

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Scott**

A Bill

ACT 725 OF 1993
SENATE BILL 156

For An Act To Be Entitled

8 *"AN ACT TO AMEND ARKANSAS CODE 23-16-105 FOR THE PURPOSES*
9 *OF DEDICATING ALL FEES AND CHARGES COLLECTED BY THE*
10 *ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FROM*
11 *RAIL CARRIERS TO THE STATE HIGHWAY AND TRANSPORTATION*
12 *DEPARTMENT FUND; AND FOR OTHER PURPOSES."*

Subtitle

14 *"DEDICATING ALL FEES AND CHARGES COLLECTED FROM RAIL*
15 *CARRIERS TO THE STATE HIGHWAY AND TRANSPORTATION*
16 *DEPARTMENT FUND."*

18
19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

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21 *SECTION 1. Arkansas Code 23-16-105 is amended to read as follows:*

22 *"23-16-105. Statement of fees due from rail carriers - Payment -*
23 *Delinquent penalty.*

24 *(a) After determining the amount of the fee due to be paid by each of*
25 *the rail carriers, the Arkansas State Highway and Transportation Department,*
26 *annually on or before August 15, shall prepare and transmit to each of the*
27 *rail carriers a statement of the fees due for rail carrier costs during the*
28 *preceding fiscal year.*

29 *(b) Thereafter, on or before August 31 of each year, each of the rail*
30 *carriers shall pay to the Department all fees shown to be due by the*
31 *statements.*

32 *(c) On receipt of the fees and charges provided for in this subchapter,*
33 *the Department shall deposit the fees and charges with the State Treasurer,*
34 *and such amount so received by the Treasurer of State shall be classified by*
35 *the Treasurer as "special revenues" and transferred, by the Treasurer on the*
36 *last business day of the month such amounts are deposited, to the State*

1 Highway and Transportation Department Fund, there, notwithstanding the
2 provisions of any law to the contrary, to be utilized by the Arkansas State
3 Highway and Transportation Department for the purposes of administering the
4 laws of this state which the State Highway Commission and Department are
5 responsible for administering with regard to rail carriers and for the
6 construction, reconstruction and maintenance of highways and bridges in the
7 state highway system.

8 (d) In the event any rail carrier fails or refuses to pay the fees
9 provided for in this subchapter on or before August 31 of each year, the
10 Department shall add to such fee a penalty of twenty-five percent (25%)
11 thereof and certify the amount of the delinquent fee and penalty to the
12 Attorney General for collection."

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14 SECTION 2. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 3. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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/s/ Senator Scott

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APPROVED: 3/26/93

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