

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Dowd**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND THE NATURAL GAS PIPELINE SAFETY ACT OF
9 1971, SPECIFICALLY ARKANSAS CODE ANNOTATED 23-15-214 TO
10 PROVIDE FOR ANNUAL ASSESSMENT FEES TO BE COLLECTED FROM
11 PERSONS SUBJECT TO THE PROVISIONS OF THAT ACT; AND FOR
12 OTHER PURPOSES."

Subtitle

14 "ANNUAL ASSESSMENT FEES PURSUANT TO THE NATURAL GAS
15 PIPELINE SAFETY ACT."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code Annotated 23-15-214 (1991 Supp.), is amended
21 to read as follows:

22 "23-15-214. Fees.

23 (a) (1) There is levied and charged and shall be collected by the
24 Arkansas Public Service Commission an annual assessment fee, against each
25 natural gas pipeline transporter, owner, or operator subject to the provisions
26 of this subchapter, to provide for the cost of operating the Pipeline Safety
27 Program of the commission.

28 (2) Each natural gas pipeline transporter, owner, or operator shall pay
29 the annual assessment fee authorized in this section for the Pipeline Safety
30 Program which shall be in addition to any assessment fee authorized by § 23-3-
31 110. This annual assessment, together with any assessment fee charged under
32 §23-3-110, shall not exceed in any year an amount in excess of that which
33 could be charged and collected pursuant to § 23-3-110, as amended.

34 (3) All annual assessment fees levied under this section shall be in
35 addition to all property, franchise, license, or other taxes, fees, or charges

1 prescribed by law.

2 (4) The annual assessment fee shall be levied and charged in an amount
3 which shall be equivalent to that proportion of the total Pipeline Safety
4 Program_s costs that each natural gas piepline transporter_s, owner_s, or
5 operator_s gross earnings resulting from the transporting of natural gas in
6 Arkansas or resulting from owning or operating a natural gas pipeline facility
7 in Arkansas bear to the total such Arkansas assessable gross earnings of all
8 natural gas piepline transporters, owners, or operators who are subject to the
9 provisions of this section.

10 (b) Each natural gas pipeline transporter, owner, or operator ceasing to
11 engage in activities subject to the provisions of this subchapter during any
12 calendar year shall, within fifteen (15) days of ceasing such activities, pay
13 to the commission all assessments then owing, and shall at the same time file
14 with the commission an operating statement for the current year and for the
15 previous year if it has not theretofore been filed.

16 (c)(1) Each natural gas pipeline transporter, owner, or operator shall
17 submit a certified statement of its gross earnings resulting from transporting
18 natural gas in Arkansas or owning or operating a natural gas pipeline facility
19 in Arkansas to the commission annually on or before March 31 for the preceding
20 calendar year ending December 31.

21 (2) After determining the amount of the annual assessment imposed by this
22 section, the commission, annually on or before June 1, shall prepare and
23 transmit to each natural gas pipeline transporter, owner, or operator a
24 statement of the assessment due for the cost of operating the Pipeline Safety
25 Program of the commission.

26 (3) Thereafter, on or before June 30, each natural gas pipeline
27 transporter, owner, or operator who was billed under (c)(2) of this subsection
28 shall pay to the secretary of the commission any annual assessment fee due
29 under this section.

30 (4) In the event any natural gas pipeline transporter, owner, or operator
31 shall fail or refuse to pay the annual assessment fee provided for in this
32 section on or before June 30, the commission shall add to such annual
33 assessment fee a penalty of twenty-five percent (25%) thereof and certify the
34 amount of such delinquent tax and penalty to the Attorney General for
35 collection.

1 (d) For the purpose of this section, the term natural gas pipeline
2 transporter, owner, or operator shall mean any individual, firm, joint
3 venture, partnership, corporation, association, state, municipality,
4 cooperative association, joint-stock association, or any business segment
5 thereof, and includes any trustee, receiver, assignee, or personal
6 representative who engages in the transportation of natural gas in Arkansas or
7 who owns or operates natural gas pipeline facilities in Arkansas. The term
8 natural gas pipeline transporter, owner, or operator shall not include the
9 owner or operator of a master-metered facility."

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11 SECTION 2. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 3. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 4. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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24 SECTION 5. EMERGENCY. It is hereby found and determined by the General
25 Assembly that without charging and collecting the annual assessment fees
26 provided for herein, the Pipeline Safety Program of the Public Service
27 Commission will not have sufficient funds to maintain its operation.
28 Therefore, an emergency is hereby declared to exist, and this act being
29 immediately necessary for the preservation of the public peace, health, and
30 safety shall be in full force and effect from and after its passage and
31 approval.

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