

State of Arkansas  
87th General Assembly  
Regular Session, 2009

# A Bill

SENATE BILL 407

By: Senator Madison

## For An Act To Be Entitled

AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 15 OF  
THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR  
OTHER PURPOSES.

## Subtitle

AN ACT TO MAKE VARIOUS CORRECTIONS TO  
TITLE 15 OF THE ARKANSAS CODE OF 1987  
ANNOTATED.

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

SECTION 1. Arkansas Code § 15-4-313(5)(C) and (D) are amended and a new subdivision created to clarify references as follows:

(C) ~~An American Indian~~ A Native American; ~~or~~

(D) ~~An Asian-a Pacific Islander~~ Asian American; or

(E) A Pacific Islander;

SECTION 2. Arkansas Code § 15-4-3305(a) is amended to read as follows to add a reference for clarification:

(a) A person ~~who~~ or company that purchases an equity interest in a qualified business under § 15-4-3303(a) in any of the calendar years 2007 – 2019 is entitled to a credit against any state income tax liability that may be imposed on the person or company for any tax year commencing on or after the date of the purchase.

SECTION 3. Arkansas Code § 15-4-3305(e)(1) is amended to read as follows to clarify a reference:



(e)(1) For the purpose of ascertaining the gain or loss from the sale or other disposition of an equity interest in a business, the owner of the equity interest shall reduce ~~his or her~~ the owner's basis in the equity interest by the amount of the tax credits previously deducted under this section.

SECTION 4. Arkansas Code § 15-5-1605(d) is amended to read as follows to remove unneeded language:

(d) The trustees of the Venture Capital Investment Trust will establish separate accounting and tracking and will be responsible for administering the moneys in ~~each of~~ the Enterprise Development Account and the Technology Validation Account of the Arkansas Risk Capital Matching Fund.

SECTION 5. Arkansas Code § 15-20-1302(21) is amended to read as follows to add necessary language and avoid confusion:

(21) "Wetlands" means land that:

- (A) Has a predominance of hydric soils;
- (B) Is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (C) Under normal circumstances supports a prevalence of the hydrophytic vegetation typically adapted for life in saturated soil conditions.

SECTION 6. Arkansas Code § 15-20-1311 is amended to read as follows to correct a fund name:

(a)(1) On or before the commencement of each fiscal year, the Chief Fiscal Officer of the State shall determine the estimated amount required for payment of all or a part of the debt service on the bonds issued under this subchapter during the fiscal year and deduct from the estimated moneys to be available to the Arkansas Natural Resources Commission from other sources to determine what amount of general revenues of the state will be required.

(2) The Chief Fiscal Officer of the State shall certify the estimated amount to the Treasurer of State.

(3) The Treasurer of State shall then make monthly transfers

1 from the State Apportionment Fund to the ~~Bond Fund~~ Water, Waste Disposal, and  
 2 Pollution Abatement Facilities Financing Act of 2007 Bond Fund of the amount  
 3 of general revenues of the state required to pay the maturing debt service on  
 4 bonds issued under this subchapter.

5 (b)(1) The obligation to make monthly transfers of general revenues of  
 6 the state from the State Apportionment Fund to the ~~Bond Fund~~ Water, Waste  
 7 Disposal, and Pollution Abatement Facilities Financing Act of 2007 Bond Fund  
 8 shall constitute a first charge against the general revenues of the state  
 9 prior to all other uses to which the general revenues of the state are  
 10 devoted, either under present law or under any laws that may be enacted in  
 11 the future.

12 (2) However, to the extent other general obligation bonds of the  
 13 state have been issued or may subsequently be issued, all general obligation  
 14 bonds shall rank on a parity of security with respect to payment from general  
 15 revenues of the state.

16 (c) Moneys credited to the ~~Bond Fund~~ Water, Waste Disposal, and  
 17 Pollution Abatement Facilities Financing Act of 2007 Bond Fund shall be used  
 18 only to pay debt service on the bonds, either at maturity or upon redemption  
 19 prior to maturity, and for such purposes the Treasurer of State is designated  
 20 ~~Disbursing Officer~~ disbursing officer to administer such funds in accordance  
 21 with this subchapter.

22 (d) Moneys in the ~~Bond Fund~~ Water, Waste Disposal, and Pollution  
 23 Abatement Facilities Financing Act of 2007 Bond Fund over and above the  
 24 amount necessary to ensure the prompt payment of debt service on the bonds,  
 25 and the establishment and maintenance of a reserve fund, if any, may be used  
 26 for the redemption of bonds prior to maturity under the provisions pertaining  
 27 to redemption prior to maturity, as set forth in the resolution or trust  
 28 indenture authorizing or securing the bonds.

29  
 30 SECTION 7. Arkansas Code § 15-55-402(2) is amended to read as follows  
 31 to separate material in a list for clarity and to conform the subdivision to  
 32 the style conventions of the Arkansas Code: :

33 (2) ~~Lignite could potentially be used in a variety of ways~~  
 34 ~~including blending with fuel products to augment imported coal that is~~  
 35 ~~currently used to generate electricity in Arkansas power plants; as a primary~~  
 36 ~~fuel source for newly constructed electric power generating plants; and as a~~

primary fuel source for the generation of synthetic natural gas, gasoline, and other economically important by products;

(2) Lignite could be used in a variety of ways, including:

(A) Blending it with fuel products to augment imported coal that is currently used to generate electricity in Arkansas power plants;

(B) Using it as a primary fuel source for newly constructed electric power generating plants; and

(C) Using it as a primary fuel source for the generation of synthetic natural gas, gasoline, and other economically important by-products;

SECTION 8. Arkansas Code § 15-72-219(e) is amended to read as follows to include the date the section became effective:

(e) ~~The provisions of this section shall only take effect upon the final adoption of rules and regulations governing the remediation of spills of crude oil or produced water and are applicable to spills of crude oil and produced water that occur after the effective date thereof.~~ This section shall become effective on September 17, 2007, and will apply to spills of crude oil and spills of produced water that occur after that date.

SECTION 9. Arkansas Code § 15-75-112 is amended to read as follows to correct a technical error and to conform to the style conventions of the Arkansas Code:

15-75-112. Affirmative defense.

(a) As used in this section:

(1) "Liquefied petroleum gas equipment" means any appliance, equipment, or piping system that uses, stores, or transports liquefied petroleum gas; and

(2) "Liquefied petroleum gas provider" means any person or entity engaged in the business of supplying, handling, transporting, or selling liquefied petroleum gas.

(b) A liquefied petroleum gas provider shall have an affirmative defense to any action for civil liability for damage or injury caused by:

(1) An alteration or modification of liquefied petroleum gas equipment that ~~was~~ is not reasonably foreseeable by the provider and ~~caused~~ causes the liquefied petroleum gas equipment to be unsafe for use in its

1 altered or modified form; or

2 (2) The end-user's use of liquefied petroleum gas equipment if:

3 (A) ~~Was~~ It is outside of the manner or purpose that could  
4 reasonably ~~have been~~ be intended to be used or ~~rendered~~ renders the liquefied  
5 petroleum gas equipment unsafe; and

6 (B) The ~~liquefied~~ liquefied petroleum gas provider or the  
7 ~~equipment's~~ manufacturer of the liquefied petroleum gas equipment ~~provided~~  
8 provides a reasonable warning about the consequences of misusing the  
9 liquefied petroleum gas equipment.

10  
11 SECTION 10. Arkansas Code § 15-75-304 is amended to read as follows to  
12 conform the list to the style conventions of the Arkansas Code.

13 (a) To be entitled to a "certificate of competency", a person ~~must~~  
14 shall have:

15 (1) ~~Satisfactory~~ Have satisfactory experience in the liquefied  
16 petroleum gas business or must give proof of previous on-the-job training in  
17 the liquefied petroleum gas business satisfactory to the Liquefied Petroleum  
18 Gas Board as prescribed by its rules and regulations;

19 (2) ~~Had~~ Have not less than thirty (30) days' experience in the  
20 liquefied petroleum gas installation or transportation business; and

21 (3) ~~Passed~~ Pass a written or oral examination as prescribed by  
22 the board.

23 (b) ~~All A~~ A new class one ~~employees~~ employee ~~must~~ shall attend a forty-  
24 hour basic course in liquefied petroleum gas, as prescribed by the board,  
25 within the first year of ~~their~~ his or her employment, or ~~their~~ his or her  
26 certification certificate will be suspended until the course has been  
27 completed.

28 (c) ~~All A~~ A class one ~~employees who change~~ employee who changes from one  
29 class one employer to another class one employer who has not previously had  
30 the forty-hour basic training course, as prescribed by the board, ~~must~~ shall  
31 do so within one (1) year of the transfer date of employment, or ~~their~~ his or  
32 her certification certificate will be suspended until the course has been  
33 completed.

34 (d)(1) The board may accept as its own a reciprocal state's  
35 transportation and delivery examination for ~~transport drivers only that~~  
36 ~~contains~~ a transport driver only if it contains substantially equivalent

1 requirements as those required by the board. ~~Substantial uniformity shall be~~  
 2 ~~demonstrated by a letter from the issuing authority of the state or a copy of~~  
 3 ~~a current and valid card issued by the reciprocal state. All applicable fees~~  
 4 ~~shall be paid to the board prior to issuance of the certification card.~~

5 (2) Substantial uniformity shall be demonstrated by a letter  
 6 from the issuing authority of the state or a copy of a current and valid card  
 7 issued by the reciprocal state.

8 (3) All applicable fees shall be paid to the board before the  
 9 issuance of the certification card.

10  
 11  
 12 SECTION 11. Arkansas Code § 15-75-307(b)(5) is amended to read as  
 13 follows to conform to the style conventions of the Arkansas Code.

14 ~~(5)(A) Shall provide a bulk storage capacity of not less than~~  
 15 ~~thirty thousand (30,000) water gallons at the principal location of the~~  
 16 ~~permitted facility, the location of which must be approved by the board in~~  
 17 ~~advance of the application and which must be maintained by the applicant in~~  
 18 ~~safe working condition throughout the duration of the permit applied for~~  
 19 ~~under penalty of permit forfeiture by action of the board.~~

20 ~~(B) Storage containers being used in connection with~~  
 21 ~~cotton gins, rice dryers, manufacturing plants, or any other type commercial~~  
 22 ~~use, regardless of size, will not be accepted as bulk storage and cannot be~~  
 23 ~~included in the requirements for the thirty thousand gallons (30,000 gals.)~~  
 24 ~~storage.~~

25 ~~(C)(i) Shall maintain one (1) place of business within the~~  
 26 ~~state that shall be the principal working location for the employees of the~~  
 27 ~~permitted facility; and~~

28 ~~(ii) Shall maintain a posted twenty four hour~~  
 29 ~~emergency telephone number;~~

30 (5)(A)(i) Shall provide a bulk storage capacity of not  
 31 less than thirty thousand (30,000) water gallons at the principal location of  
 32 the permitted facility.

33 (ii) The principal location must be approved by the  
 34 board in advance of the application.

35 (iii) The principal location must be maintained by  
 36 the applicant in safe working condition throughout the duration of the permit

1 under penalty of permit forfeiture by action of the board.

2 (B) Storage containers being used in connection with  
3 cotton gins, rice dryers, manufacturing plants, or any other type of  
4 commercial use, regardless of size, will not be accepted as bulk storage and  
5 cannot be included in the requirements for the thirty-thousand-gallon  
6 storage.

7 (C)(i) One (1) place of business that shall be the  
8 principal working location for the employees of the permitted facility shall  
9 be maintained within the state.

10 (ii) A twenty-four-hour emergency telephone number  
11 shall be posted and maintained;

12  
13 SECTION 12. The enactment and adoption of this act shall not repeal,  
14 expressly or impliedly, the acts passed at the regular session of the 87th  
15 General Assembly. All such acts shall have full effect and, so far as those  
16 acts intentionally vary from or conflict with any provision contained in this  
17 act, those acts shall have the effect of subsequent acts and as amending or  
18 repealing the appropriate parts of the Arkansas Code of 1987.