

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

As Engrossed: S2/27/13

A Bill

SENATE BILL 185

5 By: Senator D. Johnson
6 By: Representatives Williams, Vines
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 15 OF
10 THE ARKANSAS CODE CONCERNING NATURAL RESOURCES AND
11 ECONOMIC DEVELOPMENT; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 15
16 OF THE ARKANSAS CODE CONCERNING NATURAL
17 RESOURCES AND ECONOMIC DEVELOPMENT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 15-11-704(a), concerning the Wildlife
23 Observation Trails Pilot Program, is amended to read as follows to clarify
24 its application:

25 (a) There is ~~continued~~ created a program to be known as the “Wildlife
26 Observation Trails Pilot Program”.
27

28 SECTION 2. Arkansas Code § 15-11-706(a)(1), concerning the Wildlife
29 Observation Trails Pilot Program Advisory Board, is amended to read as
30 follows to clarify its application:

31 (a)(1) There is ~~continued~~ created an advisory body to the Department
32 of Parks and Tourism to be known as the “Wildlife Observation Trails Pilot
33 Program Advisory Board” to provide recommendations to the Director of the
34 Department of Parks and Tourism and the Arkansas State Game and Fish
35 Commission to develop criteria to establish and fund the development and
36 maintenance of wildlife observation trails through the distribution of grant



1 moneys under this subchapter.

2

3 SECTION 3. Arkansas Code § 15-13-102(5), concerning the definitions
4 used in the Arkansas Alternative Fuels Development Act, is amended to read as
5 follows to add language for clarification:

6 (5) "Bi-fuel compressed natural gas motor vehicle or school bus"
7 means a motor vehicle or school bus that is powered by compressed natural gas
8 and gasoline or diesel;

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10 SECTION 4. Arkansas Code § 15-13-102(8), concerning the definitions
11 used in the Arkansas Alternative Fuels Development Act, is amended to read as
12 follows to add language for clarification:

13 (8) "Conversion kit" means a set of supplies, materials, parts,
14 tools, or equipment used to convert a diesel-powered or gasoline-powered
15 motor vehicle or school bus to a dedicated or bi-fuel compressed natural gas
16 motor vehicle or school bus;

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18 SECTION 5. Arkansas Code § 15-13-102(9), concerning the definitions
19 used in the Arkansas Alternative Fuels Development Act, is amended to read as
20 follows to add language for clarification:

21 (9) "Dedicated compressed natural gas motor vehicle or school
22 bus" means a motor vehicle or school bus that is powered only by compressed
23 natural gas;

24

25 SECTION 6. Arkansas Code § 15-13-204(a)(1), concerning quality
26 determinations and testing under the Arkansas Alternative Fuels Development
27 Act, is amended to read as follows to add language for clarification:

28 (1) Are useable in motor vehicles or school buses;

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30 SECTION 7. Arkansas Code § 15-13-205 is amended to read as follows to
31 repeal language for clarification:

32 15-13-205. Rules.

33 The Director of the Department of Finance and Administration shall
34 promulgate rules ~~and regulations~~ to provide for the administration of this
35 subchapter.

36

1 SECTION 8. Arkansas Code § 15-13-301 is amended to read as follows to
2 add language that was intended to be merged:

3 15-13-301. Arkansas Alternative Fuels Development Program.

4 (a) The Arkansas Alternative Fuels Development Program is established
5 and shall be developed and administered by the Arkansas Agriculture
6 Department.

7 (b) The program shall include four (4) types of incentives:

8 (1) Capital and operation production incentives for alternative
9 fuels producers;

10 (2) Production incentives for feedstock processors;

11 (3) Distribution incentives for alternative fuels distributors;

12 and

13 (4) Rebate incentives for the costs of converting diesel-powered
14 and gasoline-powered motor vehicles or school buses into dedicated or bi-fuel
15 compressed natural gas motor vehicles or school buses.

16 (c) The incentives under this subchapter are available only for the
17 following after July 1, 2011:

18 (1) Capital investments in alternative fuels production
19 facilities, feedstock processing facilities, or distribution facilities;

20 (2) The production of alternative fuels;

21 (3) The processing of feedstock; or

22 (4) The conversion of diesel-powered and gasoline-powered
23 motor vehicles or school buses to dedicated or bi-fuel compressed
24 natural gas motor vehicles or school buses.

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26 SECTION 9. Arkansas Code § 15-22-808(c)(1), concerning the
27 repayment of loans from the Arkansas Water Resources Cost Share
28 Revolving Fund, is amended to read as follows:

29 (c)(1) Loans from the fund shall be repaid in full at an
30 interest rate up to the maximum allowed under Arkansas Constitution,
31 ~~Article 19, § 13, as amended by Arkansas Constitution, Amendment 60~~
32 89.

33
34 SECTION 10. Arkansas Code § 15-22-1212(a)(6)(A), concerning the
35 powers of a Sparta Aquifer critical groundwater county conservation
36 board, is amended to read as follows:

1 (6)(A)(i) *Sell and issue bonds secured by and payable from its*
2 *revenues and enter into such trust indentures and other documents and*
3 *undertakings as may be appropriate thereto.*

4 (ii) *The bonds shall be payable over a period of not*
5 *more than forty (40) years and shall bear interest at an interest rate or*
6 *rates that do not to exceed that set forth in the interest rate or rates*
7 *permitted by Arkansas Constitution, Amendment ~~65~~ 89.*

8
9 SECTION 11. Arkansas Code Title 15, Chapter 13, Subchapter 3 is
10 amended to add an additional section specifically tailored for rebate
11 incentives for motor vehicles to read as follows:

12 15-13-307. Rebate incentives for modification by a certified
13 technician of motor vehicles.

14 (a) The Arkansas Alternative Fuels Development Program shall include
15 an incentive program that provides a rebate to a single public entity,
16 company, organization, or its affiliate to assist in the purchase of a
17 conversion kit used to convert a diesel motor vehicle or gasoline motor
18 vehicle to a dedicated or bi-fuel compressed natural gas motor vehicle and to
19 assist in covering the differential and incremental costs associated with the
20 conversion of a diesel motor vehicle or gasoline motor vehicle into a
21 dedicated or bi-fuel compressed natural gas motor vehicle.

22 (b) The Arkansas Agriculture Department shall create a rebate
23 application process for a single public entity, company, organization, or its
24 affiliate to obtain a rebate that shall include:

25 (1) An application for a rebate under this subchapter that
26 includes at a minimum:

27 (A) An affidavit or proof that the motor vehicle is
28 registered in Arkansas or will be registered in Arkansas upon acquisition of
29 the motor vehicle; and

30 (B) Evidence of:

31 (i) The purchase of a dedicated motor vehicle and
32 the differential costs; or

33 (ii) The differential costs or incremental costs
34 associated with the conversion of a diesel motor vehicle or gasoline motor
35 vehicle into a dedicated or bi-fuel compressed natural gas motor vehicle;

1 (2) Instructions about the rebate process;

2 (3) Scoring procedures to determine the award of the rebates;

3 and

4 (4) Other factors that the Secretary of the Arkansas Agriculture
5 Department deems necessary.

6 (c)(1) The department shall prepare an annual progress report on
7 rebates made under this section.

8 (2) The report shall include the:

9 (A) Amount of each rebate;

10 (B) Purpose of the rebate;

11 (C) Total amount expended by the rebate recipient in
12 converting the motor vehicle to a dedicated or bi-fuel compressed natural gas
13 motor vehicle; and

14 (D) Results produced or the progress made statewide in the
15 overall conversion of diesel motor vehicles and gasoline motor vehicles to
16 dedicated or bi-fuel compressed natural gas motor vehicles.

17 (3) The report for each state fiscal year shall be filed by June
18 30 of the following fiscal year with the office of the Governor and the
19 Legislative Council.

20 (d) The rebate to be awarded by the department is the lesser of:

21 (1) Fifty percent (50%) of the cost for the differential costs,
22 conversion kit, and incremental costs of converting to a dedicated or bi-fuel
23 compressed natural gas motor vehicle; or

24 (2) One (1) of the following as determined by weight:

25 (A) Five thousand dollars (\$5,000) for a motor vehicle
26 with a gross vehicle weight rating of not more than eight thousand five
27 hundred pounds (8,500 lbs.);

28 (B) Eight thousand dollars (\$8,000) for a motor vehicle
29 with a gross vehicle weight rating of more than eight thousand five hundred
30 pounds (8,500 lbs.) but not more than fourteen thousand pounds (14,000 lbs.);

31 or

32 (C) Thirty-two thousand dollars (\$32,000) for a motor
33 vehicle with a gross vehicle weight rating of more than twenty-six thousand
34 pounds (26,000 lbs.).

35 (e) A single person, public entity, company, organization, or its
36 affiliates may not receive more than seventy-five thousand dollars (\$75,000)

1 per fiscal year for motor vehicle conversion kit costs, differential costs,
2 and incremental costs.

3 (f) An alternative fuel distributor receiving a grant under § 15-13-
4 304 may receive a rebate under this section.

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6 SECTION 12. DO NOT CODIFY. The enactment and adoption of this act
7 shall not repeal, expressly or impliedly, the acts passed at the regular
8 session of the Eighty-Ninth General Assembly. All such acts shall have the
9 full force and effect and, so far as those acts intentionally vary from or
10 conflict with any provision contained in this act, those acts shall have the
11 effect of subsequent acts and as amending or repealing the appropriate parts
12 of the Arkansas Code of 1987.

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14 */s/D. Johnson*
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