

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

A Bill

SENATE BILL

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 USE OF
25 SUCH FEDERAL-AID HIGHWAY FUNDS BY THE ARKANSAS TURNPIKE
26 AUTHORITY FOR ANY TURNPIKE PROJECT OR PROJECTS UNDERTAKEN IN
27 ACCORDANCE WITH ARKANSAS CODE §§27-71-101. ET SEQ.: AND FOR OTHER
28 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 Arkansas State Highway Commission is hereby*
33 *authorized to transfer, in its discretion, to the Arkansas Turnpike Authority, as established by Arkansas Code §§27-71-201, et seq., any*
34 *federal-aid highway funds apportioned or allocated to the State of Arkansas by the United States Secretary of Transportation or the Federal*
35 *Highway Administration which funds are authorized or may be authorized in the future by the United States Congress to be utilized in assisting*

1 in the construction of or for the purposes of assisting in the paying of the debt service on revenue bonds issued for the construction of any turnpike
2 project or projects in this state, which project or projects may be undertaken by the Arkansas Turnpike Authority in accordance with Arkansas
3 Code 5527-71-101, et seq.

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5 SECTION 2. Subdivision (7) of Arkansas Code 527-71-103 is hereby amended to read as follows:

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

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11 SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987

12 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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

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

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20 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Eighth General Assembly that
21 the construction and operation of turnpike projects, as authorized by prior legislative acts, are required for the public health, safety and welfare
22 because of the increase of commerce and vehicular travel essential to individual and state progress and prosperity. The monies now available are
23 insufficient to permit the construction of turnpike projects that can be constructed under the authority of those acts, however, it is anticipated that
24 the United State Congress will in the near future authorize the use of federal-aid highway funds apportioned or allocated to this state for
25 assisting in the construction of or assisting in the paying of the debt service on revenue bonds issued for the construction of turnpike projects.
26 Prompt action is necessary to insure that, should such authorization be enacted by the United States Congress, such federal-aid funds may be
27 utilized for such turnpike project purposes. Therefore, it is declared, for these reasons, that an emergency exists and this act being essential for
28 the preservation of the public peace, health and safety, shall take effect and be in full force on and after its passage and approval.

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