

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 897

"THE PRESERVATION OF LOCAL PUBLIC ROADS ACT."

Amendment No. 2 to Senate Bill No. 897.

Amend Senate Bill No. 897 as engrossed, S3/11/09 (version: 03-11-2009 08:41):

Delete all language after the enacting clause and substitute:

“SECTION 1. Arkansas Code Title 14, Chapter 16, is amended to add an additional subchapter to read as follows:

Subchapter 8

– Preservation of Local Public Roads Act.

14-16-801. Title.

This subchapter shall be known and may be cited as the “Preservation of Local Public Roads Act”.

14-16-802. Purpose.

The purpose of this subchapter is to provide a procedure for addressing the anticipated damage to county roads caused by disposal hauling operations related to oil or gas exploration and to provide compensation for the anticipated damage to the roads from disposal haulers.

14-16-803. Definitions.

As used in this subchapter:

(1) “Designated local road truck route” means a local public road established by the county judge as the route to be used by disposal haulers to transport materials and production fluids related to oil or gas exploration to and from a disposal facility;

(2) “Disposal facility” means a surface or injection well disposal facility designated for the disposal of materials and production fluids related to oil or gas exploration that is located on or off of a local public road in the state;

(3) “Disposal hauler” means the driver, owner, or operator of a motor vehicle that is engaged in hauling materials or production fluids related to oil or gas exploration to a disposal facility;

(4) “Disposal operator” means the owner, manager, or operator of a disposal facility;

(5)(A) “Local public road” means any public road that lies



between the disposal facility and a road, street, or highway that is part of the state highway system.

(B) "Local public road" does not include a road, street, or highway that is part of the state highway system; and

(6) "Road maintenance agreement" means an agreement between the county and a disposal operator regarding compensation for damages caused by disposal haulers to any designated local road truck route.

14-16-804. Evaluation by county judge.

(a) Notwithstanding any other procedure or authority available under law, if a county does not have a road maintenance agreement, the county judge may use the procedures under this section to evaluate the use and anticipated damage caused to local public roads in the county by disposal haulers.

(b) As part of the evaluation process, the county judge may:

(1) Receive and consider input from disposal operators on the designated local road truck route;

(2) Estimate the number of loads and damages to be sustained upon the designated local road truck route by disposal haulers;

(3) Estimate the total dedicated road revenues available to the county on average per-mile basis for all of the local public roads in his or her respective county; and

(4) Estimate the additional revenue that may be necessary to repair and maintain the designated local road truck route because of anticipated damages.

(c) A county judge who has performed an evaluation under this section may file a report of the evaluation determinations with the quorum court.

14-16-805. Recommendation for assessment ordinance.

(a) A county judge who has performed an evaluation under § 14-16-804 may submit to the quorum court a recommendation that an assessment be made by the county in the form of a proposed assessment ordinance as provided under this section.

(b)(1) The proposed assessment ordinance shall include the amount that the county judge recommends to be assessed on a per-load basis for each load that is transported by a disposal hauler to a disposal facility.

(2) The maximum amount of the assessment in the proposed assessment ordinance is five dollars (\$5.00) per load of materials or production fluids from oil or gas exploration.

(c) The proposed assessment ordinance shall include a penalty as provided under § 14-16-808.

14-16-806. Assessment ordinance – Collection.

(a) If a quorum court enacts the proposed assessment ordinance recommended by the county judge under § 14-16-805, the assessment ordinance:

(1) Is limited to a maximum amount of five dollars (\$5.00) per load of materials or production fluids from oil or gas exploration; and

(2) Shall include a penalty as provided under § 14-16-808.

(b)(1) If a quorum court enacts an assessment ordinance under this subchapter, the assessment shall be collected by the disposal operator and remitted to the county treasurer on a monthly basis as provided in the ordinance.

(2) All revenue generated by this assessment shall be used

exclusively to maintain and repair the designated local road truck route.

14-16-807. Oversight.

(a) If a county judge makes recommendations under this subchapter, the county judge shall annually review his or her evaluation and recommendations as provided under this subchapter.

(b) If there is a significant change in conditions, the county judge shall file a revised evaluation and revised recommendations for consideration by the quorum court using the same procedures under which the original evaluation and recommendations were made under this subchapter.

14-16-808. Penalties.

The quorum court may provide penalties for the violation of an ordinance enacted under this subchapter to include a fine to be levied:

(1) For the failure of a disposal hauler to follow the designated local road truck route; and

(2) Against a disposal operator who fails to comply with § 14-16-806(b).

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that while oil or gas exploration has stimulated Arkansas's economy, the hauling operations for the disposal of materials and production fluids from oil or gas operations require the hauling of heavy loads that cause damage to roads; that the costs of repairing, resurfacing, and maintaining roads has increased dramatically in the last two (2) years, while many counties are facing declining revenue collections; and that this act is immediately necessary to provide a uniform procedure for counties that do not have road maintenance agreements with disposal haulers and disposal operators to use to ensure that adequate revenue is available to make repairs necessary to local public roads. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Glover
JSE/JSE - 03-12-2009 10:04
JSE257

Secretary