

State of Arkansas

As Engrossed: S3/30/99

82nd General Assembly

# A Bill

Regular Session, 1999

SENATE BILL 910

By: Senator K. Smith

## For An Act To Be Entitled

"AN ACT TO CREATE THE *DELTA* PARKWAY FOR THE  
DEVELOPMENT AND REVITALIZATION IN THE ARKANSAS MID-  
DELTA REGION; TO LEVY A ONE DOLLAR AND FIFTY CENT  
(\$1.50) TOLL ON MOTOR VEHICLES CROSSING THE HELENA  
BRIDGE TO FINANCE CONSTRUCTION; TO PROVIDE FOR PROGRAM  
OF CASH REFUNDS FOR TOLL RECEIPTS; AND FOR OTHER  
PURPOSES. "

## Subtitle

"TO CREATE THE *DELTA* PARKWAY FOR  
DEVELOPMENT AND REVITALIZATION OF THE  
REGION AND LEVY A TOLL ON VEHICLES  
CROSSING THE HELENA BRIDGE. "

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

### SECTION 1. *Delta* Parkway Established.

(a) There is hereby established the Arkansas *Delta* Parkway within the  
*Delta* Region consisting of Phillips, Lee and Monroe Counties in Arkansas along  
the route of U.S. Highway 49 from its intersection with Interstate 40 at  
Brinkley, Arkansas to the crossing of the Mississippi River at the Helena  
Bridge.

(b) It shall be among the prescribed duties of the Arkansas Highway  
Commission to construct and maintain the Arkansas *Delta* Parkway to encourage  
the development and revitalization of the economic base of the region by  
providing a vital transportation link to the rest of Arkansas' highway and  
interstate transportation network.

1  
2 SECTION 2. Parkway Planning.

3 (a) On and after the effective date of this Act, the Arkansas Highway  
4 Commission shall begin planning and engineering work for the construction and  
5 reconstruction of Delta Parkway. It shall be a limited access highway meeting  
6 federal interstate highway standards.

7 (b) Actual construction shall begin as soon as possible after any and  
8 all agreements necessary for tolling the Helena Bridge have been made with the  
9 Federal Highway Administration, in accordance with 23 U.S.C. § 129, on behalf  
10 of the State of Arkansas and after financial commitments from any necessary  
11 reconstruction and rehabilitation of the Helena Bridge have been completed in  
12 order to provide a revenue stream from tolling the Helena Bridge. For the  
13 purposes of this Act, the term "Helena Bridge" shall refer to the bridge  
14 constructed across the Mississippi River in the area of the City of Helena,  
15 Arkansas and Friars Point, Mississippi.

16  
17 SECTION 3. Tolls Collected on Helena Bridge.

18 As soon as possible after the completion of necessary agreements with  
19 the federal government and any other entities whose concurrence may be needed  
20 to accomplish the tolling of the Helena Bridge, the Arkansas Highway  
21 Commission shall cause a toll collection facility on or near the Arkansas side  
22 of the Helena Bridge to be constructed. As soon as possible thereafter, the  
23 Arkansas State Highway and Transportation Department shall begin collecting a  
24 toll of one dollar and fifty cents (\$1.50) per passenger automobile for  
25 crossing, either way, across the Helena Bridge. The Arkansas Highway  
26 Commission and Highway Department shall have the authority to fix, revise,  
27 charge, and collect tolls for all buses, trucks, semi-trucks and trailers, and  
28 other vehicles for crossing, either way, across the Helena bridge. The  
29 Highway Commission and Department shall then carry out all necessary  
30 reconstruction and rehabilitation of the Helena Bridge to be accomplished to  
31 insure it qualifies for becoming a tolled facility in accordance with 23  
32 U.S.C. § 129.

33  
34 SECTION 4. Delta Parkway Fund Created.

35 (a) There is hereby established on the books of the Treasurer of State,  
36 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as

1 the Delta Parkway Fund.

2 (b) This fund shall consist of all toll revenues from the collection of  
3 tolls on motor vehicles for crossing the Helena Bridge, there to be used by  
4 the Arkansas State Highway and Transportation Department for the construction  
5 and reconstruction of the Delta Parkway.

6 (c) All toll revenues derived from the collection of tolls from the  
7 Helena Bridge shall be deposited by the Director of the Arkansas State Highway  
8 and Transportation Department in the State Treasury as special revenues.

9  
10 SECTION 5. Use of Toll Revenues.

11 Toll revenues from the Helena Bridge may be used for the following  
12 purposes:

13 (1) to pay for all necessary reconstruction and rehabilitation costs  
14 necessary for the Helena Bridge in order to make it a tolled facility to  
15 provide a revenue stream from toll revenues;

16 (2) to pay all necessary maintenance costs on the tolled facility to  
17 certify it is adequately maintained in accordance with federal law; and

18 (3) to pay for the planning, design engineering, construction and  
19 reconstruction of the portions of U.S. Highway 49 being designated as the Mid-  
20 Delta Parkway.

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22 SECTION 6. Toll-Free Repeal.

23 Notwithstanding any Act of the Arkansas General Assembly, and  
24 specifically the language of Section 1 of Act 166 of 1973, making or naming  
25 the Helena Bridge a toll free bridge, the Arkansas Highway Commission shall,  
26 after the effective date of this Act, have the authority to begin collecting  
27 tolls or to renew the collections of tolls on the Helena Bridge across the  
28 Mississippi River and any provision of law to the contrary to the intent of  
29 this Section shall hereafter be repealed.

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31 SECTION 7. Special Refund Program for Toll Receipts.

32 (a) Any person or business having a motor vehicle registered in  
33 Arkansas and who is a resident of or which has a place of business in  
34 Phillips, Monroe, or Lee County, Arkansas and who has paid personal property  
35 taxes on the vehicle to one of those counties during the last twelve (12)  
36 months shall be eligible to, subject to limitations and requirements

1 prescribed in this section, file a claim for a refund of toll receipts paid  
2 for crossing the Helena Bridge, up to the limits prescribed in this section.

3 (b) Any person or business desiring to file a claim for a refund under  
4 the provisions of this section shall file the claim with the Arkansas Highway  
5 and Transportation Department on forms prescribed by the department and shall  
6 furnish information to substantiate the claim as is as may be prescribed by  
7 the Department. Claims shall be filed on or before August 15 of the year next  
8 following the year in which the toll receipts were paid.

9 (c) Only one claim per household or one claim per business for each  
10 vehicle owned may be made under the provisions of this section for any  
11 particular year.

12 (d) Every person or business filing a claim under the provisions of this  
13 section shall include in the claim information showing the names of members of  
14 the claimant's household or business name, the address or location of the  
15 household or business address of the claimant, a statement of the ad valorem  
16 taxes paid on the motor vehicle, or vehicles, if married or a business with  
17 multiple vehicles, during the previous year, and receipts showing the tolls  
18 paid by the claimant during the previous year for crossing the Helena Bridge,  
19 and other information as may be required by the department to assure that the  
20 claimant is eligible for, and entitled to, benefits under the provisions of  
21 this section.

22 (e) All claims filed under the provisions of this subchapter shall be  
23 made upon forms prescribed and furnished by the Arkansas Highway and  
24 Transportation Department, and all forms shall include appropriate  
25 instructions to claimants for filing a claim under this section. The  
26 Department shall either approve or deny every claim filed hereunder, either in  
27 the amount claimed or in an amount determined by the department, within ninety  
28 (90) days after the date the claims are filed.

29 (f) The amount of any refund allowed or made pursuant to the provisions  
30 of this section shall be determined as follows:

31 (1) If the claimant's household or business included one (1)  
32 motor vehicle on which he paid property taxes and he paid one hundred dollars  
33 (\$100.00) or less in tolls for the previous year, then the claimant shall be  
34 entitled to file a claim for an amount equal to the amount of the toll  
35 receipts paid;

36 (2) If the claimant is married and the household included two (2)

1 or more motor vehicles, or if his business owned two or more motor vehicles,  
2 on which he paid property taxes and he paid two hundred dollars (\$200.00) or  
3 less in tolls for the previous year, then the claimant shall be entitled to  
4 file a claim for an amount equal to the amount of the toll receipts paid; or

5 (3) If the claimant is married and the household included two (2)  
6 or more motor vehicles, or if his business owned two or more motor vehicles,  
7 on which he paid property taxes and he paid two hundred dollars (\$200.00) or  
8 more in tolls for the previous year, then the claimant shall be entitled to  
9 file a claim for a maximum of two hundred dollars (\$200.00).

10 (g) The refund shall be paid to the claimant by check or state warrant  
11 and no interest shall be allowed on any payment made to a claimant.

12 (h)(1) The Department shall be authorized to use the State Highway and  
13 Transportation Department Fund for the payment of refunds to claimants under  
14 this section.

15 (2) Of all the highway revenues in the State Highway and  
16 Transportation Department Fund each month, the Director of the Arkansas  
17 Highway and Transportation Department is authorized to pay all refunds which  
18 have been approved for payment during the preceding month upon applications  
19 filed as authorized in this act.

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21 SECTION 8. All provisions of this act of a general and permanent nature  
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 9. If any provision of this act or the application thereof to  
26 any person or circumstance is held invalid, such invalidity shall not affect  
27 other provisions or applications of the act which can be given effect without  
28 the invalid provision or application, and to this end the provisions of this  
29 act are declared to be severable.

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31 SECTION 10. All laws and parts of laws in conflict with this act are  
32 hereby repealed.

33 /s/ K. Smith  
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