

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H3/18/19

# A Bill

SENATE BILL 453

5 By: Senator L. Eads  
6 By: Representative Richardson  
7

## For An Act To Be Entitled

9 AN ACT TO PROVIDE FUNDING FOR THE ARKANSAS WATERWAYS  
10 COMMISSION AND FOR THE DEVELOPMENT, IMPROVEMENT, AND  
11 EXPANSION OF RIVER TRANSPORTATION RESOURCES WITHIN  
12 THE MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM;  
13 TO CREATE THE ARKANSAS RIVER NAVIGATION SYSTEM FUND;  
14 TO DEDICATE A PORTION OF THE AD VALOREM TAX ON WATER  
15 TRANSPORTATION COMPANIES TO THE ARKANSAS WATERWAYS  
16 COMMISSION AND THE ARKANSAS RIVER NAVIGATION SYSTEM  
17 FUND; AND FOR OTHER PURPOSES.  
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## Subtitle

21 TO PROVIDE FUNDING FOR THE ARKANSAS  
22 WATERWAYS COMMISSION AND FOR THE  
23 DEVELOPMENT, IMPROVEMENT, AND EXPANSION  
24 OF RIVER TRANSPORTATION RESOURCES WITHIN  
25 THE MCCLELLAN-KERR ARKANSAS RIVER  
26 NAVIGATION SYSTEM.  
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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31 SECTION 1. Arkansas Code Title 19, Chapter 5, Subchapter 12, is  
32 amended to add an additional section to read as follows:

33 19-5-1264. Arkansas River Navigation System Fund.

34 (a) There is created on the books of the Treasurer of State, the  
35 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous  
36 fund to be known as the "Arkansas River Navigation System Fund".



1 (b) The fund shall consist of:

2 (1) The taxes and penalties described in § 26-26-1616(d)(2);

3 (2) Grants made by any person or federal government agency;

4 (3) Any remaining fund balances carried forward from year to  
5 year; and

6 (4) Any other funds authorized or provided by law.

7 (c) The fund shall be used by the Arkansas Waterways Commission to  
8 develop, improve, and expand river transportation resources within the  
9 portion of the McClellan-Kerr Arkansas River Navigation System located in the  
10 State of Arkansas.

11  
12 SECTION 2. Arkansas Code § 26-26-1616(d), concerning the disposition  
13 of property tax taxes and penalties collected from utilities and carriers, is  
14 amended to read as follows:

15 (d) ~~The~~ When the taxes and penalties collected from water  
16 transportation companies under § 26-26-1614 ~~in excess of~~ are at least equal  
17 to two million five hundred thousand dollars (\$2,500,000) for the calendar  
18 year, a portion of the revenues from the taxes and penalties shall be  
19 deposited ~~into the State Treasury and~~ as follows:

20 (1)(A) On October 1 of each year, fifty thousand dollars  
21 (\$50,000) shall be credited to the Miscellaneous Agencies Fund Account to be  
22 used exclusively by the Arkansas Waterways Commission.

23 (B) If the taxes and penalties collected are not at least  
24 equal to two million five hundred thousand dollars (\$2,500,000) by October 1  
25 of any year, the fifty thousand dollars (\$50,000) credited under subdivision  
26 (d)(1)(A) of this section shall not be credited to the Miscellaneous Agencies  
27 Fund Account until the last day of the month in which the taxes and penalties  
28 collected are at least equal to two million five hundred thousand dollars  
29 (\$2,500,000) for the calendar year; and

30 (2) Any taxes and penalties collected in excess of two million  
31 five hundred fifty thousand dollars (\$2,550,000) each calendar year shall be  
32 deposited as follows:

33 (A) Seventy percent (70%) shall be credited to the  
34 Arkansas River Navigation System Fund; and

35 (B) Thirty percent (30%) shall be credited to the Arkansas  
36 Port, Intermodal, and Waterway Development Grant Program Fund to be used

1 *exclusively for the purposes stated in § 15-23-205.*

2 */s/L. Eads*

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5 **APPROVED: 3/27/19**

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