

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2275 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/31/05 H4/7/05

A Bill

SENATE BILL 427

5 By: Senator Steele
6 By: Representative Rosenbaum
7
8

For An Act To Be Entitled

10 AN ACT TO PROVIDE FOR THE IMPROVEMENT OF SURFACE
11 TRANSPORTATION SYSTEMS IN THE STATE OF ARKANSAS
12 BY AUTHORIZING THE CREATION OF REGIONAL MOBILITY
13 AUTHORITIES; AND FOR OTHER PURPOSES.
14

Subtitle

15 THE REGIONAL MOBILITY AUTHORITY ACT.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 27, Chapter 70, is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 3. Regional Mobility Authority Act.

24 27-70-301. Title.

25 This subchapter may be cited as the "Regional Mobility Authority Act".
26

27 27-70-302. Legislative intent.

28 It is the intent of the Arkansas General Assembly that revenues raised
29 in furtherance to this subchapter are supplemental to and not a substitute
30 for the state and federal transportation funds normally invested within the
31 boundaries of the various regional mobility authorities created under this
32 subchapter.
33

34 27-70-303. Definitions.

35 As used in this subchapter:



1 (1) “Authority” means a regional mobility authority created
2 under this subchapter with the powers and duties designated in this
3 subchapter;

4 (2) “Board” means the board of directors of an authority;

5 (3)(A) “Bond” means a bond, certificate, or note.

6 (B) “Bond” includes any other obligation of an authority
7 authorized by this subchapter, the laws of the State of Arkansas, or the
8 Arkansas Constitution;

9 (4) “Governing body” means the quorum court of a county;

10 (5) “Member” means any county that is a participant in an
11 authority;

12 (6) “Project development” means all phases of implementation
13 conducted in relation to a particular project, including, but not limited to:

14 (A) Planning;

15 (B) Environmental clearances;

16 (C) Surveys;

17 (D) Right-of-way acquisition; and

18 (E) Construction; and

19 (7) “Surface transportation system” means a system of surface
20 transportation that includes, but is not limited to:

21 (A) Roads;

22 (B) Streets;

23 (C) Highways;

24 (D) Bridges;

25 (E) Tunnels;

26 (F) Sidewalks;

27 (G) Bicycle paths;

28 (H) Toll facilities;

29 (I) Pedestrian ways;

30 (J) Intermodal facilities;

31 (K) Parking facilities;

32 (L) Public transit systems;

33 (M) Traveler information systems;

34 (N) Intelligent transportation systems;

35 (O) Traffic management systems;

36 (P) Traffic signal systems;

- 1 (Q) Safety improvements;
- 2 (R) All other means of surface transportation, or
- 3 (S) The preservation and maintenance of existing surface
- 4 transportation facilities.

5
6 27-70-304. Regional Mobility Authority – Creation.

7 (a) A single county or any combination of contiguous counties may
8 create an authority.

9 (b) The purpose of an authority created under this subchapter is to
10 plan, construct, operate, fund, or purchase improvements to a surface
11 transportation system.

12 (c)(1) A member of an authority shall only participate in the
13 authority if the member’s governing body:

14 (A) By ordinance provides for the member’s participation
15 in the authority; and

16 (B) Enters into an agreement with the other participating
17 members, if such members exist.

18 (2) The agreement between members of an authority shall
19 establish the terms and conditions of the operation of the authority within
20 the limitations provided in this subchapter and the other laws of the State of
21 Arkansas that may be applicable.

22 (d) To the extent that it is consistent with this subchapter, the
23 agreement shall specify the information provided for in § 25-20-104(c) of the
24 Interlocal Cooperation Act, § 25-20-101 et seq.

25
26 27-70-305. Public corporation.

27 (a) Upon creation of an authority:

28 (1) The authority and its members shall:

29 (A) Constitute a public corporation; and

30 (B) Have perpetual succession; and

31 (2) The authority and its members may:

32 (A) Contract and be contracted with;

33 (B) Sue and be sued; and

34 (C) Have and use a common seal.

35 (b) The exercise of the powers and performance of the duties under
36 this subchapter by each authority are declared to be public and governmental

1 functions that are exercised for a public purpose and for matters of public
2 necessity and that confer upon each authority governmental immunity from suit
3 in tort.

4
5 27-70-306. Board.

6 (a) The management and control of each authority, its property,
7 operations, business, and affairs shall be governed by a board composed of at
8 least the following directors:

9 (1) The county judge or designated representative of the
10 county judge of each county in which the authority is geographically situated;
11 and

12 (2) The mayor or designated representative of the mayor of
13 each city of the first class within each county that is a member of an
14 authority.

15 (b)(1) The directors of the board shall appoint one (1) or more
16 citizen representatives who hold no public office to form a board that has a
17 minimum of five (5) directors.

18 (2) The terms of the citizen representatives shall be staggered
19 and shall not exceed five (5) years.

20 (c)(1) The directors of the board shall serve as such throughout their
21 terms in office.

22 (2) If any director ceases for any reason to be a director, that
23 director shall be replaced by the elected official succeeding the director or
24 as may be provided further in the bylaws created under this subchapter.

25 (d) The directors shall be solely responsible for selecting the chair
26 of the board.

27 (e) All directors of each authority shall be qualified electors within
28 the judicial boundaries of the authority that the directors represent.

29 (f)(1) No director of an authority shall receive any compensation
30 whether in form of salary, per diem allowance, or otherwise for or in
31 connection with his or her services as a director.

32 (2) However, each director shall be entitled to reimbursement by
33 the authority for any necessary expenditures in connection with the performance
34 of his or her general duties as a director.

35
36 27-70-307. Powers.

1 Each authority is given the following powers:

2 (1) To make and adopt all necessary bylaws for its organization
3 and operations;

4 (2) To elect officers and to employ personnel necessary for its
5 operation;

6 (3) To enter into contracts necessary or incidental to its powers
7 and duties under this subchapter;

8 (4) To apply for, receive, and spend grants for any purpose of
9 this subchapter;

10 (5) To acquire lands and hold title to the lands acquired in its
11 own name;

12 (6) To build, fund, own, operate, or contract the operation of
13 any surface transportation system;

14 (7) To acquire, own, use, and dispose of property in the
15 exercise of its powers and the performance of its duties under this
16 subchapter;

17 (8) To borrow money and execute and deliver negotiable
18 notes in the exercise of its powers and the performance of its duties
19 under this subchapter;

20 (9) To issue bonds;

21 (10) To enter into any agreement with any road or street
22 improvement district established pursuant to §§ 14-316-101 et seq.; 14-317-
23 101 et seq.; and 14-322-101 et seq.;

24 (11) To enter into any agreement with the Arkansas State Highway
25 Commission;

26 (12) To impose and collect tolls, charges, and rates on
27 surface transportation systems owned or operated by the authority, the
28 imposition of which shall be subject to the approval of voters within
29 the boundaries of the authority;

30 (13) To request and receive from time to time from counties
31 or cities within the boundaries of the authority, funds to finance and
32 support the authority, including county or city turnback funds as set
33 forth in § 27-70-206 and § 27-70-207 for the purpose of matching
34 federal transportation funds;

35 (14) To receive property or funds by gift or donation for
36 the finance and support of the authority; and

1 (15) To do all things necessary or appropriate to carry out the
2 powers and duties expressly granted or imposed under this subchapter.

3
4 27-70-308. Eminent domain.

5 (a) An authority shall have the right to acquire any property
6 necessary to carry out the purposes of this subchapter by exercising the
7 power of eminent domain.

8 (b) The authority, its agents, and its employees may seek a court
9 order to enter upon real property and make surveys, examinations,
10 photographs, tests, and samplings or to engage in other activities for the
11 purpose of appraising the property or determining whether it is suitable for
12 the authority's purpose.

13
14 27-70-309. Condemnation petition – Notice.

15 (a) The authority may exercise its power of eminent domain by filing
16 an appropriate petition in condemnation in the circuit court of the county in
17 which the property sought to be taken is situated to have the compensation
18 for right-of-way determined, giving the owner of the property to be taken at
19 least ten (10) days' notice in writing of the time and place where the
20 petition will be heard.

21 (b)(1) If the property sought to be condemned is located in more than
22 one (1) county, the petition may be filed in any circuit court having
23 jurisdiction in any county in which any part of the property may be located.

24 (2) The proceedings had in the circuit court shall apply to all
25 of the property described in the petition.

26 (c)(1)(A) If the owner of the property sought to be taken is a
27 nonresident of the state, notice shall be by publication in any newspaper in
28 the county that is authorized by law to publish legal notices.

29 (B) This notice shall be published for the same length of
30 time as may be required in other civil causes.

31 (2) If there is no such newspaper published in the county, then
32 publication shall be made in a newspaper designated by the circuit clerk, and
33 one (1) written or printed notice thereof shall be posted on the door of the
34 county courthouse.

35 (d)(1) The condemnation petition shall describe the lands and property
36 sought.

1 (2) When the immediate possession of lands and property is
2 sought to be obtained, the authority may file a declaration of taking under
3 this subchapter at any time before judgment or together with the condemnation
4 petition.

5
6 27-70-310. Declaration of taking.

7 (a)(1) The petitioner may file a declaration of taking at any time
8 before a judgment is signed by the chair of the board, or with the
9 condemnation petition, in any proceeding instituted by and in the name of the
10 authority that involves the acquisition of real property, an interest in real
11 property, or an easement.

12 (2) The declaration shall declare that the authority is taking
13 the real property, an interest in the real property, or the easement for the
14 use of the authority.

15 (b) The declaration of taking shall contain or have annexed to it the
16 following:

17 (1) A statement that the authority is taking the real property,
18 an interest in real property, or an easement;

19 (2) A statement of the purpose for which the authority is taking
20 the real property, an interest in real property, or an easement;

21 (3) A description of the real property, an interest in the real
22 property, or an easement that the authority is taking, sufficient for the
23 identification thereof; and

24 (4) A plat showing the real property, an interest in the real
25 property, or an easement that the authority is taking;

26 (5) A statement of the amount of money estimated by the
27 acquiring authority to be just compensation for the taking of the real
28 property, an interest in the real property, or an easement.

29
30 27-70-311. Condemnation proceedings and judgment.

31 (a) The circuit court shall impanel a jury of twelve (12) persons, as
32 in other civil cases, to ascertain the amount of compensation that the
33 authority shall pay for the real property, an interest in the real property,
34 or an easement which the authority is taking.

35 (b) The matter shall proceed and be determined as in other civil
36 cases.

1 (c) In all cases of infants or incompetent persons, when no legal
2 representative or guardian appears in their behalf at the hearing, it shall
3 be the duty of the court to appoint a guardian ad litem who shall represent
4 their interest for all purposes.

5 (d) Compensation shall be ascertained and awarded in the proceeding
6 and established by judgment therein.

7
8 27-70-312. Finance.

9 (a) Each authority may be financed or supported by receiving from
10 time to time as revenue the following:

11 (1) All or any part of any proceeds derived from the levy
12 and collection of a sales tax by a county that is a member of an
13 authority, pursuant to § 26-74-201 et seq., § 26-74-301 et seq., and §
14 26-74-401 et seq.;

15 (2) All or any part of any proceeds derived from the levy
16 and collection of a sales tax by a city that is within the boundaries
17 of an authority, pursuant to § 26-75-201 et seq. and § 26-75-301 et
18 seq.;

19 (3) Proceeds from a motor vehicle tax imposed by a county
20 that is a member of an authority pursuant to § 26-78-101 et seq.;

21 (4) Proceeds from tolls, charges, and rates imposed on
22 surface transportation systems owned or operated by the authority; and

23 (5) State turnback funds pursuant to § 27-70-206 and § 27-
24 70-207 received from counties and cities.

25 (b) Taxes imposed under subdivisions (a)(1) through (3) of this
26 section shall be approved by voters pursuant to all applicable election laws.

27
28 27-70-313. Approval.

29 Any design or proposal for road or highway improvements must be
30 approved by the city or county government or the State Highway Commission
31 that owns the roadway prior to the commencement of project development.

32
33 27-70-314. Improvement financing with bonds.

34 (a) Whenever any authority created under this subchapter shall own or
35 operate a surface transportation system and shall desire to construct
36 improvements, betterments, and extensions thereto the authority may issue

1 revenue bonds under the provisions of this subchapter to pay the costs.

2 (b)(1) Bonds issued in accordance with this subchapter shall be
3 authorized by resolution of the board of directors of the authority.

4 (2) The bonds may be issued as registered bonds and may be
5 exchangeable for bonds of another denomination or in another form.

6 (3) The bonds may:

7 (A) Be in such form and denominations;

8 (B) Have such date or dates;

9 (C) Be stated to mature at such time or times;

10 (D) Bear interest payable at such times and at such rate
11 or rates;

12 (E) Be payable at such places within or without the state;

13 (F) Be subject to such terms of redemption in advance of
14 maturity at such prices; and

15 (G) Contain such terms and conditions, all as the board of
16 directors shall determine.

17 (4) The bonds shall have all of the qualities of and shall be
18 deemed to be negotiable instruments under the laws of the State of Arkansas,
19 subject to provisions as to registration as set forth in this subsection.

20 (5) The authorizing resolution may contain any other terms,
21 covenants, and conditions that the board of directors deems reasonable and
22 desirable, including, without limitation, those pertaining to:

23 (A) The maintenance of various funds and reserves;

24 (B) The nature and extent of any security for payment of
25 the bonds;

26 (C) The custody and application of the proceeds of the
27 bonds;

28 (D) The collection and disposition of revenues;

29 (E) The investing for authorized purposes; and

30 (F) The rights, duties, and obligations of the public body
31 and the holders and registered owners of the bonds.

32 (c)(1) The authorizing resolution may provide for the execution of a
33 trust indenture between the authority and any financial institution within or
34 without the State of Arkansas.

35 (2) The trust indenture may contain any terms, covenants, and
36 conditions that are deemed desirable by the board of directors, including,

1 without limitation, those pertaining to:

2 (A) The maintenance of various funds and reserves;

3 (B) The nature and extent of any security for the payment
4 of the bonds;

5 (C) The custody and application of the proceeds of the
6 bonds;

7 (D) The collection and disposition of revenues;

8 (E) The investing and reinvesting of any moneys during
9 periods not needed for authorized purposes; and

10 (F) The rights, duties, and obligations of the public body
11 and the holders and registered owners of the bonds.

12 (d)(1) Any authorizing resolution and trust indenture relating to the
13 issuance and security of the bonds shall constitute a contract between the
14 authority and holders and registered owners of the bonds.

15 (2) The contract and all covenants, agreements, and obligations
16 therein shall be promptly performed in strict compliance with the terms and
17 provisions of the contract, and the covenants, agreements, and obligations of
18 the authority may be enforced by mandamus or other appropriate proceeding at
19 law or in equity.

20 (e)(1) The resolution shall fix the minimum fees, fares, tolls, or
21 charges to be collected prior to the payment of all of the bonds, with
22 exceptions as may be provided in the resolution, and shall pledge the
23 revenues derived from the authority's surface transportation system or any
24 specified portion of the authority's surface transportation system for the
25 purpose of paying the bonds and interest thereon.

26 (2) The rates to be charged for the use of the authority's
27 surface transportation system shall be sufficient to provide for the payment
28 of all principal of and interest on all bonds as and when due.

29 (f)(1) The proceeds derived from the sale of the bonds shall be used
30 solely for the purpose of:

31 (A) Making betterments, improvements, and extensions to
32 the surface transportation system owned and operated by the authority;

33 (B) Paying interest on the bonds during the period of
34 construction of the betterments, improvements, and extensions;

35 (C) Establishing any necessary reserves for the bonds;

36 (D) Paying the costs of issuing the bonds; and

1 (E) Paying any other costs and expenditures of whatever
2 nature incidental to the accomplishment of the betterments, improvements, and
3 extensions.

4 (2) The terms "betterments", "improvements", and "extensions"
5 include surface transportation systems as well as all other real and personal
6 property, buildings, structures, or other improvements or facilities as may
7 be necessary or advisable for the proper and efficient operation of the
8 authority's surface transportation system.

9 (g)(1) Bonds issued under the provisions of this section shall be
10 payable solely from revenues derived from the authority's surface
11 transportation system.

12 (2) The bonds shall not in any event constitute an indebtedness
13 of, nor pledge the faith and credit of, the State of Arkansas or the county
14 or counties creating the authority within the meaning of any constitutional
15 provisions or limitations.

16 (3) It shall be plainly stated on the face of each bond that it:

17 (A) Is issued under the provisions of this subchapter;

18 (B) Does not constitute an indebtedness of the State of
19 Arkansas or the county or counties creating the authority within any
20 constitutional provisions or limitations; and

21 (C) Is not backed by the full faith and credit of the
22 State of Arkansas or the county or counties creating the authority.

23 (4) The bonds and the interest thereon shall be exempt from all
24 state, county, and municipal taxation. This exemption includes income
25 taxation and inheritance taxation.

26 (h)(1) The bonds may be sold in such manner, either at public or
27 private sale, and upon such terms as the board of directors shall determine
28 to be reasonable and expedient for effectuating the purposes of the
29 authority.

30 (2) The bonds may be sold at a price the board of directors may
31 accept, including sale at discount.

32 (i)(1) The bonds shall be executed by manual or facsimile signature of
33 the chair of the board of directors and the manual or facsimile signature of
34 the secretary of the board of directors or any other officer of the authority
35 authorized to do so by resolution of the board of directors.

36 (2) In case any of the officers whose signatures appear on the

1 bonds shall cease to be the officers before delivery of the bonds, their
2 signatures nevertheless shall be valid and sufficient for all purposes.

3 (3) Each bond shall be impressed or imprinted with the seal of
4 the public body.

5
6 27-70-315. Lien in favor of bondholders.

7 (a) The payment of the principal of bonds issued under this subchapter
8 and the interest thereon may be secured by a lien on and security interest in
9 the authority's surface transportation system or any specified portion of the
10 authority's surface transportation system.

11 (b) It shall not be necessary to the perfection of the lien and pledge
12 for such purposes that the trustee in connection with the bond issue or the
13 holders of the bonds take possession of the collateral security.

14 (c) Subject to whatever restrictions may be contained in the
15 resolution or indenture governing the bonds, any holder of bonds issued under
16 the provisions of this subchapter may enforce either at law or in equity the
17 mortgage lien and may compel by proper suit the performance of the duties of
18 the officers of the issuing authority set forth in this subchapter.

19 (d) If there be default in the payment of the principal of or interest
20 on any of the bonds, any court having jurisdiction in any proper action may
21 appoint a receiver to administer the authority's surface transportation
22 system or the specified portion of the authority's surface transportation
23 system pledged to the payment of the bonds on behalf of the public body, with
24 power to charge and collect rates sufficient to provide for the payment of
25 the bonds and the interest thereon and for the payment of the operating
26 expenses and to apply the income and revenues in conformity with this
27 subchapter and the resolution or indenture providing for the issuance of the
28 bonds.

29
30 27-70-316. Refunding bonds.

31 (a) Bonds may be issued for the purpose of refunding any obligations
32 issued under this subchapter or otherwise. The refunding bonds may be
33 combined with bonds issued under the provisions of § 27-70-314 into a single
34 issue.

35 (b) When bonds are issued under this section for refunding purposes,
36 the bonds may either be sold or delivered in exchange for the outstanding

1 obligations. If sold, the proceeds may be either applied to the payment of
2 the obligations refunded or deposited in escrow for the retirement thereof
3 either at maturity or upon any authorized redemption date.

4 (c)(1) All bonds issued under this section shall in all respects be
5 authorized, issued, and secured in the manner provided for other bonds issued
6 under this subchapter and shall have all the attributes of such bonds.

7 (2) The resolution or indenture under which the refunding bonds
8 are issued may provide that any of the refunding bonds shall have the same
9 priority of lien on the revenues pledged for their payment as was enjoyed by
10 the obligations refunded thereby.

11
12 SECTION 2. Arkansas Code § 26-74-203(2), regarding definitions for
13 sales and use tax for capital improvements, is amended to read as follows:

14 (2) "Capital improvements of a public nature" means:

- 15 (A) Streets;
- 16 (B) Roads;
- 17 (C) Public parks;
- 18 (D) Port facilities;
- 19 (E) Tourism facilities;
- 20 (F) Airport facilities;
- 21 (G) Sewerage facilities;
- 22 (H) Waterworks facilities;
- 23 (I) Fire protection facilities;
- 24 (J) Convention center facilities;
- 25 (K) Courthouses;
- 26 (L) Police facilities;
- 27 (M) Public transit facilities;
- 28 (N) Auditoriums;
- 29 (O) Prisons;
- 30 (P) Libraries;
- 31 (Q) Hospital and nursing home facilities;
- 32 (R) Solid waste facilities;
- 33 (S) Sanitation facilities;
- 34 (T) Bridges;
- 35 (U) Electric facilities;
- 36 (V) Hydroelectric facilities;

- 1 (W) Facilities for the securing and developing of
- 2 industry;
- 3 (X) Natural gas facilities;
- 4 (Y) Parking facilities;
- 5 (Z) Public housing facilities;
- 6 (AA) Pollution control facilities;
- 7 (BB) Public education facilities;
- 8 (CC) Drainage facilities;
- 9 (DD) Pedestrian facilities;
- 10 (EE) Lakes;
- 11 (FF) Dams; ~~and~~
- 12 (GG) Waterways; and
- 13 (HH) Regional mobility authority surface transportation
- 14 systems;

15

16 SECTION 3. Arkansas Code § 26-74-303(2), regarding definitions for

17 sales tax for capital improvements, is amended to read as follows:

- 18 (2) "Capital improvements of a public nature" means:
- 19 (A) Streets;
 - 20 (B) Roads;
 - 21 (C) Public parks;
 - 22 (D) Port facilities;
 - 23 (E) Tourism facilities;
 - 24 (F) Airport facilities;
 - 25 (G) Sewerage facilities;
 - 26 (H) Waterworks facilities;
 - 27 (I) Fire protection facilities;
 - 28 (J) Convention center facilities;
 - 29 (K) Courthouses;
 - 30 (L) Police facilities;
 - 31 (M) Public transit facilities;
 - 32 (N) Auditoriums;
 - 33 (O) Prisons;
 - 34 (P) Libraries;
 - 35 (Q) Hospital and nursing home facilities;
 - 36 (R) Solid waste facilities;

- 1 (S) Sanitation facilities;
- 2 (T) Bridges;
- 3 (U) Electric facilities;
- 4 (V) Hydroelectric facilities;
- 5 (W) Facilities for the securing and developing of
- 6 *industry;*
- 7 (X) Natural gas facilities;
- 8 (Y) Parking facilities;
- 9 (Z) Public housing facilities;
- 10 (AA) Pollution control facilities;
- 11 (BB) Public education facilities;
- 12 (CC) Drainage facilities;
- 13 (DD) Pedestrian facilities;
- 14 (EE) Lakes;
- 15 (FF) Dams; ~~and~~
- 16 (GG) Waterways; and
- 17 (HH) Regional mobility authority surface transportation
- 18 systems;

19

20 SECTION 4. Arkansas Code § 26-75-203(3), regarding definitions for

21 sales tax for capital improvements, is amended to read as follows:

- 22 (3) "Capital improvements of a public nature" means:
- 23 (A) Streets;
 - 24 (B) Roads;
 - 25 (C) Public parks;
 - 26 (D) Port facilities;
 - 27 (E) Tourism facilities;
 - 28 (F) Airport facilities;
 - 29 (G) Sewerage facilities;
 - 30 (H) Waterworks facilities;
 - 31 (I) Fire protection facilities;
 - 32 (J) Convention center facilities;
 - 33 (K) City halls;
 - 34 (L) Courthouses;
 - 35 (M) Police facilities;
 - 36 (N) Public transit facilities;

- 1 (O) Auditoriums;
- 2 (P) Prisons;
- 3 (Q) Libraries;
- 4 (R) Hospital and nursing home facilities;
- 5 (S) Solid waste facilities;
- 6 (T) Sanitation facilities;
- 7 (U) Bridges;
- 8 (V) Electric facilities;
- 9 (W) Hydroelectric facilities;
- 10 (X) Facilities for the securing and developing of
- 11 *industry;*
- 12 (Y) Natural gas facilities;
- 13 (Z) Parking facilities;
- 14 (AA) Public housing facilities;
- 15 (BB) Pollution control facilities;
- 16 (CC) Public education facilities;
- 17 (DD) Drainage facilities;
- 18 (EE) Pedestrian facilities;
- 19 (FF) Lakes;
- 20 (GG) Dams; ~~and~~
- 21 (HH) Waterways; and
- 22 (II) Regional mobility authority surface transportation
- 23 systems;

24

25 SECTION 5. Arkansas Code § 26-75-303(3), regarding definitions for

26 sales tax for capital improvements, is amended to read as follows:

27 (3) "Capital improvements of a public nature" means:

- 28 (A) Streets;
- 29 (B) Roads;
- 30 (C) Public parks;
- 31 (D) Port facilities;
- 32 (E) Tourism facilities;
- 33 (F) Airport facilities;
- 34 (G) Sewerage facilities;
- 35 (H) Waterworks facilities;
- 36 (I) Fire protection facilities;

1 (J) Convention center facilities;
 2 (K) City halls;
 3 (L) Courthouses;
 4 (M) Police facilities;
 5 (N) Public transit facilities;
 6 (O) Auditoriums;
 7 (P) Prisons;
 8 (Q) Libraries;
 9 (R) Hospital and nursing home facilities;
 10 (S) Solid waste facilities;
 11 (T) Sanitation facilities;
 12 (U) Bridges;
 13 (V) Electric facilities;
 14 (W) Hydroelectric facilities;
 15 (X) Facilities for the securing and developing of
 16 industry;
 17 (Y) Natural gas facilities;
 18 (Z) Parking facilities;
 19 (AA) Public housing facilities;
 20 (BB) Pollution control facilities;
 21 (CC) Public education facilities;
 22 (DD) Drainage facilities;
 23 (EE) Pedestrian facilities;
 24 (FF) Lakes;
 25 (GG) Dams; ~~and~~
 26 (HH) Waterways; and
 27 (II) Regional mobility authority surface transportation
 28 systems;
 29

30 SECTION 6. Arkansas Code Title 26, Chapter 78 is amended to add an
 31 additional section to read as follows:

32 26-78-120. Authority to levy a tax to finance or support a regional
 33 mobility authority.

34 (a)(1) In addition to all other taxes imposed under this subchapter
 35 for the privilege of using and operating vehicles, a county that is a member
 36 of a regional mobility authority may impose an additional tax upon the owners

1 of motor vehicles for the privilege of operating vehicles upon the public
2 roads, streets, and other public ways in the county.

3 (2) The revenues collected under this section shall be used only
4 for the finance or support of the regional mobility authority.

5 (b) The tax shall be collected by the county tax collector pursuant to
6 § 26-78-105 and § 26-78-106.

7 (c) Notwithstanding the provisions of § 26-78-104, the amount of the
8 tax collected under this section shall be determined by the county quorum
9 court and may exceed the maximum amount set forth in § 26-78-104.

10 (d) The procedure for implementing a tax under this section shall be
11 as provided under § 26-78-103.

12
13 SECTION 7. Arkansas Code § 27-70-207 is amended to read as follows:
14 27-70-207. Distribution to county funds.

15 (a)(1)(A) All highway revenues transferred to the County Aid Fund
16 under this subchapter shall be paid over by the Treasurer of State to the
17 treasurers of the respective counties of this state for credit to the county
18 highway fund, there to be used for the maintenance, construction, and
19 reconstruction of roads and bridges in the county highway system, provided,
20 however, that no more than twenty percent (20%) of the revenues received by a
21 county during any fiscal year may also be used for public transportation.

22 (B) A county may also use these funds to construct and
23 maintain parking for county courthouses, county administration buildings,
24 county health units, and county parks and to construct and maintain sidewalks
25 that serve county courthouses, county administration buildings, county health
26 units, county parks, public schools, and other publicly owned property.

27 (C) A county may use these funds to pay for local projects
28 eligible for funding under state programs of the Arkansas State Highway and
29 Transportation Department and under federal programs of the Federal Highway
30 Administration of the United States Department of Transportation.

31 (D) Furthermore, the funds may be used to install and
32 maintain traffic signals where needed to preserve public health, safety, and
33 welfare.

34 (E) A county may provide these funds to a regional
35 mobility authority to match federal transportation funds for the financing of
36 surface transportation system improvements on state highways, county roads

1 and city streets.

2 (2) The Treasurer of State shall on or before the tenth day next
3 following the last day of each calendar month make distribution of the
4 revenues on the following basis:

5 (A) Thirty-one percent (31%) of the amount according to
6 area, with each county to receive the proportion that its area bears to the
7 area of the state;

8 (B) Seventeen and one-half percent (17.5%) of the amount
9 according to the amount of state motor vehicle license fees collected in the
10 calendar year next preceding any distribution as certified to the Treasurer
11 of State by the Director of the Department of Finance and Administration,
12 with each county to receive the proportion that the total of fees collected
13 from the county bears to the total of fees collected in the state;

14 (C) Seventeen and one-half percent (17.5%) of the amount
15 according to population based upon the most recent federal decennial census,
16 with each county to receive the proportion that its population bears to the
17 population of the state;

18 (D) Thirteen and one-half percent (13.5%) of the amount
19 according to rural population based upon the most recent federal decennial
20 census, with each county to receive the proportion that its rural population
21 bears to the rural population of the state; and

22 (E) Twenty and one-half percent (20.5%) of the amount
23 shall be divided equally among the seventy-five (75) counties.

24 (b)(1)(A) All highway revenues transferred to the Municipal Aid Fund
25 under the provisions of this subchapter shall be paid over by the Treasurer
26 of State to the treasurers of the respective cities of the first class,
27 cities of the second class, and incorporated towns for credit to the street
28 fund, there to be used for the maintenance, construction, and reconstruction
29 of streets which are not continuations of state highways.

30 (B)(i) Provided, however, that cities with a population in
31 excess of fifty thousand (50,000) inhabitants may use no more than ten
32 percent (10%) of the revenues for public transportation; ~~and.~~

33 (ii) All other cities may use no more than twenty
34 percent (20%) of the revenues for public transportation.

35 (C) A city may provide these funds to a regional mobility
36 authority to match federal transportation funds for the financing of surface

1 transportation system improvements on state highways, county roads, and city
2 streets.

3 (2) The Treasurer of State shall on or before the tenth day next
4 following the last day of each calendar month make distribution of the funds
5 on the basis of population according to the most recent federal census, with
6 the amount to be paid over to each city or incorporated town in the
7 proportion that its population bears to the total population of all cities
8 and towns.

9 (c)(1) All highway revenues transferred to the State Highway and
10 Transportation Department Fund under the provisions of this subchapter shall
11 be used for the construction, reconstruction, and maintenance of highways and
12 bridges in the state highway system.

13 (2)(A) However, the department may use highway revenues
14 transferred to the State Highway and Transportation Department Fund for the
15 installation, upgrading, or improvement of any highway-railroad crossing
16 safety device, railroad crossing traffic control device, warning lights,
17 crossing gates, or other railroad crossing safety devices at public highway
18 railroad crossings and for the construction, reconstruction, and maintenance
19 of any highway-railroad crossing, including the construction or installation
20 of any underpasses or overpasses.

21 (B) Except for the construction or installation of
22 underpasses or overpasses, the department's goal is to expend one dollar
23 (\$1.00) of state funds for each dollar of federal funds received to improve
24 railroad crossing safety and to reduce railroad crossing accidents.

25 (C) It is the intent of this subdivision (c)(2) to
26 encourage the State Highway Commission to continue to upgrade the state's
27 highway-railway crossings with traffic control devices, warning lights,
28 crossing gates, and other appropriate devices in order to increase the safety
29 of persons using the state's highways.

30
31 /s/ Steele

32
33
34 APPROVED: 4/14/2005

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