

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

SENATE BILL 442

4 **By: Senators Moore, Bookout, Wilson, Miles, Bearden, Bradford, and Edwards**

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For An Act To Be Entitled

8 "AN ACT TO CODIFY THE ATTORNEY GENERAL'S AUTHORITY TO
9 REPRESENT THE STATE IN ENVIRONMENTAL LAW SUITS; AND FOR
10 OTHER PURPOSES."

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

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14 SECTION 1. LEGISLATIVE FINDING. It is the public policy of this state
15 that vigorous efforts be made to protect our fragile environment. Recognizing
16 that duties concerning protection of the environment have been assigned to
17 several agencies of state government, it is found that to enhance efforts to
18 protect the environment, authority for instituting civil suits to protect the
19 environment in the courts of this state and of the United States should be
20 placed in the office of the Attorney General.

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22 SECTION 2. Arkansas Code 25-16-702 is amended by adding at the end
23 thereof the following new subsection:

24 "(e) The Attorney General shall have authority to initiate civil
25 lawsuits under all state and federal environmental protection statutes."

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27 SECTION 3. *This Act shall not be construed as superseding or impairing*
28 *any legal authority currently vested with the Arkansas Department of Pollution*
29 *Control and Ecology, nor shall this Act in any way affect programs delegated*
30 *by federal agencies to the Arkansas Department of Pollution Control and*
31 *Ecology.*

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33 SECTION 4. All provisions of this act of a general and permanent
34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
35 Code Revision Commission shall incorporate the same in the Code.

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SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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

/s/Moore et al

