

Act 622 of the 1989 Regular Session.

Act 622

SB233

By: Senators Kinard, Dowd, Moore, Scott and Gibson

"AN ACT TO PROVIDE FOR AN INTERSTATE COMPACT TO PROMOTE THE FOUR LANING OF U.S. HIGHWAY 82 WITHIN THE PARTY STATES; AND FOR OTHER PURPOSES."

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

SECTION 1. The Governor, on behalf of this state, is hereby authorized to execute a compact, in substantially the following form with the states of Mississippi, Alabama, Texas and any other state in which lies a portion of U.S. Highway 82; and the General Assembly hereby signifies in advance its approval and ratification of such compact, which compact it as follows:

U.S. HIGHWAY 82 FOUR LANE CONSTRUCTION COMPACT

ARTICLE I. The purpose of this compact is to promote and ensure the four laning of U.S. Highway 82 within the party states and to establish a joint interstate authority to assist that effort.

ARTICLE II. This compact shall become effective immediately as to the states ratifying it whenever the state of Arkansas and any other eligible state has ratified it and Congress has given consent thereto.

ARTICLE III. The states which are parties to this compact (referred to as "party states") do hereby establish and create a joint agency which shall be known as the U.S. Highway 82 Four Lane Construction Authority (hereinafter referred to as "the authority"). The membership of such authority shall consist of representatives from each of the party states to be selected in the manner provided by laws enacted by the party states. The members of the authority shall not be compensated for service on the authority, but each of the members shall be entitled to actual and reasonable expenses incurred in attending meetings, or incurred otherwise in the performance of his duties as a member of the authority. The members of the authority shall hold regular quarterly meetings and such special meetings as its business may require. They shall choose annually a chairman and vice-chairman from among their members, and the chairmanship shall rotate each year among the party states in order of their acceptance of this compact. The secretary of the authority (hereinafter provided for) shall notify each member in writing of all meetings of the authority in such a manner and under such rules and regulations as the authority may prescribe. The authority shall adopt rules and regulations for the transaction of its business; and the secretary shall keep a record of all its business and shall furnish a copy thereof to each member of the authority. It shall be the duty of the authority, in general, to promote, encourage and coordinate the efforts of the party states to secure the timely four laning of U.S. Highway 82 within the party states. Toward this end, the authority shall have power to hold hearings; to conduct studies and surveys of all problems, benefits, and other matters associated with the four laning of U.S. Highway 82 within the party states, and to make reports thereon; to acquire, by gift, grant or otherwise, from local, state, federal or private sources such money or property as may be provided for the proper performance of their function, and to hold and dispose of same; to cooperate with other public or private groups, whether local, state, regional or national, having an interest in the four laning of U.S. Highway 82 within the

party states; to formulate and execute plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States; and to exercise such other powers as may be appropriate to enable it to accomplish its functions and duties in connection with the four laning of U.S. Highway 82 within the party states.

ARTICLE IV. The authority shall appoint a secretary, who shall be a person familiar with the nature, procedures and significance of the four lane completion and the informational, educational and publicity methods of stimulating general interest in such construction, and who shall be the compact administrator. The term of office of the secretary shall be at the pleasure of the authority, and such officer shall receive such compensation as the authority shall prescribe. The secretary shall maintain custody of the authority's books, records and papers, which shall be kept by the secretary at the office of the authority, and shall perform all functions and duties and exercise all powers and duties which may be delegated to the secretary by the authority.

ARTICLE V. Each party state agrees that its legislature may, in its discretion, from time to time make available and pay over to the authority funds for the establishment and operation of the authority. The contribution of each party state will be in equal amounts.

ARTICLE VI. Nothing in this compact shall be construed so as to conflict with any existing statute, or to limit the powers of any party state, or to repeal or prevent legislation, or to authorize or permit curtailment or diminution of any other highway construction project, or to affect any existing or future cooperative arrangement or relationship between any federal agency and a party state.

ARTICLE VII. This compact shall continue in force and remain binding upon each party state until the legislature or Governor of each or either state takes action to withdraw therefrom; provided that such withdrawal shall not become effective until six (6) months after the date of the action taken by the legislature or the Governor. Notice of such action shall be given to the other party state or states by the party state which takes such action.

SECTION 2. There is hereby granted to the Governor and to the members of the authority for Arkansas all the powers provided for in the compact. All officers of the state of Arkansas are hereby authorized and directed to do all things falling within their respective jurisdictions which are necessary or incidental to carrying out the purpose of the compact.

SECTION 3. The representatives from the state of Arkansas who shall be members of the U.S. Highway 82 Four Lane Construction Authority shall be the five (5) members of the Arkansas State Highway Commission who are each duly serving in the capacity as such a Commissioner. During the course and extent of the Compact, any newly appointed Commissioner, or one appointed to fill the unexpired term of a Commissioner, shall be a member of the Authority and the replaced Commissioner shall cease to be a member of the Authority.

SECTION 4. The authority shall have the power to apply to the Congress of the United States for its consent and approval of the compact; but, in the absence of the consent of Congress and until such consent is secured, the compact shall be binding upon the state of Arkansas in all respects permitted by law for the party states, without the consent of Congress, to cooperate for the purpose enumerated in the compact and in the manner provided therein.

SECTION 5. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

Revision Commission shall incorporate the same in the Code.

APPROVED: March 16, 1989

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