand dollars (\$5,000) but is no more than twenty-five thousand dollars (\$25,000); or

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

(e) A person who knowingly tampers with, damages, removes, or destroys a pipeline sign or right-of-way marker required by a law or regulation 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 exceeds one thousand dollars (\$1,000) but is no more than five thousand dollars (\$5,000);

(3) Class C felony if the amount of the actual damage exceeds five thousand dollars (\$5,000) but is no more than twenty-five thousand dollars (\$25,000); or

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

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

**By: Senator D. Wyatt**  
**DLP/DLP - 03-28-2013 07:46:33**  
**DLP327**

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**Secretary**