

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: S4/5/13*

# A Bill

HOUSE BILL 1582

5 By: Representative Barnett  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS NATURAL GAS PIPELINE  
9 SAFETY ACT OF 1971; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO AMEND THE ARKANSAS NATURAL GAS  
12 PIPELINE SAFETY ACT OF 1971.  
13

14  
15  
16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 23-15-205(a), concerning safety standards  
20 for transporting gas and pipeline facilities, is amended to read as follows:

21 (a) The Arkansas Public Service Commission by order pursuant to the  
22 ~~provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,~~  
23 ~~for purposes of this subchapter only~~ may promulgate, amend, enforce, waive,  
24 and repeal minimum safety standards for the transportation of gas and  
25 pipeline facilities.  
26

27 SECTION 2. Arkansas Code § 23-15-211(a), concerning civil penalties  
28 for violating safety rules for pipeline facilities or transporting gas, is  
29 amended to read as follows:

30 (a) ~~Any~~ A person who violates ~~any~~ a provision of § 23-15-209 or ~~any~~ a  
31 regulation issued under this subchapter ~~shall be~~ is subject to a civil  
32 penalty not to exceed:

33 ~~(1) one hundred thousand dollars (\$100,000)~~ Two hundred thousand  
34 dollars (\$200,000) for each day that the violation persists; and

35 ~~(2) However, the maximum civil penalty shall not exceed one~~  
36 ~~million dollars (\$1,000,000)~~ Two million dollars (\$2,000,000) for any related



1 series of violations.

2

3 SECTION 3. Arkansas Code § 23-15-214(c)(1), concerning the annual  
4 assessment fee charged to the transporter, owner, or operator of a natural  
5 gas pipeline, is amended to read as follows:

6 (c)(1) The calculation of annual assessment fees will be based on the  
7 pipeline miles reported to the Office of Pipeline Safety of the Arkansas  
8 Public Service Commission on or before ~~February 15~~ March 15 of each year.

9

10 SECTION 4. Arkansas Code Title 5, Chapter 69, is amended to add an  
11 additional section to read as follows:

12 5-69-103. Pipelines and pipeline facilities.

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

15 (1) § 14-271-110(a);

16 (2) § 23-15-206(b) or (c);

17 (3) § 23-15-208(a);

18 (4) § 23-15-209(a); or

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

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

23 (1) Knowingly violates § 14-271-112(a); and

24 (2) With respect to the violation:

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

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

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

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

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

1 hazardous liquid.

2 (c)(1) A person who knowingly engages in the unauthorized disposal of  
3 solid waste within the right-of-way of an interstate or intrastate pipeline  
4 facility or an interstate or intrastate hazardous liquid pipeline facility  
5 upon conviction is guilty of a Class D felony.

6 (2)(A) As used in this subsection, "solid waste" means:

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

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

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

16 (b) Community activities.

17 (B) "Solid waste" does not include:

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

22 (ii) Source material, special nuclear material, or  
23 byproduct material as defined in 42 U.S.C. § 2011 et seq. as it existed on  
24 January 1, 2013.

25 (d) A person who knowingly damages or destroys an interstate or  
26 intrastate pipeline facility or an interstate or intrastate hazardous liquid  
27 pipeline facility upon conviction is guilty of a:

28 (1) Class A misdemeanor if the amount of actual damage is one  
29 thousand dollars (\$1,000) or less;

30 (2) Class D felony if the amount of actual damage exceeds one  
31 thousand dollars (\$1,000) but is no more than five thousand dollars (\$5,000);

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

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

1 (e) A person who knowingly tampers with, damages, removes, or destroys  
2 a pipeline sign or right-of-way marker required by a law or regulation of the  
3 state upon conviction is guilty of a:

4 (1) Class A misdemeanor if the amount of actual damage is one  
5 thousand dollars (\$1,000) or less;

6 (2) Class D felony if the amount of actual damage exceeds one  
7 thousand dollars (\$1,000) but is no more than five thousand dollars (\$5,000);

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

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

13  
14 /s/Barnett  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36