

State of Arkansas
83rd General Assembly
Regular Session, 2001

A Bill

SENATE BILL 618

By: Senator P. Malone

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE 23-15-214 CONCERNING ANNUAL ASSESSMENT FEES CHARGED NATURAL GAS PIPELINE OWNERS AND COLLECTED BY THE ARKANSAS PUBLIC SERVICE COMMISSION; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO AMEND ARKANSAS CODE 23-15-214 CONCERNING ANNUAL ASSESSMENT FEES CHARGED NATURAL GAS PIPELINE OWNERS AND COLLECTED BY THE ARKANSAS PUBLIC SERVICE COMMISSION.

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

SECTION 1. Arkansas Code 23-15-214 is amended to read as follows:
23-15-214. Fees.

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

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

23-3-110, as amended.

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

(4) Except for natural gas pipeline facilities consisting of less than fifty (50) miles, The the annual assessment fee shall be levied and charged in an amount which shall be equivalent to that proportion of the total pipeline safety program's costs that each natural gas pipeline transporter's, owner's, or operator's gross earnings resulting from the transporting of natural gas in Arkansas or resulting from owning or operating a natural gas pipeline facility in Arkansas miles of natural gas pipeline in Arkansas, not including service lines in distribution systems, bear to the total of such Arkansas assessable gross earnings number of miles of natural gas pipeline in Arkansas of all natural gas pipeline transporters, owners, or operators who are subject to the provisions of this section. Each natural gas transporter, owner or operator of natural gas pipeline facilities totaling less than fifty (50) miles, shall pay an annual assessment fee equal to fifteen ten-thousandths (.0015) times the total cost of operating the pipeline safety program of the commission for the assessment year.

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

(c)(1) ~~Each natural gas pipeline transporter, owner, or operator shall submit a certified statement of its gross earnings resulting from transporting natural gas in Arkansas or from owning or operating a natural gas pipeline facility in Arkansas to the commission annually on or before March 31 for the preceding calendar year ending December 31. The calculation of annual assessment fees will be based on the pipeline miles reported to the Office of Pipeline Safety on or before February 15 of each year.~~

(2) After determining the amount of the annual assessment imposed by this section, the commission, annually on or before June 1, shall prepare and transmit to each natural gas pipeline transporter, owner, or

operator a statement of the assessment due for the cost of operating the pipeline safety program of the commission.

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

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

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