

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/11/09 S3/17/09

A Bill

SENATE BILL 897

5 By: Senator Glover
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7

For An Act To Be Entitled

9 AN ACT TO PROVIDE A PROCEDURE FOR COUNTIES THAT
10 DO NOT HAVE ROAD MAINTENANCE AGREEMENTS TO USE SO
11 THAT THEY ARE COMPENSATED FOR ANTICIPATED DAMAGE
12 CAUSED BY THE TRANSPORTATION OF HEAVY LOADS OF
13 MATERIALS AND PRODUCTION FLUIDS FROM OIL AND GAS
14 EXPLORATION TO LOCAL PUBLIC ROADS; AND FOR OTHER
15 PURPOSES.
16

Subtitle

17 THE PRESERVATION OF LOCAL PUBLIC ROADS
18 ACT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. Arkansas Code Title 14, Chapter 16, is amended to add an*
25 *additional subchapter to read as follows:*

Subchapter 8

26 – Preservation of Local Public Roads Act.
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14-16-801. Title.

29 This subchapter shall be known and may be cited as the “Preservation of
30 Local Public Roads Act”.
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14-16-802. Purpose.

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

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3 14-16-803. Definitions.

4 As used in this subchapter:

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

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

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

16 (4) "Disposal operator" means the owner, manager, or operator of
17 a disposal facility;

18 (5)(A) "Local public road" means any public road that lies
19 between the disposal facility and a road, street, or highway that is part of
20 the state highway system.

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

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

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27 14-16-804. Evaluation by county judge.

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

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

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

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

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

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

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

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10 14-16-805. Recommendation for assessment ordinance.

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

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

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

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

23
24 14-16-806. Assessment ordinance – Collection.

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

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

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

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

34 (2) All revenue generated by this assessment shall be used
35 exclusively to maintain and repair the designated local road truck route.

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1 14-16-807. Oversight.

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

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

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10 14-16-808. Penalties.

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

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

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

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

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

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

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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/s/ Glover

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