

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator Malone**

# A Bill ACT 547 OF 1991

## SENATE BILL 281

### For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE ARKANSAS STATE HIGHWAY  
9 COMMISSION, IN ITS DISCRETION, TO TRANSFER TO THE ARKANSAS  
10 TURNPIKE AUTHORITY, AS ESTABLISHED BY ARKANSAS CODE §§27-  
11 71-201, ET SEQ., ANY FEDERAL-AID HIGHWAY FUNDS APPORTIONED  
12 OR ALLOCATED TO THE STATE OF ARKANSAS BY THE UNITED STATES  
13 SECRETARY OF TRANSPORTATION OR THE FEDERAL HIGHWAY  
14 ADMINISTRATION WHICH FUNDS ARE AUTHORIZED, OR MAY BE  
15 AUTHORIZED IN THE FUTURE, BY THE UNITED STATES CONGRESS TO  
16 BE UTILIZED IN ASSISTING IN THE CONSTRUCTION OF OR FOR THE  
17 PURPOSES OF ASSISTING IN THE PAYING OF THE DEBT SERVICE ON  
18 REVENUE BONDS ISSUED FOR THE CONSTRUCTION OF ANY TURNPIKE  
19 PROJECT OR PROJECTS IN THIS STATE, WHICH PROJECT OR  
20 PROJECTS MAY BE UNDERTAKEN BY THE ARKANSAS TURNPIKE  
21 AUTHORITY IN ACCORDANCE WITH ARKANSAS CODE §§27-71-101, ET  
22 SEQ.; TO AMEND ARKANSAS CODE §27-71-103(7) TO INCLUDE IN  
23 THE DEFINITION OF 'REVENUES' OR 'TURNPIKE PROJECT  
24 REVENUES', FEDERAL-AID HIGHWAY FUNDS, THUS ALLOWING THE  
25 USE OF SUCH FEDERAL-AID HIGHWAY FUNDS BY THE ARKANSAS  
26 TURNPIKE AUTHORITY FOR ANY TURNPIKE PROJECT OR PROJECTS  
27 UNDERTAKEN IN ACCORDANCE WITH ARKANSAS CODE §§27-71-101,  
28 ET SEQ.; AND FOR OTHER PURPOSES."

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

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32 SECTION 1. Notwithstanding any provision of law to the contrary, the  
33 Arkansas State Highway Commission is hereby authorized to transfer, in its  
34 discretion, to the Arkansas Turnpike Authority, as established by Arkansas  
35 Code §§27-71-201, et seq., any federal-aid highway funds apportioned or  
36 allocated to the State of Arkansas by the United States Secretary of

1 Transportation or the Federal Highway Administration which funds are  
2 authorized or may be authorized in the future by the United States Congress to  
3 be utilized in assisting in the construction of or for the purposes of  
4 assisting in the paying of the debt service on revenue bonds issued for the  
5 construction of any turnpike project or projects in this state, which project  
6 or projects may be undertaken by the Arkansas Turnpike Authority in accordance  
7 with Arkansas Code §§27-71-101, et seq.

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9 SECTION 2. Subdivision (7) of Arkansas Code §27-71-103 is hereby  
10 amended to read as follows:

11 "(7) 'Revenues' or 'turnpike project revenues' embraces all tolls,  
12 rentals, turnpike gasoline tax revenues, gifts, grants, moneys, charges, and  
13 other funds, including federal-aid highway funds, and property of whatever  
14 nature coming into the possession of or under the control of the authority by  
15 virtue of this chapter, except the proceeds derived from the sale of revenue  
16 bonds issued under the provisions of this chapter;"

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18 SECTION 3. All provisions of this act of a general and permanent nature  
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 4. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

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28 SECTION 5. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

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31 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the  
32 Seventy-Eighth General Assembly that the construction and operation of  
33 turnpike projects, as authorized by prior legislative acts, are required for  
34 the public health, safety and welfare because of the increase of commerce and  
35 vehicular travel essential to individual and state progress and prosperity.

1 The monies now available are insufficient to permit the construction of  
2 turnpike projects that can be constructed under the authority of those acts,  
3 however, it is anticipated that the United State Congress will in the near  
4 future authorize the use of federal-aid highway funds apportioned or allocated  
5 to this state for assisting in the construction of or assisting in the paying  
6 of the debt service on revenue bonds issued for the construction of turnpike  
7 projects. Prompt action is necessary to insure that, should such  
8 authorization be enacted by the United States Congress, such federal-aid funds  
9 may be utilized for such turnpike project purposes. Therefore, it is  
10 declared, for these reasons, that an emergency exists and this act being  
11 essential for the preservation of the public peace, health and safety, shall  
12 take effect and be in full force on and after its passage and approval.

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APPROVED: 3-14-91