

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

HOUSE BILL 1248

4  
5 By: Representatives Hunt, Sheppard, Elliott, Bevis, T. Thomas

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 27-71-103 AND 27-90-201  
10 TO REVISE THE DEFINITION OF 'TURNPIKE PROJECTS' TO  
11 EXCLUDE EXISTING FEDERAL INTERSTATE HIGHWAYS FROM THE  
12 TOLL PROJECTS AUTHORIZED BY ARKANSAS TURNPIKE  
13 AUTHORITY ACT AND OTHER TOLL ROAD LAWS; TO DECLARE AN  
14 EMERGENCY; AND FOR OTHER PURPOSES."

## Subtitle

16 "TO REVISE THE DEFINITION OF 'TURNPIKE  
17 PROJECTS' TO EXCLUDE EXISTING FEDERAL  
18 INTERSTATE HIGHWAYS FROM THE TOLL  
19 PROJECTS AUTHORIZED BY TOLL ROAD LAWS."

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

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25 SECTION 1. Arkansas Code 27-71-103(2), regarding the definition of  
26 "project" used in the Arkansas Turnpike Authority Act, is amended to read as  
27 follows:

28 "(2) 'Project' or 'turnpike project' means any express highway  
29 constructed under the provisions of this chapter by the authority, including,  
30 without limitation, lands, rights-of-way, bridges, tunnels, overpasses,  
31 underpasses, interchanges, entrance plazas, approaches, toll houses, service  
32 stations, administration buildings, storage buildings, other buildings, and  
33 facilities which the authority may deem necessary or desirable for the  
34 operation of a turnpike project, together with all property, rights,  
35 easements, rights-of-way, and interest that may be acquired by the authority  
36 for or in connection with the construction or operation of a turnpike project.

1 Each turnpike project shall be separately designated by appropriate name or  
 2 number and may be constructed, reconstructed, or extended in sections and  
 3 stages as the authority may from time to time determine. Provided, however,  
 4 the term project or turnpike project shall not include any construction,  
 5 reconstruction, extension, or rehabilitation of any portion of an existing  
 6 federal interstate highway, bridge, overpass, underpass, or intersection which  
 7 results in tolls being charged on any portion of a federal interstate highway  
 8 in Arkansas in existence on January 1, 1999 unless specific authorization for  
 9 the toll project is granted by act of the Arkansas General Assembly;"

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 11 SECTION 2. Arkansas Code 27-90-201 is amended to read as follows:  
 12 "27-90-201. Definitions.

13 As used in this subchapter, unless the context otherwise requires:

14 (1) 'Commission' means the State Highway Commission;

15 (2) 'Project' or 'turnpike project' means any highway on or a  
 16 part of the state highway system constructed, reconstructed, or rehabilitated  
 17 under the provisions of this chapter by the commission, including, without  
 18 limitation, lands, rights-of-way, bridges, tunnels, overpasses, underpasses,  
 19 interchanges, entrance plazas, approaches, toll houses, administration  
 20 buildings, storage buildings, other buildings, and facilities which the  
 21 commission may deem necessary or desirable for the operation of a turnpike  
 22 project, together with all property, rights, easements, rights-of-way, and  
 23 interest that may be acquired by the commission for or in connection with the  
 24 construction or operation of a turnpike project. Provided, however, the term  
 25 project or turnpike project shall not include any construction,  
 26 reconstruction, extension, or rehabilitation of any portion of an existing  
 27 federal interstate highway, bridge, overpass, underpass, or intersection which  
 28 results in tolls being charged on any portion of a federal interstate highway  
 29 in Arkansas in existence on January 1, 1999 unless specific authorization for  
 30 the toll project is granted by act of the Arkansas General Assembly."

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 32 SECTION 3. All provisions of this act of a general and permanent nature  
 33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 34 Revision Commission shall incorporate the same in the Code.

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 36 SECTION 4. If any provision of this act or the application thereof to

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

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

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 9 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the  
 10 Eighty-second General Assembly that the unelected State Highway Commission is  
 11 authorized by law to place tolls on different highways in Arkansas; that, like  
 12 most federal highways, federal interstate highways have traditionally been  
 13 toll-free roads for many years; that due to a recent change in federal law,  
 14 the State Highway Commission under Minute Order 98-163 has applied to the  
 15 federal government for authority to permit the tolling of some existing  
 16 interstate highways under a so-called "pilot project" program, and that the  
 17 General Assembly believes this should be done in Arkansas only with the  
 18 consent of citizens' representatives in the state's legislative body.  
 19 Therefore, an emergency is declared to exist and this act being immediately  
 20 necessary for the preservation of the public peace, health and safety shall  
 21 become effective on the date of its approval by the Governor. If the bill is  
 22 neither approved nor vetoed by the Governor, it shall become effective on the  
 23 expiration of the period of time during which the Governor may veto the bill.  
 24 If the bill is vetoed by the Governor and the veto is overridden, it shall  
 25 become effective on the date the last house overrides the veto.