

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative J. Miller**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO DECLARE THE SCENIC POLICY OF THE STATE OF
9 ARKANSAS; TO CREATE AN ARKANSAS SCENIC RESOURCES
10 PRESERVATION COORDINATING COMMITTEE; TO PROVIDE FOR THE
11 IDENTIFICATION, INVENTORY, AND PROMOTION OF AN ARKANSAS
12 STATE REGISTRY OF SCENIC RESOURCES; AND FOR OTHER
13 PURPOSES."

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

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17 WHEREAS, the General Assembly of the State of Arkansas determined in
18 Act 112 of 1973 that it is in the best interest of the citizens of this state
19 to preserve, manage, and enhance the lands, waters, and air of the state with
20 full recognition that this generation is a trustee of the environment for
21 succeeding generations; and

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23 WHEREAS, the State of Arkansas has invested millions of tax dollars in
24 advertising campaigns to promote itself as "The Natural State"; and

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26 WHEREAS, tourism is among the state's major industries; and

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28 WHEREAS, sight-seeing is far and away the leading activity of the
29 state's travelers,

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31 NOW THEREFORE,

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

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34 SECTION 1. This act may be cited and referred to as the "Arkansas
35 Scenic Resources Act of 1991."

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SECTION 2. It is the policy of the State of Arkansas to preserve, manage, and enhance the scenic beauty of lands and rights-of-way owned or administered by state agencies; to encourage local, regional, and federal governmental agencies to give priority to landscape protection and enhancement; to direct state agencies to assist private organizations and individuals in the preservation of the state's natural beauty.

SECTION 3. For the purpose of this act:

- (1) "Committee" means the Arkansas Scenic Resources Preservation Coordinating Committee created by this act;
- (2) "Commission" means the Arkansas State Parks, Recreation and Travel Commission;
- (3) "Department" means the Department of Parks and Tourism;
- (4) "Registry" means the state registry of scenic resources created by this act.

SECTION 4. There is established the "Registry of Scenic Resources." The registry shall identify lands and waters in the state, that exhibit outstanding characteristics of scenic beauty. The registry shall be maintained by the Department of Parks and Tourism. The registry shall be prepared in a manner which will enable the Department of Arkansas Heritage to include registry records in its environmental review procedures.

SECTION 5. The Arkansas State Parks, Recreation and Travel Commission and the Department of Parks and Tourism shall have the following duties in addition to those otherwise prescribed by law:

- (1) To identify and maintain a registry of lands and waters in the state, whether publicly or privately owned, that exhibit outstanding characteristics of scenic beauty;
- (2) To cooperate with the Arkansas Scenic Resources Preservation Coordinating Committee and any federal, state, or local government agency, private organization, or individual;
- (3) To investigate, promote, advise, and assist in the preservation, protection, enhancement, and management of scenic resources;

1 (4) To encourage private organizations and individuals to recognize
2 scenic resources and to utilize "best management practices" in all instances,
3 particularly those affecting scenic resources;

4 (5) To encourage scenic resources protection by working with agencies
5 and individuals to set up demonstration projects involving such techniques as
6 wild flower plots, adopt-a-spot programs, wetlands restoration, and native
7 plantings wherever possible;

8 (6) To notify federal agencies of the state's interest in protecting
9 scenic resources and to request that scenic resources protection and
10 enhancement be included in the appropriate planning activities of the
11 agencies;

12 (7) By the first day of December each year, submit a report to the
13 Governor and the General Assembly, describing and accounting for the status
14 and condition of each entry listed in the registry of scenic resources and
15 including any recommendations to be considered by the Governor and General
16 Assembly for improving and enhancing the scenic beauty of the state; and

17 (8) To bring the registry of scenic resources to the attention of the
18 public through its advertising and public relations efforts.

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20 SECTION 6. The commission shall not have regulatory power but shall
21 strongly encourage other state agencies to use existing legislation to protect
22 the scenic resources of the state.

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24 SECTION 7. (a) To assist the commission, an advisory committee to be
25 know as the "Arkansas Scenic Resources Preserving Coordinating Committee" is
26 established.

27 (b) The committee shall consist of nine (9) members as follows:

28 (1) The Directors of the Arkansas Department of Parks and
29 Tourism, the Arkansas Highway and Transportation Department, the Keep Arkansas
30 Beautiful Commission, the Arkansas Forestry Commission, and the Department of
31 Arkansas Heritage; and

32 (2) Four (4) members, each having an interest in scenic
33 resources, shall be appointed by the Governor with each Congressional district
34 being represented.

35 (c) The members appointed by the Governor shall serve for four (4) year

1 terms. The initial appointments made by the Governor shall be made so that
2 the term of one (1) member shall expire each year.

3 (d) The Director of the Arkansas Department of Parks and Tourism shall
4 serve as chairman of the committee.

5 (e) The committee shall meet at the call of the chairman.

6 (f) A majority of the committee shall constitute a quorum.

7 (g) The members of the committee shall serve without compensation but
8 shall be entitled to reasonable reimbursement for necessary expenses.

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10 SECTION 8. The committee shall have the following duties:

11 (a) To assist in the development of criteria, guidelines, and standards
12 for the registry of scenic resources;

13 (b) To provide recommendations and nominations to the commission and
14 department for entries in the registry of scenic resources;

15 (c) To act as a coordinating body for the efforts of other local,
16 state, or federal agencies;

17 (d) To assist the commission and department in the preparation of the
18 annual report; and

19 (e) To maintain official minutes and records of the committee.

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21 SECTION 9. This act shall not affect the rights of private landowners,
22 nor shall it repeal any other law.

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24 SECTION 10. All provisions of this act of a general and permanent
25 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
26 Code Revision Commission shall incorporate the same in the Code.

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28 SECTION 11. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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