

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1118

5 By: Representative A. Davis
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES
10 ACT OF 2019; TO ESTABLISH CABINET-LEVEL DEPARTMENTS;
11 TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF PARKS,
12 HERITAGE, AND TOURISM; TO TRANSFER VARIOUS STATE
13 AGENCIES; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16
17
18 AN ACT TO CREATE THE TRANSFORMATION AND
19 EFFICIENCIES ACT OF 2019; TO ESTABLISH
20 THE CABINET-LEVEL DEPARTMENT OF PARKS,
21 HERITAGE, AND TOURISM; TO TRANSFER
22 VARIOUS STATE AGENCIES; TO DECLARE AN
23 EMERGENCY.
24

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Title 25, Chapter 43, is amended to add an
29 additional subchapter to read as follows:

30 Subchapter 13 – Department of Parks, Heritage, and Tourism

31
32 25-43-1301. Department of Parks, Heritage, and Tourism.

33 There is created the Department of Parks, Heritage, and Tourism as a
34 cabinet-level department.
35

36 25-43-1302. State entities transferred to the Department of Parks,



1 Heritage, and Tourism.

2 (a) The administrative functions of the following state entities are
 3 transferred to the Department of Parks, Heritage, and Tourism pursuant to a
 4 cabinet-level transfer:

5 (1) The Advisory Council of the Arkansas Arts Council, created
 6 under § 13-8-103;

7 (2) The Arkansas Arts Council, created under § 13-8-103;

8 (3) The Arkansas Historic Preservation Program and State Review
 9 Board, created under § 13-7-106;

10 (4) The Arkansas History Commission, created under § 13-3-102;

11 (5) The Arkansas Natural and Cultural Heritage Advisory
 12 Committee, created under § 25-3-104;

13 (6) The Arkansas Natural and Cultural Resources Council, created
 14 under § 15-12-101;

15 (7) The Arkansas Natural Heritage Commission, created under §
 16 15-20-304;

17 (8) The Arkansas Post Museum, created under § 13-501-601;

18 (9) The Arkansas State Archives, created under § 13-3-101;

19 (10) The Black History Commission of Arkansas, created under §
 20 13-3-201;

21 (11) The Capitol Zoning District Commission, created under § 22-
 22 3-303;

23 (12) The Delta Cultural Center Policy Advisory Board, created
 24 under § 13-5-704;

25 (13) The Division of Arkansas Heritage, created under § 25-3-
 26 102;

27 (14) The Division of Parks, created under § 25-43-1304;

28 (15) The Division of Tourism, created under § 25-43-1305;

29 (16) The Great River Road Division, created under § 25-13-102;

30 (17) The Historic Arkansas Museum Commission, created under §
 31 13-7-302;

32 (18) The Keep Arkansas Beautiful Commission, created under § 15-
 33 11-601;

34 (19) The Mosaic Templars of America Center for African-American
 35 Cultural and Business Enterprise Board, created under § 13-5-903;

36 (20) The Mosaic Templars of America Center for African-American

1 Cultural and Business Enterprise, created under § 13-5-902;

2 (21) The Old State House Commission, created under § 13-7-201;

3 and

4 (22) The State Parks, Recreation, and Travel Commission, created
 5 under § 15-11-201.

6 (b) Each entity transferred shall retain its specified statutory
 7 duties.

8
 9 25-43-1303. Secretary of the Department of Parks, Heritage, and
 10 Tourism.

11 (a) The executive head of the Department of Parks, Heritage, and
 12 Tourism shall be the Secretary of the Department of Parks, Heritage, and
 13 Tourism.

14 (b) The secretary shall be employed by the Governor and shall serve at
 15 the pleasure of the Governor.

16 (c) The secretary may perform all duties to administer the Department
 17 of Parks, Heritage, and Tourism, including without limitation:

18 (1) Delegate to the employees of the Department of Parks,
 19 Heritage, and Tourism any of the powers or duties of the department required
 20 to administer the:

21 (A) Statutory duties; and

22 (B) Rules, orders, or directives promulgated or issued by
 23 the state entities transferred to or established within the department.

24 (2) Hire department personnel;

25 (3) Perform or assign duties assigned to the Department of
 26 Parks, Heritage, and Tourism; and

27 (4) Perform the duties of any director employed by the
 28 Department of Parks, Heritage, and Tourism or any of the state entities
 29 transferred to the department or created under the department.

30 (d) Nothing in this section shall be so construed as to reduce any
 31 right which an employee of the department shall have under any civil service
 32 or merit system.

33
 34 25-43-1304. Division of Parks.

35 (a) There is created a Division of Parks within the Department of
 36 Parks, Heritage, and Tourism.

1 (b) The Secretary of the Department of Department of Parks, Heritage,
2 and Tourism may delegate any duties and responsibilities to the Division of
3 Parks.

4 (c) The Secretary of the Department of Parks, Heritage, and Tourism
5 may employ a Director of the Division of Parks.

6
7 25-43-1305. Division of Tourism.

8 (a) There is created a Division of Tourism within the Department of
9 Parks, Heritage, and Tourism.

10 (b) The Secretary of the Department of Department of Parks, Heritage,
11 and Tourism may delegate any duties and responsibilities to the Division of
12 Tourism.

13 (c) The Secretary of the Department of Parks, Heritage, and Tourism
14 may employ a Director of the Division of Tourism.

15
16 25-43-1306. Great River Road Division.

17 (a) The Mississippi River Parkway Commission of Arkansas, as
18 established pursuant to § 27-69-201 et seq., shall be located in the Great
19 River Road Division created hereby.

20 (b) The Secretary of the Department of Parks, Heritage, and Tourism,
21 with the advice and consent of the Governor and the Chair of the Mississippi
22 River Parkway Commission of Arkansas, shall appoint the head of the Great
23 River Road Division of the Department of Parks, Heritage, and Tourism.

24
25 25-43-1307. Payment of gratuities.

26 The Department of Parks, Heritage, and Tourism, which from time to time
27 will use the services of hotels and restaurants for conferences, conventions,
28 meetings, advertising promotions, news blitzes, and other group functions, is
29 authorized to pay such reasonable charges of involuntary gratuities for group
30 functions as a part of the cost of services.

31
32 25-43-1308. Extra help restriction.

33 No employee of the Division of Parks who is employed as extra help may
34 receive an amount to exceed eighty-five percent (85%) of the maximum annual
35 salary for a comparable position as authorized under the Uniform
36 Classification and Compensation Act, § 21-5-201 et seq., during any fiscal

1 year, nor shall such an employee be employed for a period of time to exceed
2 one thousand eight hundred (1,800) hours in any single fiscal year.

3
4 SECTION 2. Arkansas Code § 6-42-303(b)(2)(A)(iv), concerning the Board
5 of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts,
6 is amended to read as follows:

7 (iv) The Director of the ~~Department~~ Division of
8 Arkansas Heritage or his or her designee;

9
10 SECTION 3. Arkansas Code § 6-82-501(9), concerning the definition of
11 "state parks employee" under the laws governing scholarships to children of
12 law enforcement officers and others, is amended to read as follows:

13 (9) "State parks employee" means any employee of the State Parks
14 Division of the Department of Parks, Heritage, and Tourism who is a
15 commissioned law enforcement officer or emergency response employee while
16 actively engaged in the performance of his or her duties; and

17
18 SECTION 4. Arkansas Code § 10-3-1106(1), concerning the need for
19 additional legislative space is amended to read as follows:

20 (1) The office space on the north wing of the first floor of the
21 State Capitol Building currently used by the ~~Division of Purchasing~~ Office of
22 State Purchasing, the Department of Correction, the Department of Parks,
23 Heritage, and Tourism, and the Department of Commerce;

24
25 SECTION 5. Arkansas Code § 13-3-101(b) and (c), concerning the
26 creation and purpose of the Arkansas State Archives, are amended to read as
27 follows:

28 (b) The ~~Department of Arkansas Heritage~~ Department of Parks, Heritage,
29 and Tourism and the Building Authority Division of the Department of ~~Finance~~
30 ~~and Administration~~ Transformation and Shared Services shall determine the
31 facility needs of the Arkansas State Archives.

32 (c) The Building Authority Division of the Department of Finance and
33 Administration may locate and negotiate an appropriate facility for the
34 Arkansas State Archives, but the ~~Department of Arkansas Heritage~~ Department
35 of Parks, Heritage, and Tourism shall have final approval of the facility's
36 location.

1
 2 SECTION 6. Arkansas Code § 13-3-102(g), concerning the members of the
 3 Arkansas History Commission, is amended to read as follows:

4 (g) The commission shall advise and assist the Director of the
 5 ~~Department~~ Division of Arkansas Heritage in the performance of his or her
 6 duties under this subchapter.

7
 8 SECTION 7. Arkansas Code § 13-3-103(a)(1)(A), concerning meetings and
 9 records of the Arkansas History Commission, is amended to read as follows:

10 (A) Upon the request of the ~~Director of the Department of~~
 11 ~~Arkansas Heritage~~ Secretary of Department of Parks, Heritage, and Tourism;
 12 and

13
 14 SECTION 8. Arkansas Code § 13-3-105 is amended to read as follows:
 15 13-3-105. Delegation to State Historian.

16 The Director of the ~~Department~~ Division of Arkansas Heritage may
 17 delegate his or her powers and duties concerning the Arkansas State Archives
 18 to the State Historian.

19
 20 SECTION 9. Arkansas Code § 13-3-106(a)(1), concerning the powers and
 21 duties of the State Historian, is amended to read as follows:

22 (1) Serve at the pleasure of the ~~Director of the Department of~~
 23 ~~Arkansas Heritage~~ Secretary of Department of Parks, Heritage, and Tourism;
 24 and

25
 26 SECTION 10. The introductory language of Arkansas Code § 13-3-
 27 106(b)(2), concerning the powers and duties of the State Historian, is
 28 amended to read as follows:

29 (2) Been determined by the Director of the ~~Department~~ Division
 30 of Arkansas Heritage to be qualified to perform the duties of State Historian
 31 after considering:

32
 33 SECTION 11. Arkansas Code § 13-3-106(e), concerning the powers and
 34 duties of the State Historian, is repealed.

35 ~~(e) The State Historian shall employ such personnel as may be~~
 36 ~~authorized by law and fix their compensation within the limits provided by~~

1 ~~law, subject in both respects, however, to approval by the director.~~

2
 3 SECTION 12. Arkansas Code § 13-3-107(a)(2), concerning the
 4 preservation of public officials' records, is amended to read as follows:

5 (2) When so surrendered, copies from the state, county, or other
 6 official's office shall be made and certified by the Director of the
 7 ~~Department~~ Division of Arkansas Heritage upon the application of any person
 8 interested, which certification shall have the force and effect as if made by
 9 the officer originally in the custody of them, and for which the same fee
 10 shall be charged to be collected in advance.

11
 12 SECTION 13. Arkansas Code § 13-3-201(1), concerning the purpose of the
 13 Black History Commission of Arkansas, is amended to read as follows:

14 (1) Advising the ~~Director of the Department of Arkansas Heritage~~
 15 Secretary of Department of Parks, Heritage, and Tourism with respect to
 16 gathering, developing, and keeping the history of a segment of Arkansas
 17 society whose history has been overlooked and forgotten and has been simply
 18 neglected because of a lack of concern;

19
 20 SECTION 14. Arkansas Code § 13-3-203(b)(1), concerning meetings,
 21 rules, bylaws, and the secretary of the Black History Commission of Arkansas,
 22 is amended to read as follows:

23 (b)(1) The Black History Commission of Arkansas shall adopt and
 24 may modify rules and bylaws for the conduct of its business, subject to the
 25 approval of the ~~Director of the Department of Arkansas Heritage~~ Secretary of
 26 Department of Parks, Heritage, and Tourism.

27
 28 SECTION 15. Arkansas Code § 13-5-206 is amended to read as follows:

29 13-5-206. Program of grants-in-aid and technical assistance.

30 (a) The State Parks Division of the Department of Parks, Heritage, and
 31 Tourism shall establish and carry out a program of grants-in-aid to eligible
 32 museums or, in appropriate cases, organizations engaged in or concerned with
 33 history, science, art, or culture on the basis of fifty percent (50%) state
 34 grant funds and fifty percent (50%) of the funds to be provided by the
 35 museum, as follows:

36 (1) Only museums and programs concerned with historical,

1 scientific, cultural, or artistically oriented programs offering nonprofit
 2 services to the general public may make application for and qualify for funds
 3 under this subchapter;

4 (2) None of the funds received by a museum or other organization
 5 which qualifies or utilizes funds under this subchapter shall be used as
 6 matching funds for other state funds; and

7 (3) All requests for state grant funds under this subchapter
 8 shall be prepared on forms promulgated or approved by the ~~division~~ State
 9 Parks Division and shall be in compliance with the provisions of this
 10 subchapter and with reasonable rules to be promulgated by the ~~division~~ State
 11 Parks Division for the administration of this subchapter.

12 (b) The ~~division~~ State Parks Division shall provide technical
 13 assistance and information to all museums and museum personnel in Arkansas,
 14 within the limitations of available staff and funding.

15
 16 SECTION 16. Arkansas Code § 13-5-207 is repealed.

17 ~~13-5-207. Arkansas Museum Review Panel.~~

18 ~~(a)(1) The Governor shall establish an Arkansas Museum Review Panel to~~
 19 ~~consist of five (5) members, one (1) member from each congressional district~~
 20 ~~and one (1) member designated at large.~~

21 ~~(2) The members shall serve two-year terms.~~

22 ~~(b) The sole purpose and authority of the panel is to analyze, review,~~
 23 ~~and approve the qualifications of the applications and to present~~
 24 ~~recommendations to the Director of the State Parks Division of the Department~~
 25 ~~of Parks and Tourism for the awarding of grants to eligible museums on a~~
 26 ~~yearly basis with the final approval of the Director of the Department of~~
 27 ~~Parks and Tourism.~~

28 ~~(c) The panel shall serve without pay. However, the division is~~
 29 ~~authorized to reimburse the members of the panel for expenses in accordance~~
 30 ~~with § 25-16-901 et seq.~~

31
 32 SECTION 17. Arkansas Code § 13-5-307 is amended to read as follows:

33 (a)(1) The ~~Director~~ Secretary of the Department of Parks, Heritage,
 34 and Tourism is authorized to use any available funds for the construction,
 35 equipment, and operation of a museum and cultural center.

36 (2) The ~~director~~ secretary is authorized to issue revenue bonds,

1 secured by and payable from the revenues specified in this subchapter, and to
 2 use the proceeds of the bonds for the acquisition, construction, and
 3 equipment of the center.

4 (b) The principal amount of bonds to be issued by the ~~director~~
 5 secretary shall be sufficient, together with any available funds, to pay the
 6 cost of accomplishing the specified purposes, the costs of authorizing and
 7 issuing bonds, the amounts necessary for reserves if deemed desirable by the
 8 director, the amounts necessary for interest during and for up to one (1)
 9 year after construction, and all other costs of whatever nature incidental to
 10 the accomplishment of the center, but in no event shall the aggregate
 11 principal amount of bonds exceed twelve million dollars (\$12,000,000).

12 (c)(1) No bonds shall be issued under the provisions of this
 13 subchapter unless and until the ~~director~~ secretary, or a department, or
 14 educational or other institution, or agency of the State of Arkansas has
 15 entered into a signed agreement with the Smithsonian Institution, an agency
 16 thereof, or organization affiliated therewith, which agreement shall provide
 17 that the Smithsonian Institution, the agency, or organization shall involve
 18 itself with the Arkansas Museum and Cultural Center and its operation.

19 (2) The agreement must first be approved in writing by the
 20 Governor of the State of Arkansas.

21
 22 SECTION 18. Arkansas Code § 13-5-308(a), concerning authorizing bonds
 23 by resolution of the Director of the Department of Parks and Tourism for the
 24 Arkansas Museum and Cultural Center, is amended to read as follows:

25 (a) Bonds shall be authorized by resolution of the ~~Director~~ Secretary
 26 =of the Department of Parks, Heritage, and Tourism.

27
 28 SECTION 19. Arkansas Code § 13-5-309(a), concerning the terms and
 29 characteristics of bonds issued by the Director of the Department of Parks
 30 and Tourism for the Arkansas Museum and Cultural Center, is amended to read
 31 as follows:

32 (a) As the ~~Director~~ Secretary of the Department of Parks, Heritage,
 33 and Tourism shall determine, bonds issued pursuant to this subchapter may:

34 (1) Be coupon bonds, payable to bearer, or may be registrable as
 35 to principal only or as to principal and interest, and may be made
 36 exchangeable for bonds of another denomination;

1 (2) Be in a form and denomination as the ~~director~~ secretary
2 determines;

3 (3) Have such date or dates, may be stated to mature at such
4 times, and bear interest payable at such times and at such rate or rates, as
5 the ~~director~~ secretary determines, provided that no bond may bear interest at
6 a rate exceeding eight percent (8%) per annum;

7 (4) Be made payable at places within or without the State of
8 Arkansas;

9 (5) Be made subject to terms of redemption in advance of
10 maturity at such prices, as determined by the ~~director~~ secretary;

11 (6) Be issued in series from time to time; and

12 (7) Contain such terms and conditions as the ~~director~~ secretary
13 determines.

14
15 SECTION 20. Arkansas Code § 13-5-310(a), concerning bonds and
16 enforcement of bonds issued by the Director of the Department of Parks and
17 Tourism for the Arkansas Museum and Cultural Center, is amended to read as
18 follows:

19 (a) Any authorizing resolution and trust indenture shall, together
20 with this subchapter, constitute a contract between the ~~Director~~ Secretary of
21 the Department of Parks, Heritage, and Tourism and the holders and registered
22 owners of the bonds.

23
24 SECTION 21. Arkansas Code § 13-5-311(a), concerning the sale of bonds
25 issued by the Director of the Department of Parks and Tourism, is amended to
26 read as follows:

27 (a) The bonds shall be sold at public sale on sealed bids after such
28 advertisement as the ~~Director~~ Secretary of the Department of Parks, Heritage,
29 and Tourism shall determine to be necessary for the obtaining of favorable
30 competitive bidding.

31
32 SECTION 22. Arkansas Code § 13-5-312(a), concerning the execution of
33 bonds and coupons issued by the Director of the Department of Parks and
34 Tourism for the Arkansas Museum and Cultural Center, is amended to read as
35 follows:

36 (a) The bonds shall be executed by the manual or facsimile signature

1 of the ~~Director~~ Secretary of the Department of Parks, Heritage, and Tourism.
2 The coupons attached to the bonds shall be executed by the facsimile
3 signature of the ~~director~~ secretary.
4

5 SECTION 23. Arkansas Code § 13-5-312(c), concerning the execution of
6 bonds and coupons issued by the Director of the Department of Parks and
7 Tourism for the Arkansas Museum and Cultural Center, is amended to read as
8 follows:

9 (c) The ~~director~~ secretary shall adopt and use a seal in the execution
10 and issuance of the bonds. Each bond shall be sealed with the seal of the
11 ~~director~~ secretary.
12

13 SECTION 24. Arkansas Code § 13-5-313(a)(2), concerning statements on
14 bonds and liability for bonds issued by the Director of the Department of
15 Parks and Tourism, is amended to read as follows:

16 (2) The bonds are obligations only of the ~~Director~~ Secretary of
17 the Department of Parks, Heritage, and Tourism;
18

19 SECTION 25. Arkansas Code § 13-5-313(a)(4), concerning statements on
20 bonds and liability for bonds issued by the Director of the Department of
21 Parks and Tourism, is amended to read as follows:

22 (4) The bonds are not secured by a mortgage or lien on any land
23 or buildings belonging to the State of Arkansas or the Department of Parks,
24 Heritage, and Tourism.
25

26 SECTION 26. Arkansas Code § 13-5-313(b), concerning statements on
27 bonds and liability for bonds issued by the Director of the Department of
28 Parks and Tourism, is amended to read as follows:

29 (b) No member of the ~~department~~ division shall be personally liable on
30 the bonds or for any damages sustained by anyone in connection with any
31 contracts entered into in carrying out the purposes and intent of this
32 subchapter unless he or she shall have acted with a corrupt intent.
33

34 SECTION 27. Arkansas Code § 13-5-314(a) and (b), concerning the
35 disposition of revenues from the operation of the Arkansas Museum and
36 Cultural Center, are amended to read as follows:

1 (a) All revenues derived from the operation of the Arkansas Museum and
2 Cultural Center and all other funds received by the ~~Director~~ Secretary of the
3 Department of Parks, Heritage, and Tourism from other sources for use in
4 connection with the center and its operation are center revenues and are
5 specifically declared to be cash funds, restricted in their use and to be
6 used solely as provided in this subchapter.

7 (b) These revenues shall not be deposited in the State Treasury but
8 shall be deposited by the Department of Parks, Heritage, and Tourism as and
9 when received in a bank or banks as the ~~director~~ secretary may from time to
10 time select.

11
12 SECTION 28. Arkansas Code § 13-5-315(d), concerning debt service,
13 pledge of revenues and earnings, and charges of the Department of Parks and
14 Tourism for operating the Arkansas Museum and Cultural Center, is amended to
15 read as follows:

16 (d) No earnings from the investment of state funds shall be pledged to
17 secure bonds issued by the ~~Director~~ Secretary of the Department of Parks,
18 Heritage, and Tourism under this subchapter unless the ~~director~~ secretary
19 shall first enter into an agreement with the State Board of Finance to charge
20 appropriate fees for admission to the Arkansas Museum and Cultural Center and
21 to set aside in a special sinking fund, to be used exclusively to pay the
22 principal of, interest on, and paying agent's fees in connection with, bonds
23 issued by the ~~director~~ secretary, at least seventy-five cents (75¢) of the
24 admission fee collected for each adult and fifty cents (50¢) of the admission
25 fee collected for each person of the ages of six to seventeen (6-17),
26 inclusive.

27
28 SECTION 29. Arkansas Code § 13-5-316(a), concerning administration of
29 debt-servicing provisions and the bond guaranty fund of the Department of
30 Parks and Tourism, is amended to read as follows:

31 (a) The ~~Director~~ Secretary of the Department of Parks, Heritage, and
32 Tourism shall notify the State Board of Finance or the appropriate officer,
33 board, or agency then having jurisdiction over the moneys involved when the
34 ~~director~~ secretary has determined to issue bonds under this subchapter and
35 the amount of investment earnings pledged.

36

1 SECTION 30. Arkansas Code § 13-5-317(a)-(c), concerning refunding
2 bonds from the Department of Parks and Tourism, are amended to read as
3 follows:

4 (a) The ~~Director~~ Secretary of the Department of Parks, Heritage, and
5 Tourism is authorized to issue bonds to refund any bonds issued under the
6 authority of this subchapter.

7 (b)(1) Thereafter, the ~~director~~ secretary shall constantly keep
8 advised of revenues derived from the Arkansas Museum and Cultural Center.

9 (2) If it develops that all or any portion of the investment
10 earnings pledged will actually be needed to satisfy the terms of the pledge,
11 the ~~director~~ secretary shall promptly notify the board of the amount that
12 will be actually needed each month to provide for the payment of interest,
13 principal, and paying agents' fees and for the maintenance of reserves as
14 specified by the ~~director~~ secretary in the resolution or trust indenture
15 authorizing and securing the bonds, which monthly amount is designated the
16 "debt service amount".

17 (c) At the receipt of the notice, the board or the appropriate
18 officer, board, or agency then having jurisdiction over the moneys involved
19 shall set aside the debt service amount of the investment earnings and,
20 subject to first complying with any pledge heretofore or any time hereafter
21 made of investment earnings authorized by the Industrial Development Guaranty
22 Bond Act, § 15-4-701 et seq., shall pay the debt service amount directly to
23 the ~~director~~ secretary in a bank or banks selected by the ~~director~~ secretary
24 and designated the "Arkansas Museum and Cultural Center Bond Guaranty Fund",
25 also known as the "Center Guaranty Fund".

26
27 SECTION 31. Arkansas Code § 13-5-317(d)(2)(A), concerning refunding
28 bonds from the Department of Parks and Tourism, is amended to read as
29 follows:

30 (2)(A) The payments shall continue until the ~~director~~ secretary
31 shall determine that center revenues in the future will be sufficient and
32 shall notify the board to cease paying the debt service amount.

33
34 SECTION 32. Arkansas Code § 13-5-320 is amended to read as follows:

35 13-5-320. Audit of records and accounts.

36 Arkansas Legislative Audit is authorized and directed to audit the

1 records and accounts of the ~~Director~~ Secretary of the Department of Parks,
2 Heritage, and Tourism and to furnish a copy of the report of that audit to
3 the department.

4
5 SECTION 33. Arkansas Code § 13-5-321 is amended to read as follows:

6 13-5-321. Employment of personnel.

7 (a) The ~~Director of the Department of Parks and Tourism~~ Secretary of
8 the Department of Parks, Heritage, and Tourism is authorized to employ such
9 full-time or temporary professional, technical, and other consulting services
10 as the ~~Director of the Department of Parks and Tourism~~ secretary shall
11 determine necessary or desirable in assisting the Department of Parks,
12 Heritage, and Tourism to carry out effectively the authority, functions,
13 powers, and duties conferred and imposed upon it by this subchapter.

14 (b) However, the salaries of regular employees shall be governed by
15 the provisions of the Uniform Classification and Compensation Act, § 21-5-201
16 et seq., and by the provisions of the Regular Salary Procedures and
17 Restrictions Act, § 21-5-101.

18 (c) The Director of the Arkansas Museum and Cultural Center shall be
19 employed by the ~~Director of the Department of Parks and Tourism~~ secretary.

20
21 SECTION 34. Arkansas Code § 13-5-401 is amended to read as follows:

22 13-5-401. Museum established.

23 The State Parks Division of the Department of Parks, Heritage, and
24 Tourism is authorized and directed to establish a state historical museum in
25 Union County to be known and operated as the "Arkansas Museum of Natural
26 Resources".

27
28 SECTION 35. Arkansas Code § 13-5-402(a), concerning the functions and
29 duties of the Arkansas Museum of Natural Resources, is amended to read as
30 follows:

31 (a) The Arkansas Museum of Natural Resources shall be developed and
32 operated by the State Parks Division of the Department of Parks, Heritage,
33 and Tourism and shall be devoted primarily to the acquisition, cataloging,
34 and display of machinery, equipment, and materials used in the oil boom in
35 Arkansas.

36

1 SECTION 36. Arkansas Code § 13-5-403 is amended to read as follows:
2 13-5-403. Museum site.

3 The Arkansas Museum of Natural Resources shall be established at a site
4 to be approved by the State Parks Division of the Department of Parks,
5 Heritage, and Tourism, with the lands therefor, which shall consist of not
6 fewer than five (5) acres, to be donated without cost to the State of
7 Arkansas.

8
9 SECTION 37. Arkansas Code § 13-5-503(6), concerning the creation,
10 powers, and duties of the county museum commission, is amended to read as
11 follows:

12 (6) To enter into agreements with the ~~Department~~ Division of
13 Arkansas Heritage and other public and private agencies or persons, for the
14 purpose of sharing services and facilities, with the view that the historical
15 and cultural resources of this state may be coordinated at the county and
16 state levels for the benefit of the public of this state;

17
18 SECTION 38. Arkansas Code § 13-5-503(9), concerning the powers and
19 duties of the county museum commission is repealed.

20 ~~(9) To employ necessary personnel required in the maintenance~~
21 ~~and operation of the museum; and~~

22
23 SECTION 39. Arkansas Code § 13-5-505, concerning the transfer and
24 assumption of ownership by Prairie County of the Des Arc Archeological
25 Museum, is amended to read as follows:

26 13-5-505. Des Arc Archeological Museum – Transfer to and assumption of
27 ownership by Prairie County.

28 (a) In the event the Prairie County Quorum Court shall establish a
29 county museum and shall, in the ordinance establishing the county museum,
30 elect to take over the ownership, management, and operation of the Des Arc
31 Archeological Museum, the Department of Parks, Heritage, and Tourism is
32 authorized and directed to convey to the Prairie County Museum all rights,
33 title, and interest of the State of Arkansas in the Des Arc Archeological
34 Museum, to be thereafter operated, maintained, and improved by Prairie County
35 as a part of the Prairie County Museum.

36

1 SECTION 40. Arkansas Code § 13-5-601 is amended to read as follows:
2 13-5-601. Authorization.

3 The State Parks Division of the Department of Parks, Heritage, and
4 Tourism is authorized and directed to develop and operate a state historical
5 museum in Arkansas County to be known and operated as the "Arkansas Post
6 Museum".

7
8 SECTION 41. Arkansas Code § 13-5-602 is amended to read as follows:
9 13-5-602. Functions and duties.

10 (a) The Arkansas Post Museum shall be developed and operated by the
11 State Parks Division of the Department of Parks, Heritage, and Tourism and
12 shall be devoted primarily to the acquisition, cataloging, and display of
13 objects or materials which tell the story of the territorial settlement and
14 development of Arkansas as a state and its relationship to the settlement of
15 the lower Mississippi Valley.

16 (b) With the approval of the Director of the State Parks Division of
17 the ~~Department~~ Division of Parks and Tourism, the museum shall solicit,
18 purchase, or accept donations of objects or materials of historical value to
19 be made available to the public as a source of historical information
20 concerning the territorial development and settlement of Arkansas.

21
22 SECTION 42. Arkansas Code § 13-5-702(4) and (5), concerning the
23 definition of "department" under the laws establishing the Delta Cultural
24 Center, are repealed.

25 ~~(4) "Department" means the Department of Arkansas Heritage;~~

26 ~~(5) "Director" means the Director of the Department of Arkansas~~
27 ~~Heritage; and~~

28
29 SECTION 43. Arkansas Code § 13-5-703 is amended to read as follows:
30 13-5-703. Establishment.

31 (a)(1) There is established the Delta Cultural Center which shall be a
32 division of the ~~Department~~ Division of Arkansas Heritage. The center shall be
33 located in Helena.

34 (2) The ~~Director of the Department of Arkansas Heritage~~
35 Secretary of the Department of Parks, Heritage, and Tourism, with the advice
36 and consent of the Governor, shall ~~appoint~~ employ the Director of the Delta

1 Cultural Center. All other employees of the center shall be employed by and
2 serve at the pleasure of the ~~Director of the Department of Arkansas Heritage~~
3 Secretary of the Department of Parks, Heritage, and Tourism.

4 (b)(1) The center shall operate a program of temporary and permanent
5 exhibits, a library and resource center, and live performances and shall
6 provide information on related activities in other parts of the Arkansas
7 Delta region.

8 (2) The attraction of visitors to the Arkansas Delta shall be a
9 major goal of the center.

10 (c)(1) All budgeting, purchasing, and related management functions of
11 the center shall be performed under the direction and supervision of the
12 ~~Director of the Department of Arkansas Heritage~~ Secretary of the Department
13 of Parks, Heritage, and Tourism.

14 (2) The ~~Director of the Department of Arkansas Heritage~~
15 Secretary of the Department of Parks, Heritage, and Tourism, after seeking
16 the advice of the Delta Cultural Center Policy Advisory Board, shall
17 promulgate any rules necessary for the implementation of this subchapter.
18

19 SECTION 44. Arkansas Code § 13-5-704(a), concerning the Delta Cultural
20 Center Policy Advisory Board, is amended to read as follows:

21 (a) There is created the Delta Cultural Center Policy Advisory Board,
22 which shall advise the Secretary of the Department of Parks, Heritage, and
23 Tourism, Director of the ~~Department~~ Division of Arkansas Heritage, and staff
24 of the Delta Cultural Center on:

- 25 (1) The development of permanent and temporary exhibits;
26 (2) A plan for the acquisition of resource materials; and
27 (3) The development of educational and other programming.
28

29 SECTION 45. Arkansas Code § 13-5-706(d)(1), concerning the powers of
30 the Delta Cultural Center, is amended to read as follows:

31 (d)(1) The center may request the assistance of the Secretary of the
32 Department of Parks, Heritage, and Tourism ~~Department of Parks and Tourism~~
33 and any other appropriate state agency in establishing and operating the
34 center and its programs.
35

36 SECTION 46. Arkansas Code § 13-5-801 is amended to read as follows:

1 13-5-801. Arkansas Cotton Museum established.

2 The Department of Parks, Heritage, and Tourism is authorized to
3 coordinate the establishment of an historical museum in Lee County, to be
4 known and operated as the "Arkansas Cotton Museum". The museum shall be
5 established in association with the University of Arkansas ~~Agricultural~~
6 ~~Experiment Station in Lee County~~ Cooperative Extension Service.

7
8 SECTION 47. Arkansas Code § 13-5-901(4) and (5), concerning the
9 definition of "department" and "director" under the laws establishing the
10 Mosaic Templars of America Center for African-American Culture and Business
11 Enterprise, are repealed.

12 ~~(4) "Department" means the Department of Arkansas Heritage; and~~

13 ~~(5) "Director" means the Director of the Department of Arkansas~~
14 ~~Heritage.~~

15
16 SECTION 48. Arkansas Code § 13-5-902 is amended to read as follows:

17 13-5-902. Establishment - Administration.

18 (a)(1) There is established the Mosaic Templars of America Center for
19 African-American Culture and Business Enterprise which shall be a division of
20 the ~~Department~~ Division of Arkansas Heritage.

21 (2)(A) ~~The Director of the Department of Arkansas Heritage~~
22 Secretary of the Department of Parks, Heritage, and Tourism, with the advice
23 and consent of the Governor, ~~shall appoint~~ shall employ the Director of the
24 Mosaic Templars of America Center for African-American Culture and Business
25 Enterprise.

26 (B) All other employees of the center shall be employed by
27 and serve at the pleasure of the ~~Director of the Department of Arkansas~~
28 Heritage Secretary of the Department of Parks, Heritage, and Tourism in
29 compliance with state law.

30 (b) The center shall operate a program of temporary and permanent
31 exhibits, a library and resource center, and live performances. The
32 attraction of visitors shall be a major goal of the center.

33 (c)(1) All budgeting, purchasing, and related management functions of
34 the center shall be performed under the direction and supervision of the
35 Secretary of the Department of Parks, Heritage, and Tourism, in consultation
36 with the Director of the Mosaic Templars of America Center for African-

1 American Culture and Business Enterprise in compliance with state law.

2 (2) ~~The Director of the Mosaic Templars of America Center for~~
3 ~~African-American Culture and Business Enterprise~~ Secretary of the Department
4 of Parks, Heritage, and Tourism, after seeking the advice of the Mosaic
5 Templars of America Center for African-American Culture and Business
6 Enterprise Advisory Board, shall promulgate any rules necessary for the
7 implementation of this subchapter.

8
9 SECTION 49. Arkansas Code § 13-5-903(a), concerning the creation of
10 the Mosaic Templars of America Center for African-American Culture and
11 Business Enterprise Advisory Board, is amended to read as follows:

12 (a) There is created the Mosaic Templars of America Center for
13 African-American Culture and Business Enterprise Advisory Board which shall
14 advise the Secretary of the Department of Parks, Heritage, and Tourism,
15 Director of the Mosaic Templars of America Center for African-American
16 Culture and Business Enterprise, and staff of the Mosaic Templars of America
17 Center for African-American Culture and Business Enterprise on the
18 development of permanent and temporary exhibits, a plan for acquisition of
19 resource materials, and development of educational and other programming.

20
21 SECTION 50. Arkansas Code § 13-5-904(a), concerning the powers of the
22 Mosaic Templars of America Center for African-American Culture and Business
23 Enterprise, is amended to read as follows:

24 (a) The Mosaic Templars of America Center for African-American Culture
25 and Business Enterprise shall have the power to enter into, with the consent
26 of the Secretary of the Department of Parks, Heritage, and Tourism:

27 (1) Contracts for the purchase, construction, lease, or other
28 acquisition of real property to house the center and to acquire or construct
29 necessary support facilities;

30 (2) Contracts to purchase or lease personal property for use as
31 exhibits or for use as research material; and

32 (3) Professional service contracts with appropriate
33 professionals to assist in the establishment of the center and the
34 development and operation of the center's programs and activities.

35
36 SECTION 51. Arkansas Code § 13-5-1013 is amended to read as follows:

1 13-5-1013. Rules.

2 The ~~Department of Parks and Tourism, in consultation with the~~
3 ~~Department of Arkansas Heritage~~ Department of Parks, Heritage, and Tourism
4 shall promulgate rules to carry out the provisions of this subchapter,
5 including, but not limited to, rules concerning the form and substance of
6 loan agreements.

7
8 SECTION 52. Arkansas Code § 13-7-103 is amended to read as follows:

9 13-7-103. Construction.

10 Nothing in this subchapter shall be construed to repeal or diminish any
11 of the powers, functions, or responsibilities of the ~~Department~~ Division of
12 Arkansas Heritage, the State Parks, Recreation, and Travel Commission, the
13 Old State House Commission, and the Arkansas Archeological Survey, as
14 prescribed by law.

15
16 SECTION 53. Arkansas Code § 13-7-104 is amended to read as follows:

17 13-7-104. Administration of program.

18 The ~~Department of Arkansas Heritage~~ Department of Parks, Heritage, and
19 Tourism, Division of Arkansas Heritage is designated as the agency of this
20 state to develop and implement a statewide program of historic preservation.

21
22 SECTION 54. Arkansas Code § 13-7-105(b), concerning the ability of the
23 Arkansas Archeological Survey to perform archeological functions, is amended
24 to read as follows:

25 (b) In furtherance of the development and implementation of a
26 statewide program of historic preservation, the survey and the Arkansas
27 Historic Preservation Program of the ~~Department~~ Division of Arkansas Heritage
28 shall cooperate in the fullest manner possible.

29
30 SECTION 55. Arkansas Code § 13-7-106(a), concerning the powers and
31 duties of the Arkansas Historic Preservation Program, is amended to read as
32 follows:

33 (a) The Arkansas Historic Preservation Program, a division of the
34 ~~Department~~ Division of Arkansas Heritage, under the State Historic
35 Preservation Officer, shall have the following powers and duties:

36 (1) To implement the development of a State Historic

1 Preservation Plan as contemplated by 54 U.S.C. § 302301 et seq., but not
 2 necessarily restricted thereto, and to be responsible for the historical,
 3 architectural, and cultural portions of that plan;

4 (2) To conduct surveys and otherwise develop the data necessary
 5 for the historical, architectural, and cultural portions of the State
 6 Historic Preservation Plan;

7 (3) To cooperate with the Arkansas Archeological Survey which
 8 will be responsible for the archeological portion of the statewide program
 9 for historic preservation and the State Historic Preservation Plan as
 10 provided for in § 13-7-105;

11 (4) To coordinate the surveys and other programs of activities
 12 of all state and private agencies in connection with projects supported by
 13 federal funds provided to the ~~department~~ Division of Arkansas Heritage to
 14 implement 54 U.S.C. § 302301 et seq. and all cash funds or appropriated state
 15 funds made available to the ~~department~~ division for the program;

16 (5) To allocate any federal funds which are provided to
 17 implement 54 U.S.C. § 302301 et seq. to those state agencies or private or
 18 other organizations which are professionally staffed and capable of carrying
 19 out the programs provided for by 54 U.S.C. § 302301 et seq.;

20 ~~(6) To employ such necessary personnel, consultants, planners,~~
 21 ~~or other employees or professional services within the limits of funds~~
 22 ~~available therefor as may be required in the performance of services~~
 23 ~~contemplated by this subchapter, and to contract with any and all public~~
 24 ~~firms or agencies for the purpose of making state surveys and plans necessary~~
 25 ~~for the implementation of this subchapter;~~

26 ~~(7)~~ To accept and administer funds received from the state or
 27 federal government or any other governmental agencies or from any private
 28 source in furtherance of the provisions of this subchapter; provided, that
 29 administration and acceptance does not include cash or appropriated funds
 30 made available to the Arkansas Archeological Survey from whatever source;

31 ~~(8)~~(7) To reimburse members of committees appointed by the
 32 Governor for expenses in accordance with § 25-16-901 et seq.;

33 ~~(9)~~(8) To enlist the cooperation and assistance of the Old State
 34 House Commission, the Arkansas State Archives, the State Parks, Recreation,
 35 and Travel Commission, and all other agencies for historical, architectural,
 36 and cultural purposes, to the end that all activities shall be developed in

1 accordance with the plan as contemplated by this subchapter and 54 U.S.C. §
 2 302301 et seq., and in accordance with existing state laws pertaining to the
 3 duties and responsibilities of each of the agencies indicated in this
 4 subdivision ~~(a)(9)(a)(8)~~;

5 ~~(10)(9)~~ To cooperate with federal, state, and local government
 6 agencies in surveying the state for historic properties to be included in the
 7 State Register of Historic Places or National Register of Historic Places, or
 8 both, in the planning and conduct of specific undertakings affecting historic
 9 properties and preservation objectives, and, generally, in overall planning
 10 for the use of land; and

11 ~~(11)(10)~~ To perform all other functions necessary in the
 12 furtherance of the purpose of this subchapter and in coordinating and
 13 implementing the participation by this state in the purposes contemplated by
 14 54 U.S.C. § 302301 et seq.

15
 16 SECTION 56. Arkansas Code § 13-7-107(a), concerning the appointment
 17 and duties of the State Historic Preservation Officer, is amended to read as
 18 follows:

19 (a) The Governor shall designate the State Historic Preservation
 20 Officer who shall be an employee of the ~~Department~~ Division of Arkansas
 21 Heritage.

22
 23 SECTION 57. Arkansas Code § 13-7-111(b)(1), concerning signage for war
 24 relocation centers, is amended to read as follows:

25 (b)(1) The ~~Department~~ Division of Arkansas Heritage shall erect signs
 26 to inform visitors about the historic landmarks of Jerome and Rohwer in
 27 Southeast Arkansas, subject to the appropriation and availability of funding.

28
 29 SECTION 58. Arkansas Code § 13-7-111(c)(5), concerning signage for war
 30 relocation centers, is amended to read as follows:

31 (5) Other information as determined by the ~~Department~~ Division
 32 of Arkansas Heritage that would be of value to visitors of Jerome and Rohwer.

33
 34 SECTION 59. Arkansas Code § 13-7-203(b), concerning the officers,
 35 rules, meetings, and reports of the Old State House Commission, is amended to
 36 read as follows:

1 (b) The commission shall select from its membership from time to time
2 a vice chair and a secretary. ~~The commission shall be authorized to employ~~
3 ~~the secretary either as curator or as receptionist.~~
4

5 SECTION 60. Arkansas Code § 13-7-203(f), concerning the officers,
6 rules, meetings, and reports of the Old State House Commission, is amended to
7 read as follows:

8 (f) By the first Monday in September of each year, it shall be the
9 duty of the commission to cause to be prepared and presented to the ~~Governor~~
10 Secretary of the Department of Parks, Heritage, and Tourism a report showing
11 the operation of the commission during the previous fiscal year and
12 containing recommendations.
13

14 SECTION 61. Arkansas Code § 13-7-205, concerning the powers and duties
15 of the Old State House Commission, is amended to add an additional
16 subdivision to read as follows:

17 (10) The Department of Parks, Heritage, and Tourism shall
18 provide administrative support to the Old State House Commission and all
19 employees necessary to carry out the duties of the Old State House
20 Commission.
21

22 SECTION 62. Arkansas Code § 13-7-302(b), concerning the creation,
23 duties, and powers of the Historic Arkansas Museum Commission, is amended to
24 read as follows:

25 (b) The commissioners shall have power to ~~employ~~ request the
26 Department of Parks, Heritage, and Tourism to employ all architects and other
27 employees necessary in carrying out restoration and in maintaining a historic
28 center after restoration is accomplished.
29

30 SECTION 63. Arkansas Code § 13-7-401(b)(1), concerning the creation
31 and members of the Prairie Grove Battlefield State Park Advisory Commission,
32 is amended to read as follows:

33 (b)(1) The commission shall be composed of seven (7) qualified
34 electors of the State of Arkansas to be appointed by the Governor and shall
35 serve in an advisory capacity to the State Parks Division of the ~~Department~~
36 Division of Parks and Tourism.

1
2 SECTION 64. Arkansas Code § 13-7-401(e)(2), concerning the creation
3 and members of the Prairie Grove Battlefield State Park Advisory Commission,
4 is amended to read as follows:

5 (2) However, final authority for all matters relating to the
6 development and operation of the park shall rest with the ~~Director~~ Secretary
7 of the Department of Parks, Heritage, and Tourism.

8
9 SECTION 65. Arkansas Code § 13-7-401(f), concerning the creation and
10 members of the Prairie Grove Battlefield State Park Advisory Commission, is
11 amended to read as follows:

12 (f) Under the supervision of the Superintendent of the Prairie Grove
13 Battlefield State Park and with the approval of the ~~director~~ Secretary, the
14 commission shall develop and coordinate efforts to encourage gifts or
15 donations to the park.

16
17 SECTION 66. Arkansas Code § 13-7-504(e), concerning the creation of
18 fund and administration of the Historic Preservation Revolving Loan Fund, is
19 amended to read as follows:

20 (e) In the event the program ceases to make loans from the Historic
21 Preservation Revolving Loan Fund, any moneys remaining in the Historic
22 Preservation Revolving Loan Fund may be transferred to the Natural and
23 Cultural Resources Historic Preservation Fund, as certified to the Chief
24 Fiscal Officer of the State by the ~~Department~~ Division of Arkansas Heritage.

25
26 SECTION 67. Arkansas Code § 13-8-103 is amended to read as follows:

27 13-8-103. Establishment and composition.

28 (a) There is established the Arkansas Arts Council as a separate and
29 distinct agency under the laws of the State of Arkansas and under the
30 jurisdiction and supervision of the ~~Department of Arkansas Heritage~~ Division
31 of Arkansas Heritage of the Department of Parks, Heritage, and Tourism.

32 (b)(1) The Arkansas Arts Council shall consist of an advisory council
33 and ~~an executive~~ a director.

34 (2) The Advisory Council of the Arkansas Arts Council shall
35 develop and implement a comprehensive statewide program for the support of
36 the arts in Arkansas pursuant to this subchapter.

1 (3) The ~~Executive~~ Director of the Arkansas Arts Council shall
 2 administer the provisions of this subchapter and the rules and orders
 3 established under this subchapter.
 4

5 SECTION 68. Arkansas Code § 13-8-105 is amended to read as follows:

6 13-8-105. ~~Executive director~~ Director.

7 (a) The ~~Executive~~ Director of the Arkansas Arts Council shall:

8 (1) be Be the ex officio secretary of the Advisory Council of
 9 the Arkansas Arts Council but shall have no vote on matters coming before the
 10 advisory council;

11 (2) Shall be an employee of the Department of Parks, Heritage,
 12 and Tourism;

13 (3) Shall be employed by the Secretary of the Department of
 14 Parks, Heritage, and Tourism in consultation with the Arkansas Arts Council.

15 (b) The ~~executive~~ director's salary and expenses of his or her office
 16 shall be fixed by the General Assembly within amounts available therefor by
 17 appropriation.

18 (c) The advisory council by resolution duly adopted may delegate to
 19 the ~~executive~~ director any of the powers and duties vested in or imposed upon
 20 it by this subchapter, and the delegated powers and duties may be exercised
 21 by the ~~executive~~ director in the name of the Arkansas Arts Council.
 22

23 SECTION 69. Arkansas Code § 13-8-106(a)(1)(A), concerning the powers
 24 and duties of the Arkansas Arts Council, is amended to read as follows:

25 (A) To advise the ~~Governor~~ Secretary of the Department of
 26 Parks, Heritage, and Tourism and General Assembly on matters relating to the
 27 arts;
 28

29 SECTION 70. Arkansas Code § 13-8-106(c)(2) and (3), concerning the
 30 powers and duties of the Arkansas Arts Council, are amended to read as
 31 follows:

32 (2) The ~~Executive~~ Director of the Arkansas Arts Council shall be
 33 the Governor's liaison officer to implement the National Foundation on the
 34 Arts and Humanities Act of 1965, 20 U.S.C. § 951 et seq.

35 (3) All programs of grants-in-aid as described in this section
 36 shall be administered by the ~~executive~~ director.

1
2 SECTION 71. Arkansas Code § 13-8-106(f), concerning the powers and
3 duties of the Arkansas Arts Council, are amended to read as follows:

4 (f) The Arkansas Arts Council shall submit an annual report to the
5 ~~Governor~~ Secretary of the Department of Parks, Heritage, and Tourism as of
6 June 30 of each year, summarizing the Arkansas Arts Council's activities,
7 expenditures, and grants of money or property from all sources for the
8 preceding year. This report shall include recommendations directed toward
9 furthering the purposes of this subchapter as the Arkansas Arts Council deems
10 appropriate.

11
12 SECTION 72. Arkansas Code § 13-13-101(a), concerning the creation of
13 the Arkansas Civil War Sesquicentennial Commission, is amended to read as
14 follows:

15 (a) The Arkansas Civil War Sesquicentennial Commission is created to
16 assist the ~~Department~~ Division of Arkansas Heritage in carrying out its
17 duties and responsibilities as provided in this chapter.

18
19 SECTION 73. Arkansas Code § 13-13-102(c)(4)(A) and (B), concerning the
20 members of the Arkansas Civil War Sesquicentennial Commission, are amended to
21 read as follows:

22 (A) Director of the ~~Department~~ Division of Arkansas
23 Heritage;

24 (B) ~~Director~~ Secretary of the Department of ~~Arkansas~~
25 Parks, Heritage, and Tourism;

26
27 SECTION 74. Arkansas Code § 13-14-103(d), concerning Arkansas heritage
28 trails, is amended to read as follows:

29 (d) The Department of Parks, Heritage, and Tourism shall:

- 30 (1) Administer the provisions of this chapter; and
31 (2) Establish a uniform marker for the Arkansas heritage trails
32 system.

33
34 SECTION 75. Arkansas Code § 13-14-104(b)(3), concerning designation of
35 the Arkansas heritage trails, is amended to read as follows:

36 (3) American Indian removal routes designated by the Department

1 of Parks, Heritage, and Tourism, including without limitation land and water
2 routes for Cherokee, Choctaw, Muscogee (Creek), Chickasaw, and Seminole
3 tribes; and
4

5 SECTION 76. Arkansas Code § 13-14-105(a), concerning studies of
6 prospective Arkansas heritage trails, is amended to read as follows:

7 (a) The Department of Parks, Heritage, and Tourism, in consultation
8 with the Arkansas State Archives, the Arkansas Historic Preservation Program,
9 and the Arkansas Department of Transportation, shall conduct studies to
10 determine the feasibility of designating additional trails as heritage
11 trails.
12

13 SECTION 77. Arkansas Code § 13-14-105(c), concerning studies of
14 prospective Arkansas heritage trails, is amended to read as follows:

15 (c) The following routes shall be studied by the Department of Parks,
16 Heritage, and Tourism to determine the feasibility and desirability of
17 designating other trails as heritage trails:

- 18 (1) The Line Road from Van Buren to Evansville;
- 19 (2) The Memphis to Little Rock Road;
- 20 (3) The Rock Roe Landing connection to the Memphis to Little
21 Rock Road from where Rock Roe enters the White River to the Memphis to Little
22 Rock Road;
- 23 (4) The Cadron to Arkansas Post Road;
- 24 (5) The Little Rock to Fort Smith Road section to Potts old
25 place north of Potts Tavern;
- 26 (6) The Little Rock to Fort Smith and Fort Gibson section from
27 Potts to Fort Smith crossing the Arkansas River at Dardanelle;
- 28 (7) The Upper Cut Road;
- 29 (8) The Little Rock to Washington Road;
- 30 (9) The Old Fort Towson Road from Washington to American Indian
31 Territory;
- 32 (10) The Antoine to Fort Towson Road;
- 33 (11) The Ecore Fabre to Washington Route; and
- 34 (12) The Ecore Fabre to Point Chicot Road.
35

36 SECTION 78. Arkansas Code § 14-116-501(d)(2)(A), concerning the

1 development of proposed improvement plan for assessment-based water district
2 projects, is amended to read as follows:

3 (2)(A) The Arkansas Natural Resources Commission shall solicit
4 written comment from appropriate federal and state agencies on the items
5 described in the final survey and report, including, but not limited to, the
6 United States Army Corps of Engineers, the United States Fish and Wildlife
7 Service, the Arkansas State Game and Fish Commission, the ~~Department~~ Division
8 of Arkansas Heritage, and the ~~Arkansas Department~~ Division of Environmental
9 Quality.

10
11 SECTION 79. Arkansas Code § 14-172-207(1)(A)(i), concerning
12 establishment of historic districts, is amended to read as follows:

13 (1)(A)(i) An historic district commission, established as
14 provided in § 14-172-206, shall make an investigation and report on the
15 historic significance of the buildings, structures, features, sites, or
16 surroundings included in any such proposed historic district and shall
17 transmit copies of its report to the Arkansas Historic Preservation Program,
18 a division of the ~~Department~~ Division of Arkansas Heritage, to the planning
19 commission of the municipality or county, if any, and in the absence of such
20 commission, to the governing body of the municipality or county for its
21 consideration and recommendation.

22
23 SECTION 80. Arkansas Code § 14-270-202 is amended to read as follows:
24 14-270-202. Elements of the grants program.

25 There is hereby established the FUN Parks Grants Program to be
26 administered by the ~~Arkansas Department of Parks and Tourism~~ Department of
27 Parks, Heritage, and Tourism. The purpose of the FUN Parks Grants Program is
28 to provide basic outdoor recreation facilities including baseball and
29 softball fields, basketball courts, picnic tables and pavilions, and
30 playground equipment to residents of small Arkansas communities. The goal of
31 this program is to build two hundred (200) new outdoor parks statewide in
32 communities of two thousand five hundred (2,500) or less as established by
33 the 1990 census. Up to fifty (50) new FUN parks may be constructed each year
34 in each of the next four (4) years at a cost not to exceed ten thousand
35 dollars (\$10,000) for each FUN park.

36

1 SECTION 81. Arkansas Code § 14-270-203 is amended to read as follows:
2 14-270-203. Authorization.

3 The ~~Arkansas~~ Department of Parks, Heritage, and Tourism is herein
4 authorized to promulgate procedures, rules, guidelines, or regulations
5 necessary for the administration of the FUN Park Grants Program.
6

7 SECTION 82. Arkansas Code § 15-11-101 is amended to read as follows:
8 15-11-101. Publicity generally.

9 It shall be the duty of the ~~Director~~ Secretary of the Department of
10 Parks, Heritage, and Tourism to:

11 (1) ~~Devote his or her entire time to the carrying out of the~~
12 ~~provisions of this section;~~

13 (2) Make available and make use of the materials and information
14 assembled by state agencies and gather additional information and materials
15 concerning the state's resources, its department and divisions of government,
16 and its institutions;

17 (3) Make this information available to the newspapers,
18 magazines, and other media of publicity for the preparation of articles and
19 stories favorable to the state, its resources, its institutions, and its
20 department and divisions of government;

21 (4) Prepare paid advertisements favorable to the State of
22 Arkansas and, subject to the approval of the State Parks, Recreation, and
23 Travel Commission, expend such state funds as may be made available for this
24 purpose in the publication of advertisements in magazines, newspapers, and
25 other periodicals, either directly with advertising media or through the
26 services of a recognized advertising agency on a commission basis regularly
27 allowed by the advertising media;

28 (5) Assemble and prepare material for the publication of
29 pamphlets, booklets, folders, maps, brochures, and other similar advertising
30 matter concerning the State of Arkansas and contract, subject to the approval
31 of the commission, for the reproduction of advertising matter;

32 (6) Distribute advertising matter to the general public or to
33 special groups for which it is intended, either by mail or other method; and

34 (7) Assist and aid the various ~~department~~ departments and
35 divisions of state in the preparation and distribution of pamphlets,
36 booklets, folders, etc., when it may be deemed advisable to give publicity to

1 the activities of any department or division or to inform the public of the
2 activities, rules, regulations, or requirements of the state government.

3
4 SECTION 83. Arkansas Code § 15-11-102 is amended to read as follows:
5 15-11-102. Promulgation of rules and procedures.

6 (a) The Department of Parks, Heritage, and Tourism is specifically
7 authorized to promulgate its own rules and procedures applying to the
8 purchase of printed material and specialty items for advertising purposes.
9 The Department of Parks, Heritage, and Tourism will take no less than a
10 minimum of three (3) bids in purchasing printing and specialty items. The
11 records pertaining to the bidding procedures, bids, and contract awards will
12 be made a part of the permanent record file of the ~~Department~~ Division of
13 Parks and Tourism, and copies will be forwarded to the purchasing department
14 of the Department of Finance and Administration.

15 (b) The Department of Parks, Heritage, and Tourism is specifically
16 authorized to promulgate its own rules and procedures applying to the
17 professional services of an advertising agency. The Department of Parks,
18 Heritage, and Tourism will take proposals and contract with an advertising
19 agency with the advice of the Legislative Council.

20
21 SECTION 84. Arkansas Code § 15-11-204(b), concerning the organization
22 and meetings of the State Parks, Recreation, and Travel Commission, is
23 amended to read as follows:

24 (b) The ~~Director~~ Secretary of the Department of Parks, Heritage, and
25 Tourism provided for in § 15-11-205 shall be ex officio Secretary of the
26 State Parks, Recreation, and Travel Commission but shall have no vote on
27 matters coming before the commission.

28
29 SECTION 85. Arkansas Code § 15-11-205 is amended to read as follows:
30 15-11-205. ~~Director~~ Secretary of the Department of Parks, Heritage,
31 and Tourism.

32 (a) The ~~State Parks, Recreation, and Travel Commission, with the~~
33 ~~approval of the Governor,~~ shall employ a ~~Director~~ Secretary of the Department
34 of Parks, Heritage, and Tourism who shall be charged with the duty of
35 administering the provisions of this subchapter and the rules, regulations,
36 and orders established thereunder.

1 (b) The ~~commission~~ State Parks, Recreation, and Travel Commission, by
 2 resolution duly adopted, may delegate to the ~~Director~~ Secretary of the
 3 Department of Parks, Heritage, and Tourism any of the powers or duties vested
 4 in or imposed upon it by this subchapter, and the delegated powers and duties
 5 may be exercised by the ~~Director~~ Secretary of the Department of Parks,
 6 Heritage, and Tourism in the name of the commission.

7 (c) ~~The Director of the Department of Parks and Tourism shall:~~

8 (1) ~~Be selected with special reference to his or her executive~~
 9 ~~ability, experience, and interest in the resources and development of the~~
 10 ~~state;~~

11 (2) ~~Be a person with at least five (5) years' experience in the~~
 12 ~~newspaper or radio profession in an editorial or advertising capacity;~~

13 (3) ~~Be custodian of all property held in the name of the~~
 14 ~~commission;~~

15 (4) ~~Be ex officio the disbursing agent of all funds available~~
 16 ~~for its use; and~~

17 (5)(A) ~~Furnish a bond to the state with a corporate surety~~
 18 ~~thereon in the penal sum of ten thousand dollars (\$10,000), conditioned that~~
 19 ~~he or she will faithfully perform his or her duties of employment and~~
 20 ~~properly account for all funds received and disbursed by him or her.~~

21 (B) ~~An additional disbursing agent's bond shall not be~~
 22 ~~required of the Director Secretary of the Department Division of Parks and~~
 23 ~~Tourism.~~

24 (C) ~~The bond so furnished shall be filed with the~~
 25 ~~Secretary of State, and an executed counterpart of the bond shall be filed~~
 26 ~~with the Auditor of State.~~

27 (d)(1) The ~~Director~~ Secretary of the Department of Parks, Heritage,
 28 and Tourism, ~~subject to approval of the commission,~~ shall employ, upon the
 29 recommendation of the commission, a Director of State Parks and a Director of
 30 Recreation and Travel and such assistants and other personnel as necessary to
 31 properly administer the provisions of this subchapter, with the duties of
 32 both the Director of State Parks and the Director of Recreation and Travel
 33 and such assistants as appointed to be independent of the other, but the
 34 Director of State Parks and the Director of Recreation and Travel shall
 35 cooperate as necessary for the proper performance of the commission and the
 36 department.

1 ~~(2) The Director of Recreation and Travel, as appointed by the~~
2 ~~Director of the Department of Parks and Tourism, shall be a person with a~~
3 ~~background in the travel service industry or editorial experience in news~~
4 ~~media with a minimum of three (3) years' experience in news media or travel~~
5 ~~service, with special consideration being given to a background in~~
6 ~~advertising.~~

7
8 SECTION 86. Arkansas Code § 15-11-207(a) and (b), concerning the
9 Director of the Department of Parks and Tourism's cooperation with news media
10 representatives, are amended to read as follows:

11 (a) The ~~Director~~ Secretary of the Department of Parks, Heritage, and
12 Tourism and his or her staff shall cooperate with representatives of
13 newspapers, magazines, and radio and television stations but shall not
14 otherwise be identified with any of these enterprises.

15 (b)(1) All information or publicity originated or developed by the
16 ~~director~~ secretary and his or her staff shall be released to all news media
17 at times agreeable to a majority of the representatives thereof who are
18 assigned to the State Capitol Building.

19 (2) However, upon the request of any such representative or
20 other individual for specific information not theretofore originated and
21 developed for a news release by the ~~director~~ secretary or his or her staff,
22 the director shall furnish the news release to the individual making the
23 request without regard to the provision of subdivision (b)(1) of this
24 section.

25
26 SECTION 87. Arkansas Code § 15-11-210 is amended to read as follows:

27 15-11-210. Award of pistol upon retirement.

28 When a commissioned law enforcement officer of the State Parks Division
29 of the Department of Parks, Heritage, and Tourism retires from service in
30 good standing after twenty (20) years of service, in recognition of and
31 appreciation for the service of the retiring officer, the Director of the
32 State Parks Division may award to the officer the pistol carried by the
33 officer at the time of his or her retirement from service.

34
35 SECTION 88. Arkansas Code § 15-11-211(a), concerning the disposal of
36 railroad track material by the State Parks, Recreation, and Travel Commission

1 and the Department of Parks and Tourism, is amended to read as follows:

2 (a) The State Parks, Recreation, and Travel Commission and the
3 Department of Parks, Heritage, and Tourism are authorized to dispose of rail
4 and other railroad track material by gift or contract to a regional
5 intermodal facilities authority organized pursuant to the Regional Intermodal
6 Facilities Act, § 14-143-101 et seq., a metropolitan port authority organized
7 pursuant to the Metropolitan Port Authority Act of 1961, § 14-185-101 et
8 seq., or a planning and development district recognized by § 14-166-202.

9
10 SECTION 89. Arkansas Code § 15-11-211(a), concerning the disposal of
11 railroad track material by the State Parks, Recreation, and Travel Commission
12 and the Department of Parks and Tourism, is amended to read as follows:

13 (a) The State Parks, Recreation, and Travel Commission and the
14 Department of Parks, Heritage, and Tourism are authorized to dispose of rail
15 and other railroad track material by gift or contract to a regional
16 intermodal facilities authority organized pursuant to the Regional Intermodal
17 Facilities Act, § 14-143-101 et seq., a metropolitan port authority organized
18 pursuant to the Metropolitan Port Authority Act of 1961, § 14-185-101 et
19 seq., or a planning and development district recognized by § 14-166-202.

20
21 SECTION 90. Arkansas Code § 15-11-212 is amended to read as follows:
22 15-11-212. Enforcement of state law – Statewide jurisdiction.

23 A person designated as and employed as a law enforcement officer by the
24 Department of Parks, Heritage, and Tourism shall:

25 (1) Be a certified law enforcement officer under § 12-9-101 et
26 seq.; and

27 (2) Have statewide law enforcement jurisdiction and authority.

28
29 SECTION 91. Arkansas Code § 15-11-301 is amended to read as follows:
30 15-11-301. Creation.

31 The Department of Parks, Heritage, and Tourism is authorized and
32 directed to establish, as funds are provided therefor, and to maintain and
33 operate at or near the federal interstate highway points of entry into this
34 state tourist information bureaus to perform the functions and duties as
35 provided by this subchapter.

36

1 SECTION 92. Arkansas Code § 15-11-302(1), concerning the duties of the
2 Department of Parks and Tourism, is amended to read as follows:

3 (1) Be open to the public at regular business hours and, during
4 tourist seasons, shall be operated at such other hours as may be determined
5 by the Department of Parks, Heritage, and Tourism;
6

7 SECTION 93. Arkansas Code § 15-11-305 is amended to read as follows:
8 15-11-305. Cooperation with other state agencies.

9 The State Highway Commission, the Arkansas State Game and Fish
10 Commission, and all other state agencies are requested to cooperate and
11 assist the Department of Parks, Heritage, and Tourism with respect to tourist
12 information bureaus established under the provisions of this subchapter.
13

14 SECTION 94. Arkansas Code § 15-11-306(a), concerning the authority to
15 lease facilities, is amended to read as follows:

16 (a) The Department of Parks, Heritage, and Tourism may lease existing
17 buildings and facilities for operation as tourist information bureaus at or
18 near the major highway points of entry into this state and may pay the
19 necessary cost of maintenance, upkeep, and operation of the leased buildings
20 and facilities.
21

22 SECTION 95. Arkansas Code § 15-11-401(1), concerning the definition of
23 "commission" under the laws establishing regional tourist promotion agencies,
24 is amended to read as follows:

25 (1) "Commission" means the State Parks, Recreation, and Travel
26 Commission or the Department of Parks, Heritage, and Tourism or any successor
27 agency designated by law to promote tourist travel and vacation business in
28 Arkansas;
29

30 SECTION 96. Arkansas Code § 15-11-401(4), concerning the definition of
31 "tourism division" under the laws establishing regional tourist promotion
32 agencies, is amended to read as follows:

33 (4) "Tourism division" means the Tourism Division of the
34 Department of Parks, Heritage, and Tourism or its successor agency.
35

36 SECTION 97. Arkansas Code § 15-11-402(a)(1), concerning formation of a

1 nonprofit tourist corporation, is amended to read as follows:

2 (a)(1) Any group of interested citizens and residents of counties
3 composing a natural planning region of this state and who are residents of
4 counties representing not less than fifty percent (50%) of the total
5 population of the region, but in no event fewer than fifteen (15)
6 individuals, who shall form a nonprofit corporation pursuant to the
7 provisions of the Arkansas Nonprofit Corporation Act, ~~§ 4-28-201 et seq.~~ §§
8 4-28-201 – 4-28-206 and 4-28-209 – 4-28-224, for the purpose of promoting
9 tourist travel and vacation business in the counties composing the natural
10 planning region and whose charters, bylaws, and purposes are in compliance
11 with the rules and regulations promulgated by the State Parks, Recreation,
12 and Travel Commission or the Department of Parks, Heritage, and Tourism
13 pursuant to the provisions of this subchapter may apply for recognition by
14 the commission as a regional tourist promotion agency under this subchapter.
15

16 SECTION 98. Arkansas Code § 15-11-403(a), concerning designation of a
17 nonprofit tourism corporation, is amended to read as follows:

18 (a) The State Parks, Recreation, and Travel Commission or the
19 Department of Parks, Heritage, and Tourism, upon receipt of a copy of
20 incorporation papers, constitution, bylaws, and resolutions, if any, of a
21 nonprofit corporation applying for recognition as a regional tourist
22 promotion agency under the provisions of this subchapter, is authorized to
23 designate the applying corporation as a regional tourist promotion agency
24 under the provisions of this subchapter, provided that the commission shall
25 determine:

26 (1) That the applying agency is established under the Arkansas
27 Nonprofit Corporation Act, ~~§ 4-28-201 et seq.~~ §§ 4-28-201 – 4-28-206 and 4-
28 28-209 – 4-28-224, and has a constitution and bylaws governing the activities
29 and purposes of the corporation which are in compliance with the rules and
30 regulations of the commission established in furtherance of the purposes of
31 this subchapter;

32 (2) That the charter, constitution, or bylaws of the applying
33 agency provide for the selection of a board of directors and successor
34 members on the boards, of persons who have demonstrated knowledge of and
35 interest in the tourist travel and vacation business in the various counties
36 composing the region to be served by the agency; and

1 (3) That the applying agency has furnished a proposed plan and
2 demonstration of financial resources to establish and promote an active
3 tourist travel and vacation business promotion program within the region as
4 provided in this subchapter.

5
6 SECTION 99. Arkansas Code § 15-11-404 is amended to read as follows:
7 15-11-404. Administrative agency.

8 The Tourism Division of the Department of Parks, Heritage, and Tourism
9 is designated as the administrative agency of this state to act under the
10 authority of the State Parks, Recreation, and Travel Commission or the
11 Department of Parks, Heritage, and Tourism in administering the provisions of
12 this subchapter.

13
14 SECTION 100. Arkansas Code § 15-11-405(b) and (c), concerning grants
15 under the laws governing regional tourist promotion agencies, are amended to
16 read as follows:

17 (b) Upon approval of each application and the making of a grant by the
18 State Parks, Recreation, and Travel Commission in accordance therewith, the
19 commission or the Department of Parks, Heritage, and Tourism shall give
20 notice to the applying regional tourist promotion agency of the approval and
21 grant and shall direct the regional tourist promotion agency to proceed with
22 its promotional program as described in its application and to use therefor
23 funds allocated by the regional tourist promotion agency for such purposes.

24 (c) Upon the furnishing of evidence to the commission that the
25 particular regional tourist promotion agency has proceeded in accordance with
26 the terms of the application, the grant allocated to the regional tourist
27 promotion agency shall be paid to the regional tourist promotion agency by
28 the Division of Tourism Division of the Department of Parks, Heritage, and
29 Tourism.

30
31 SECTION 101. Arkansas Code § 15-11-406(a), concerning grants from the
32 Department of Parks and Tourism, is amended to read as follows:

33 (a) Upon approval of the State Parks, Recreation, and Travel
34 Commission, the Department of Parks, Heritage, and Tourism is authorized to
35 make grants from funds specifically appropriated for such purposes to
36 regional tourist promotion agencies, to assist such regional tourist

1 promotion agencies in the financing of promotional and advertising programs,
2 and to encourage and stimulate tourist travel and vacation business within
3 the natural planning region.

4
5 SECTION 102. Arkansas Code § 15-11-407(a), concerning federal funds
6 for the State Parks, Recreation, and Travel Commission and the Department of
7 Parks and Tourism, is amended to read as follows:

8 (a) The State Parks, Recreation, and Travel Commission or the
9 Department of Parks, Heritage, and Tourism is authorized to accept gifts,
10 grants, or donations from the federal government or agencies thereof, and
11 some private individuals, foundations, or concerns to be used in furtherance
12 of the purposes of this subchapter.

13
14 SECTION 103. Arkansas Code § 15-11-408(a)(2), concerning the rules to
15 be promulgated by the State Parks, Recreation, and Travel Commission
16 regarding the use, reversion, and reallocation of matching state funds, is
17 amended to read as follows:

18 (2) The funds available to each regional tourist promotion
19 agency may be used for needed approved tourist promotion and advertising or
20 research programs designed to encourage and stimulate the visitor and
21 vacation business within the natural planning region and for operational and
22 administrative expenses, as may have been approved by the commission or the
23 ~~Department of Parks and~~ Division of Tourism of the Department of Parks,
24 Heritage, and Tourism.

25
26 SECTION 104. Arkansas Code § 15-11-408(d), concerning the rules to be
27 promulgated by the State Parks, Recreation, and Travel Commission regarding
28 the use, reversion, and reallocation of matching state funds, is amended to
29 read as follows:

30 (d) In the event sufficient regional or local funds cannot be raised
31 to match the state funds appropriated for the matching fund program by
32 January 1 of each year, those state funds not applied for shall revert to the
33 advertising and promotion budget of the Tourism Division of the ~~Department~~
34 Division of Parks and Tourism.

35
36 SECTION 105. Arkansas Code § 15-11-409 is amended to read as follows:

1 15-11-409. Investigations and audits.

2 The State Parks, Recreation, and Travel Commission or the Tourism
3 Division of the Department of Parks, Heritage, and Tourism from time to time
4 may make such investigations and audits and require each participating
5 regional tourist promotion agency to furnish such evidence or proof to
6 determine that all funds granted under the provisions of this subchapter are
7 being handled and expended for the purposes as approved by the commission or
8 the Department of Parks, Heritage, and Tourism in awarding the grant.

9
10 SECTION 106. Arkansas Code § 15-11-505 is amended to read as follows:

11 15-11-505. Standards for preliminary and final approval of companies
12 and projects.

13 (a) The ~~Executive~~ Director of the Arkansas Economic Development
14 Commission shall establish standards for final approval of eligible companies
15 and their tourism attraction projects by the promulgation of administrative
16 regulations in accordance with the Arkansas Administrative Procedure Act, §
17 25-15-201 et seq.

18 (b) The ~~Executive~~ Director of the Arkansas Economic Development
19 Commission shall obtain the review and advice of the ~~Director~~ Secretary of
20 the Department of Parks, Heritage, and Tourism prior to designating an entity
21 as an approved company eligible for the tourism incentive.

22 (c) The ~~Executive~~ Director of the Arkansas Economic Development
23 Commission may give approval by designating an eligible company as an
24 approved company and authorizing the undertaking of the tourism attraction
25 project.

26 (d) The ~~Executive~~ Director of the Arkansas Economic Development
27 Commission shall review the information that has been made available to the
28 ~~Executive~~ Director of the Arkansas Economic Development Commission in order
29 to determine whether the tourism attraction project will further the purposes
30 of this subchapter.

31 (e) The criteria for final approval of eligible companies and tourism
32 attraction projects shall include, but shall not be limited to, the criteria
33 set forth in § 15-11-504(c).

34 (f) After a review of the relevant materials, other information made
35 available to the ~~Executive~~ Director of the Arkansas Economic Development
36 Commission, the completion of other inquiries, and the review and advice of

1 the ~~Director~~ Secretary of the Department of Parks, Heritage, and Tourism, the
2 ~~Executive~~ Director of the Arkansas Economic Development Commission may give
3 final approval to the eligible company's application for a tourism attraction
4 project and may grant the approval to the eligible company in the form of a
5 financial incentive agreement.

6
7 SECTION 107. Arkansas Code § 15-11-602 is amended to read as follows:

8 15-11-602. Administration office – Director – Duties.

9 (a) The Administrative Office of the Keep Arkansas Beautiful
10 Commission shall be located within the ~~Department~~ Division of Parks and
11 Tourism.

12 (b) The Director of the Administrative Office of the Keep Arkansas
13 Beautiful Commission shall be ~~appointed by and serve at the pleasure of~~
14 employed by the ~~Director~~ Secretary of the Department of Parks, Heritage, and
15 Tourism.

16 (c) The Director of the Administrative Office of the Keep Arkansas
17 Beautiful Commission shall develop and administer all programs and projects
18 of the Keep Arkansas Beautiful Commission and perform such other duties which
19 the ~~Director of the Department of Parks and Tourism~~ Secretary of the
20 Department of Parks, Heritage, and Tourism deems necessary and appropriate to
21 foster and promote the awareness of all Arkansans as to the need to protect
22 Arkansas's natural environment.

23
24 SECTION 108. Arkansas Code § 15-11-603(10), concerning the powers and
25 duties of the Keep Arkansas Beautiful Commission, is amended to read as
26 follows:

27 (10) Serve in an advisory capacity to the Director of the
28 Administrative Office of the Keep Arkansas Beautiful Commission and the
29 ~~Director of the Department of Parks and Tourism~~ Secretary of the Department
30 of Parks, Heritage, and Tourism; and

31
32 SECTION 109. Arkansas Code § 15-11-702(9), concerning the legislative
33 findings regarding the Wildlife Observation Trails Pilot Program, is amended
34 to read as follows:

35 (9) The Department of Parks, Heritage, and Tourism and the
36 Arkansas State Game and Fish Commission are interested in continuing a

1 Wildlife Observation Trails Pilot Program to ignite interest in the natural
2 cultural and scenic beauty and natural resources of Arkansas and to promote
3 economic development in a healthy and environmentally sound manner.
4

5 SECTION 110. Arkansas Code § 15-11-704(b), concerning the Wildlife
6 Observation Trails Pilot Program, is amended to read as follows:

7 (b) The program shall be developed, implemented, and administered by
8 the Department of Parks, Heritage, and Tourism with the assistance of the
9 Arkansas State Game and Fish Commission.
10

11 SECTION 111. Arkansas Code § 15-11-705 is amended to read as follows:
12 15-11-705. Wildlife Observation Trails – Development.

13 (a) To accept a wildlife observation trail into the Wildlife
14 Observation Trails Pilot Program and be eligible to receive grant moneys
15 under this subchapter, the Department of Parks, Heritage, and Tourism shall
16 require that the wildlife observation trail:

17 (1) Meet the criteria established by the ~~department~~ division
18 after consultation with the Wildlife Observation Trails Pilot Program
19 Advisory Board. The criteria ~~includes~~ shall include without limitation:

20 (A) A right-of-way or easement for public use for a
21 minimum period of ten (10) years;

22 (B) Trail operation and maintenance by a responsible
23 organization for a minimum period of ten (10) years;

24 (C) Adherence to state trails standards and guidelines for
25 the trail type designated;

26 (D) Location and design of the wildlife observation trail
27 so that it is optimally attractive for wildlife observation;

28 (E) Readiness of the wildlife observation trail for public
29 use; and

30 (F) Proper marking and signing;

31 (2) Conform to goals established in the Statewide Comprehensive
32 Outdoor Recreation Plan or the Arkansas Trails Plan; and

33 (3) Promote tourism and economic development.

34 (b) When designating the grant recipients that are eligible for moneys
35 under this subchapter, the ~~department~~ division shall give more consideration
36 to the location and design of a wildlife observation trail that:

- 1 (1) Is assessed to be a tourism attraction;
- 2 (2) Promotes economic development;
- 3 (3) Is designed to have particular appeal to youths for optimal
- 4 wildlife observation; and
- 5 (4) Is designed to provide access for hunting or fishing
- 6 activities.

7

8 SECTION 112. Arkansas Code § 15-11-706 is amended to read as follows:

9 15-11-706. Wildlife Observation Trails Pilot Program Advisory Board –

10 Created.

11 (a)(1) There is continued an advisory body to the Department of Parks, Heritage, and Tourism to be known as the “Wildlife Observation Trails Pilot

12 Program Advisory Board” to provide recommendations to the ~~Director~~ Secretary

13 of the Department of Parks, Heritage, and Tourism and the Arkansas State Game

14 and Fish Commission to develop criteria to establish and fund the development

15 and maintenance of wildlife observation trails through the distribution of

16 grant moneys under this subchapter.

17

18 (2) The board is a voluntary board that consists of seven (7)

19 members that are appointed by the ~~Director~~ Secretary of the Department of

20 Parks, Heritage, and Tourism as follows:

21 (A) One (1) representative of the Arkansas Economic

22 Development Commission;

23 (B) One (1) representative of the Arkansas State Game and

24 Fish Commission;

25 (C) One (1) representative of the Arkansas Recreation and

26 Parks Association;

27 (D) One (1) representative of the Association of Arkansas

28 Counties;

29 (E) One (1) representative of the Arkansas Game and Fish

30 Foundation;

31 (F) One (1) representative of the Arkansas Audubon

32 Society; and

33 (G) One (1) representative of the Arkansas Municipal

34 League.

35 (b) The ~~Director~~ Secretary of the Department of Parks, Heritage, and

36 Tourism shall:

1 (1) Assist the board in establishing criteria consistent with §
2 15-11-705 by the promulgation of rules in accordance with the Arkansas
3 Administrative Procedure Act, § 25-15-201 et seq., for recommendation of a
4 grant for the development of a wildlife observation trail in the Wildlife
5 Observation Trails Pilot Program; and

6 (2) Seek recommendations from the board for the selection of a
7 grant recipient.

8 (c) The ~~Director~~ Secretary of the Department of Parks, Heritage, and
9 Tourism shall consult with the Director of the Arkansas State Game and Fish
10 Commission to establish criteria for the development and maintenance of
11 wildlife observation trails in the wildlife management areas that are managed
12 by the Arkansas State Game and Fish Commission.

13
14 SECTION 113. Arkansas Code § 15-11-707(b)(1), concerning funding for
15 the Wildlife Observation Trails Pilot Program, is amended to read as follows:

16 (b)(1) The Department of Parks, Heritage, and Tourism and the
17 commission agree to execute a memorandum of understanding to delineate each
18 party's participation, obligation, and cooperation in the program sufficient
19 to fulfill the requirements of this subchapter.

20
21 SECTION 114. Arkansas Code § 15-11-707(b)(3), concerning funding for
22 the Wildlife Observation Trails Pilot Program, is amended to read as follows:

23 (3) If both the commission and the ~~department~~ division agree
24 that the program meets or exceeds the purpose of the legislation or agree
25 that to discontinue the program would result in an undue disruption of
26 progress, then the parties shall reexecute a memorandum of understanding
27 under subdivision (b)(1) of this section.

28
29 SECTION 115. Arkansas Code § 15-11-708 is amended to read as follows:
30 15-11-708. Grant distribution.

31 (a)(1) A grant application under this subchapter that meets the
32 criteria under § 15-11-705 shall be submitted to the Wildlife Observation
33 Trails Pilot Program Advisory Board by the ~~Director~~ Secretary of the
34 Department of Parks, Heritage, and Tourism for review and comment.

35 (2) The board shall recommend grants for approval by the
36 ~~director~~ secretary.

1 (3) The ~~director~~ secretary shall designate the grant recipients
2 that are eligible for moneys under this subchapter and notify the Arkansas
3 State Game and Fish Commission of the grant recipients.

4 (b) The commission agrees to receive grant designations submitted by
5 the ~~director~~ secretary and approve distribution of moneys annually to
6 eligible grant recipients in the Wildlife Observation Trails Pilot Program as
7 follows:

8 (1) A maximum of eighty percent (80%) of the moneys for grants
9 for wildlife observation trail development to cities or counties; and

10 (2) A maximum of twenty percent (20%) of the moneys for grants
11 for wildlife observation trail development to state agencies or nonprofit
12 organizations.

13
14 SECTION 116. Arkansas Code § 15-11-709(a), concerning reporting on the
15 Wildlife Observation Trails Pilot Program, is amended to read as follows:

16 (a) The Arkansas State Game and Fish Commission and the Department of
17 Parks, Heritage, and Tourism shall report the status of the Wildlife
18 Observation Trails Pilot Program biannually to the Game and Fish/State Police
19 Subcommittee of the Legislative Council and the Parks and Tourism
20 Subcommittee of the Joint Budget Committee.

21
22 SECTION 117. Arkansas Code § 15-11-802 is amended to read as follows:
23 15-11-802. Arkansas Great Places Program – Creation.

24 (a) The Department of ~~Arkansas Heritage~~ Parks, Heritage, and Tourism
25 shall administer and establish the Arkansas Great Places Program to:

26 (1) Provide planning and financial assistance to eligible
27 organizations for community development; and

28 (2) Combine resources of state government in an effort to
29 showcase the unique and authentic qualities of communities, regions,
30 neighborhoods, and districts that make those locations exceptional places to
31 work and live.

32 (b) The Arkansas Economic Development Commission ~~and the Department of~~
33 ~~Parks and Tourism~~ shall provide assistance to the ~~Department of Arkansas~~
34 Heritage Department of Parks, Heritage, and Tourism in administering and
35 establishing the program.

36

1 SECTION 118. Arkansas Code § 15-11-803(b), concerning the definitions
2 and eligibility for the Arkansas Great Places Program, is amended to read as
3 follows:

4 (b)(1) An eligible organization may apply to the ~~Department of~~
5 ~~Arkansas Heritage~~ Department of Parks, Heritage, and Tourism for
6 participation in the Arkansas Great Places Program.

7 (2) The department shall forward applications for participation
8 in the program to the Arkansas Natural and Cultural Heritage Advisory
9 Committee to select applicants for participation in the program.

10
11 SECTION 119. Arkansas Code § 15-11-804(c), concerning selection for
12 the Arkansas Great Places Program, is amended to read as follows:

13 (c) The ~~Department of Arkansas Heritage~~ Department of Parks, Heritage,
14 and Tourism shall work with the Arkansas Economic Development Commission to
15 maximize grants awarded to participants in the program.

16
17 SECTION 120. Arkansas Code § 15-12-101(a)(1) and (2), concerning the
18 creation, members, and meetings of the Arkansas Natural and Cultural
19 Resources Council, are amended to read as follows:

20 (1) The ~~Director~~ Secretary of the Department of Parks, Heritage,
21 and Tourism or his or her designee;

22 (2) The Director of the ~~Department~~ Division of Arkansas Heritage
23 or his or her designee;

24
25 SECTION 121. Arkansas Code § 15-12-101(b)(1), concerning the creation,
26 members, and meetings of the Arkansas Natural and Cultural Resources Council,
27 is amended to read as follows:

28 (1)(A) The ~~Director~~ Secretary of the Department of Parks,
29 Heritage, and Tourism, the Director of the ~~Department~~ Division of Arkansas
30 Heritage, the Chair of the State Parks, Recreation, and Travel Commission or
31 his or her designee, and the Chair of the Arkansas Natural Heritage
32 Commission or his or her designee may receive expense reimbursement for
33 attending meetings of the council as provided by § 25-16-902.

34 (B) Expense reimbursement under subdivision (b)(1)(A) of
35 this section shall be paid from funds appropriated for the support of the
36 Department of Parks, Heritage, and Tourism, the ~~Department~~ Division of

1 Arkansas Heritage, the State Parks, Recreation, and Travel Commission, and
2 the Arkansas Natural Heritage Commission, respectively; and

3
4 SECTION 122. Arkansas Code § 15-12-101(b)(2)(B), concerning the
5 creation, members, and meetings of the Arkansas Natural and Cultural
6 Resources Council, is amended to read as follows:

7 (B) Expense reimbursement under subdivision (b)(2)(A) of
8 this section shall be paid from funds appropriated for the support of the
9 ~~Department of Arkansas Heritage~~ Department of Parks, Heritage, and Tourism.

10
11 SECTION 123. Arkansas Code § 15-12-101(d)(2), concerning the creation,
12 members, and meetings of the Arkansas Natural and Cultural Resources Council,
13 is amended to read as follows:

14 (2) The ~~Director~~ Secretary of the ~~Department of Arkansas~~
15 ~~Heritage~~ Department of Parks, Heritage, and Tourism or shall serve as
16 Secretary of the Arkansas Natural and Cultural Resources Council and shall
17 serve as disbursing officer of any funds appropriated for or administered by
18 the council.

19
20 SECTION 124. Arkansas Code § 15-12-103(b)(2), concerning disposition
21 of revenue and grants made by the Arkansas Natural and Cultural Resources
22 Council, is amended to read as follows:

23 (2) Ten percent (10%) of the net amount shall be distributed to
24 the Parks, Heritage, and Tourism Fund Account, to be used by the Department
25 of Parks, Heritage, and Tourism, on approval of the Parks, Recreation, and
26 Tourism Grant Advisory Committee, for making grants for outdoor recreational
27 purposes to cities and counties of this state in accordance with the plan;
28 and

29
30 SECTION 125. Arkansas Code § 15-14-108 is amended to read as follows:
31 15-14-108. Rules and regulations.

32 The Arkansas Association of Development Organizations, Inc., after
33 having received input from the Department of Parks, Heritage, and Tourism,
34 ~~the Department of Arkansas Heritage~~, and the Arkansas Economic Development
35 Commission, shall promulgate rules and regulations to implement this chapter.

36

1 SECTION 126. Arkansas Code § 15-20-309(1)(B), concerning powers to
2 receive gifts of property and to acquire real estate for trade or exchange by
3 the Arkansas Natural Heritage Commission, is amended to read as follows:

4 (B) Any funds and income from any property described in
5 subdivision (1)(A) of this section shall be deposited into the State Treasury
6 into the ~~Department of Arkansas Heritage Endowment Trust Fund~~ Arkansas
7 Division of Heritage Fund Account and expended in the same manner as other
8 state moneys are expended upon vouchers drawn by the Director of the Arkansas
9 Natural Heritage Commission; and

10
11 SECTION 127. Arkansas Code § 15-20-705(a), concerning additional
12 duties of the State Parks, Recreation, and Travel Commission and the
13 Department of Parks and Tourism, is amended to read as follows:

14 (a) The State Parks, Recreation, and Travel Commission and the
15 Department of Parks, Heritage, and Tourism shall have the following duties in
16 addition to those otherwise prescribed by law:

17 (1) To identify and maintain a registry of lands and waters in
18 the state, whether publicly or privately owned, that exhibit outstanding
19 characteristics of scenic beauty;

20 (2) To cooperate with any federal, state, or local government
21 agency, private organization, or individual;

22 (3) To investigate, promote, advise, and assist in the
23 preservation, protection, enhancement, and management of scenic resources;

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

27 (5) To encourage scenic resources protection by working with
28 agencies and individuals to set up demonstration projects involving such
29 techniques as wildflower plots, adopt-a-spot programs, wetlands restoration,
30 and native plantings wherever possible;

31 (6) To notify federal agencies of the state's interest in
32 protecting scenic resources and to request that scenic resources protection
33 and enhancement be included in the appropriate planning activities of the
34 agencies;

35 (7) By December 1 of each year, submit a report to the ~~Governor~~
36 Secretary of the Department of Parks, Heritage, and Tourism and the General

1 Assembly describing and accounting for the status and condition of each entry
2 listed in the Registry of Scenic Resources and including any recommendations
3 to be considered by the secretary and General Assembly for improving and
4 enhancing the scenic beauty of the state; and

5 (8) To bring the Registry of Scenic Resources to the attention
6 of the public through its advertising and public relations efforts.

7
8 SECTION 128. Arkansas Code § 15-20-706(c) and (d), concerning the
9 Registry of Scenic Resources are amended to read as follows:

10 (c) The registry shall be maintained by the ~~Department~~ Division of
11 Parks and Tourism.

12 (d) The registry shall be prepared in a manner which will enable the
13 ~~Department~~ Division of Arkansas Heritage to include registry records in its
14 environmental review procedures.

15
16 SECTION 129. Arkansas Code § 15-45-302(a)(2), concerning creation of
17 the Nongame Preservation Committee, is amended to read as follows:

18 (2) The Director of the State Parks Division of the Department
19 of Parks, Heritage, and Tourism; and

20
21 SECTION 130. Arkansas Code § 19-5-206(a)(2)(B), concerning service
22 charges against state agencies, is amended to read as follows:

23 (B) "State agency" shall not include the office of the
24 Commissioner of State Lands or the Department of Parks, Heritage, and
25 Tourism.

26
27 SECTION 131. Arkansas Code § 19-5-206(b), concerning service charges
28 against state agencies, is amended to read as follows:

29 (b) Each state agency, whose annual income or revenue as reflected by
30 the previous fiscal year's audit exceeds twenty-five thousand dollars
31 (\$25,000), shall remit by check on the first day of each calendar quarter to
32 the Treasurer of State an amount equal to one and one-half percent (1 ½%) of
33 the total expenditures of the previous calendar quarter from those cash funds
34 as defined under § 19-4-801, excluding funds received from the federal
35 government or those held in trust by the state agency or those funds of the
36 various state retirement systems. Funds received by the ~~Department~~ Division

1 of Arkansas Heritage from voluntary donations shall also be excluded. In the
 2 event that a state agency elects to deposit its cash funds into the State
 3 Treasury under the provisions of § 19-4-503, then the amount required under
 4 this section shall be transferred from the state agency's treasury fund to
 5 the State Central Services Fund.

6
 7 SECTION 132. Arkansas Code § 19-5-302(3), concerning the State General
 8 Government Fund and the Parks and Tourism Fund Account, is amended to read as
 9 follows:

10 (3) Parks and Tourism Fund Account.

11 (A) The Parks and Tourism Fund Account shall be used for the
 12 maintenance, operation, and improvement required by the Department of Parks,
 13 Heritage, and Tourism as created by § ~~25-13-101~~ 25-43-1301, or other duties
 14 imposed by law upon the ~~Department~~ Division of Parks and the Division of
 15 Tourism, the State Parks, Recreation, and Travel Commission, the Prairie
 16 Grove Battlefield State Park Advisory Commission, or upon any state park of
 17 Arkansas.

18 (B) The Parks and Tourism Fund Account shall consist of:

19 (i) Those general revenues as may be provided by law;

20 (ii) Nonrevenue income derived from services provided by
 21 the various divisions of the ~~Department~~ Division of Parks and the Division
 22 Tourism; and

23 (iii) Any other funds that may be provided by law.

24 (C) Funds received by the various state parks under the
 25 direction of the Department of Parks, Heritage, and Tourism which are not
 26 required to be deposited into the State Treasury shall be deposited into
 27 banks, there to be disbursed as may be appropriated by the General Assembly
 28 or to be used as may be otherwise provided by law;

29
 30 SECTION 133. Arkansas Code § 19-5-302(10), concerning the State
 31 General Government Fund and the Department of Arkansas Heritage Fund Account,
 32 is amended to read as follows:

33 (10) ~~Department~~ Division of Arkansas Heritage Fund Account. The
 34 ~~Department~~ Division of Arkansas Heritage Fund Account shall consist of those
 35 general revenues as provided by law for the ~~Department~~ Division of Arkansas
 36 Heritage and shall be used for the maintenance, operation, and improvement of

1 the ~~Department~~ Division of Arkansas Heritage;

2
3 SECTION 134. Arkansas Code § 19-5-956(b), concerning the establishment
4 of the Tourism Development Trust Fund, is amended to read as follows:

5 (b) The fund shall consist of those special revenues as specified in §
6 19-6-301(146) and fifty percent (50%) of those special revenues as specified
7 in § 19-6-301(262), there to be used by the Department of Parks, Heritage,
8 and Tourism exclusively for the promotion of wine tourism in Arkansas.

9
10 SECTION 135. Arkansas Code § 19-5-1001(b) and (c), concerning the
11 establishment of the Publication Development and Resale Revolving Fund, are
12 amended to read as follows:

13 (b) The fund shall consist of income derived from the sale of
14 publications by the ~~Department~~ Division of Arkansas Heritage or its
15 successor, there to be used to develop or purchase additional publications
16 for resale.

17 (c) The fund shall be administered by the Central Administration
18 Division of the Department of ~~Arkansas Heritage~~ Parks, Heritage, and Tourism
19 or its successor.

20
21 SECTION 136. Arkansas Code § 19-5-1051(b), concerning the
22 establishment of the Parks and Tourism Outdoor Recreation Grants Fund, is
23 amended to read as follows:

24 (b) The fund shall consist of ten percent (10%) of those special
25 revenues as specified in § 19-6-301(145), there to be used by the Department
26 of Parks, Heritage, and Tourism for making grants for outdoor recreational
27 purposes to cities and counties of this state in accordance with the Arkansas
28 Statewide Comprehensive Outdoor Recreation Plan as set out in § 15-12-103.

29
30 SECTION 137. Arkansas Code § 19-5-1245 is amended to read as follows:
31 19-5-1245. Arkansas Great Places Program Fund.

32 (a) The ~~Department~~ Division of Arkansas Heritage may establish in a
33 bank authorized to do business in this state and selected by the ~~department~~
34 division a revolving cash fund entitled "Arkansas Great Places Program Fund"
35 into which the ~~department~~ division shall deposit all funds received as
36 matching funds from eligible organizations participating in the Arkansas

1 Great Places Program under § 15-11-801 et seq.

2 (b) The ~~department~~ division may receive gifts, grants, bequests,
3 devises, and donations made to the ~~department~~ division, amounts received as
4 matching funds from eligible organizations participating in the Arkansas
5 Great Places Program under § 15-11-801 et seq., and any other funds
6 authorized by law to be used in the furtherance of the purposes of the
7 Arkansas Great Places Program under § 15-11-801 et seq.

8 (c) In addition, the ~~department~~ division may accept gifts, grants, or
9 donations from the federal government or agencies thereof, and private
10 individuals, foundations, or concerns to be used for the purposes of the
11 Arkansas Great Places Program under § 15-11-801 et seq.

12
13 SECTION 138. Arkansas Code § 19-6-426 is amended to read as follows:

14 19-6-426. Arkansas Museum of Natural Resources Fund.

15 The Arkansas Museum of Natural Resources Fund shall consist of those
16 special revenues as specified in § 19-6-301(61) and (101), there to be used
17 for the construction, maintenance, operation, and improvement of the Arkansas
18 Museum of Natural Resources in exercising the powers, functions, and duties
19 as set out in § 13-5-401 et seq., and for paying the expenses of
20 administering such funds by the ~~department~~ Department of Parks, Heritage, and
21 Tourism as may be authorized by law.

22
23 SECTION 139. Arkansas Code § 19-6-484(3)(B) and (C), concerning the
24 Conservation Tax Fund, are amended to read as follows:

25 (B) Forty-five percent (45%) to the Department of Parks,
26 Heritage, and Tourism Fund Account to be used by the Department of Parks,
27 Heritage, and Tourism for state park purposes as appropriated by the General
28 Assembly;

29 (C) Nine percent (9%) to the Arkansas ~~Department~~ Division
30 of Heritage Fund Account to be used exclusively by the ~~Department~~ Division of
31 Arkansas Heritage as appropriated by the General Assembly; and

32
33 SECTION 140. Arkansas Code § 19-6-818(a), concerning the Wildlife
34 Observation Trail Fund, is amended to read as follows:

35 (a) There is created on the books of the Treasurer of State, the
36 Auditor of State, and the Chief Fiscal Officer of the State a special revenue

1 fund to be known as the "Wildlife Observation Trail Fund" administered by the
2 Department of Parks, Heritage, and Tourism.

3
4 SECTION 141. Arkansas Code § 19-6-833 is amended to read as follows:

5 19-6-833. Arkansas ~~Department~~ Division of Heritage Special Fund
6 Account.

7 (a) There is created on the books of the Treasurer of State, the
8 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
9 fund to be known as the "Arkansas ~~Department~~ Division of Heritage Special
10 Fund Account".

11 (b) The fund shall consist of:

12 (1) That portion of moneys collected from the excise tax of one-
13 eighth of one percent (1/8 of 1%) levied by Arkansas Constitution, Amendment
14 75, as set out in § 19-6-484(3)(C); and

15 (2) Any other funds authorized or provided by law.

16 (c) The fund shall be used exclusively by the ~~Department~~ Division of
17 Arkansas Heritage as appropriated by the General Assembly.

18
19 SECTION 142. Arkansas Code § 19-6-834 is amended to read as follows:

20 19-6-834. Department of Parks, Heritage, and Tourism Fund Account.

21 (a) There is created on the books of the Treasurer of State, the
22 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
23 fund to be known as the "Department of Parks, Heritage, and Tourism Fund
24 Account".

25 (b) The fund shall consist of:

26 (1) That portion of moneys collected from the excise tax of one-
27 eighth of one percent (1/8 of 1%) levied by Arkansas Constitution, Amendment
28 75, as set out in § 19-6-484(3)(B); and

29 (2) Any other funds authorized or provided by law.

30 (c) The fund shall be used by the Department of Parks, Heritage, and
31 Tourism for state park purposes as appropriated by the General Assembly.

32
33 SECTION 143. Arkansas Code § 21-5-701(3), concerning the definition of
34 "covered public employee" under the laws governing death benefits, is amended
35 to read as follows:

36 (3) "Covered public employee" means a police officer,

1 firefighter, state highway employee, state correction employee, Department of
 2 Community Correction employee, jailer, qualified emergency services worker,
 3 wildlife enforcement officer, emergency medical technician, Arkansas Forestry
 4 Commission employee, commissioned law enforcement personnel, or emergency
 5 response personnel of the State Parks Division of the Department of Parks,
 6 Heritage, and Tourism;

7
 8 SECTION 144. Arkansas Code § 21-5-705(a)(1), concerning payment of
 9 claims to designated beneficiaries or survivors of certain public employees
 10 killed in the line of duty, is amended to read as follows:

11 (1) Police officer, wildlife enforcement officer, commissioned
 12 law enforcement officer or emergency response employee of the State Parks
 13 Division of the Department of Parks, Heritage, and Tourism, ~~Department~~
 14 Division of Community Correction employee, employee of the ~~Department~~
 15 Division of Correction, jailer, or coroner whose death occurred:

16 (A) After January 1, 2003; and

17 (B) Either:

18 (i) In the official line of duty as the result of a
 19 criminal or negligent action of another person or persons or as the result of
 20 the engagement in exceptionally hazardous duty; or

21 (ii) In the line of duty while the officer or
 22 employee was performing emergency medical activities;

23
 24 SECTION 145. Arkansas Code § 21-5-705(b), concerning payment of claims
 25 to designated beneficiaries or survivors of certain public employees killed
 26 in the line of duty, is amended to read as follows:

27 (b) In addition to the benefits provided for in subsection (a) of this
 28 section, the state shall pay the additional sum of twenty-five thousand
 29 dollars (\$25,000) to the designated beneficiary, surviving spouse, or
 30 surviving children under twenty-two (22) years of age of any police officer,
 31 wildlife enforcement officer of the Arkansas State Game and Fish Commission,
 32 commissioned law enforcement officer of the State Parks Division of the
 33 Department of Parks, Heritage, and Tourism, ~~Department~~ Division of Community
 34 Correction employee, or employee of the ~~Department~~ Division of Correction:

35 (1) Who was wearing a bulletproof vest approved by the Director
 36 of the Department of Arkansas State Police; and

1 (2) Whose death occurred:

2 (A) After July 1, 1989; and

3 (B) In the official line of duty as the result of a
 4 criminal action of another person or persons.

5
 6 SECTION 146. Arkansas Code § 22-2-103(b), concerning the applicability
 7 of the Building Authority Division Act to other laws, is amended to read as
 8 follows:

9 (b) The provisions of this chapter shall not be construed to affect
 10 any bonds issued by state agencies or any covenants or obligations entered
 11 into in connection with such bonds or any revenues pledged or used in the
 12 security or payment of such bonds, or the production, handling, deposit, or
 13 application of such revenues, including bonds issued by the Arkansas Justice
 14 Building Commission, pursuant to § 22-3-901 et seq., by the Arkansas State
 15 Department of Health Building Commission [abolished], pursuant to Acts 1965,
 16 No. 469, by the Department of Parks, Heritage, and Tourism or the agency
 17 performing the functions thereof, pursuant to § 22-4-301 et seq., or by the
 18 Board of Developmental Disabilities Services or the agency performing the
 19 functions thereof, pursuant to § 20-48-411 and § 20-48-501 et seq.

20
 21 SECTION 147. Arkansas Code § 22-3-303 is amended to read as follows:
 22 22-3-303. Capitol Zoning District Commission.

23 (a) There is created and established at the seat of government a
 24 commission to be known as the "Capitol Zoning District Commission".

25 (b) The commission shall have nine (9) members, as follows:

26 (1) The Governor, or his or her designee, who shall be chair;

27 (2) The Secretary of State, or his or her designee;

28 (3) Four (4) resident electors of this state, to be designated
 29 by the Governor and who shall serve three-year terms, one (1) of whom shall
 30 be a black;

31 (4) The director of the city planning staff of the City of
 32 Little Rock, or his or her designee;

33 (5) One (1) resident elector of this state who shall be a
 34 resident of and an owner of property within the Governor's Mansion area of
 35 the Capitol Zoning District, to be designated by the Governor, and who shall
 36 serve a three-year term; and

1 (6) One (1) resident elector of this state who shall be an owner
 2 of property or the designee of an owner of property within the State Capitol
 3 area of the Capitol Zoning District, to be designated by the Governor, and
 4 who shall serve a three-year term.

5 (c) The Director of the Capitol Zoning District Commission shall serve
 6 as the disbursing officer for the commission.

7 (d) Members of the commission shall receive no pay for their services,
 8 but may receive expense reimbursement and stipends in accordance with § 25-
 9 16-901 et seq.

10 (e)(1) The commission is authorized to employ a director subject to
 11 the approval of the Secretary of the Department of Parks, Heritage, and
 12 Tourism ~~and such other staff as the commission deems appropriate~~ and within
 13 legislative appropriation.

14 (2) The commission shall have the authority to enter into
 15 contracts of any lawful nature, and to do any and all acts necessary to
 16 effect the purposes of this subchapter.

17
 18 SECTION 148. Arkansas Code § 22-3-310(a)(1)(A), concerning an appeal
 19 of a Capital Zoning District Commission action by an aggrieved person, is
 20 amended to read as follows:

21 (a)(1)(A) Any person aggrieved by any rule, regulation, decision, or
 22 order of the Capitol Zoning District Commission may appeal the action to the
 23 ~~Director of the Department of Arkansas Heritage~~ Secretary of the Department
 24 of Parks, Heritage, and Tourism.

25
 26 SECTION 149. Arkansas Code § 22-3-313(b), concerning the powers of the
 27 Capitol Zoning District Commission, is amended to read as follows:

28 (b) The commission ~~and its staff~~ shall be a separate and distinct
 29 agency of government.

30
 31 SECTION 150. Arkansas Code § 22-3-502(a)(2)(D), concerning the
 32 creation and members of the Capitol Arts and Grounds Commission, is amended
 33 to read as follows:

34 (D) The ~~Director~~ Secretary of the Department of Parks,
 35 Heritage, and Tourism;

36

1 SECTION 151. Arkansas Code § 22-3-804(a)(3), concerning the creation,
2 members, and proceedings of the Arkansas Governor's Mansion Commission, is
3 amended to read as follows:

4 (3) The ~~Director of the Department of Arkansas Heritage~~
5 Secretary of the Department of Parks, Heritage, and Tourism or his or her
6 designee shall serve as an ex officio voting member of the commission.
7

8 SECTION 152. Arkansas Code § 22-3-1001(a)(1), concerning the creation,
9 members, and meetings of the War Memorial Stadium Commission, is amended to
10 read as follows:

11 (a)(1) There is created within the Department of Parks, Heritage, and
12 Tourism the War Memorial Stadium Commission consisting of eight (8) members
13 to be appointed by the Governor with the advice and consent of the Senate.
14

15 SECTION 153. Arkansas Code § 22-3-1001(i) and (j), concerning the
16 creation, members, and meetings of the War Memorial Stadium Commission, are
17 amended to read as follows:

18 (i) The Governor shall designate a member of the commission as Chair
19 of the War Memorial Stadium Commission, and the member so designated shall
20 serve as chair at the pleasure of the Governor with advice from the ~~Director~~
21 Secretary of the Department of Parks, Heritage, and Tourism.

22 (j)(1) All meetings of the commission shall be held on call by the
23 chair with the consent of the ~~director~~ secretary, or by any four (4) or more
24 members with the consent of the ~~director~~ secretary, on advance notice to each
25 member and at such place as in each instance may suit the commission's and
26 the ~~director's~~ secretary's convenience.

27 (2) All meetings under subdivision (j)(1) of this section shall
28 be open to the public, and complete records of the proceedings shall be kept.

29 (k)(1) A quorum for the transaction of business at any meeting shall consist
30 of not fewer than four (4) members, and a quorum has the power to act for the
31 commission by an affirmative vote of a majority of the quorum, except that
32 the affirmative vote of not fewer than four (4) members is required for the
33 adoption of any motion or resolution involving the expenditure of funds.
34

35 SECTION 154. Arkansas Code § 22-3-1001(k)(2), concerning the creation,
36 members, and meetings of the War Memorial Stadium Commission, is amended to

1 read as follows:

2 (2) An action agreed to by the commission under subdivision
3 (k)(1) of this section is subject to the approval of the ~~director~~ secretary.

4

5 SECTION 155. Arkansas Code § 22-3-1002(a)(1), concerning the powers
6 and duties of the Department of Parks and Tourism, is amended to read as
7 follows:

8 (a)(1) The Department of Parks, Heritage, and Tourism has and is
9 subject to the powers and duties conferred or imposed upon the ~~department~~ by
10 this subchapter concerning the War Memorial Stadium Commission.

11

12 SECTION 156. Arkansas Code § 22-3-1010 is amended to read as follows:
13 22-3-1010. Audit of accounts – Reports.

14 An audit of the records and accounts of the Department of Parks,
15 Heritage, and Tourism concerning the War Memorial Stadium Commission shall be
16 made each year, and a copy of the report shall be filed with the Legislative
17 Council, the Governor, and the Chief Fiscal Officer of the State.

18

19 SECTION 157. Arkansas Code § 22-3-1011(a) and (b), concerning the
20 establishment of bank accounts by the Department of Parks and Tourism, is
21 amended to read as follows:

22 (a) The ~~Director~~ Secretary of the Department of Parks, Heritage, and
23 Tourism on behalf of the War Memorial Stadium Commission may open accounts in
24 the name of the Department of Parks, Heritage, and Tourism in one (1) or more
25 banks and deposit into those bank accounts all moneys received from the sale
26 of the Department of Parks, Heritage, and Tourism's bonds and from
27 admissions, fees, concessions, rents, and other charges collected for the use
28 of War Memorial Stadium or from any other source.

29 (b) From the bank accounts, the Department of Parks, Heritage, and
30 Tourism on behalf of the commission may withdraw funds for payment of the
31 following:

- 32 (1) Cost of the construction of War Memorial Stadium;
33 (2) Expenses of the commission's members;
34 (3) Salaries of a custodian, groundskeepers, and such other
35 personnel as the Department of Parks, Heritage, and Tourism may employ;
36 (4) Insurance premiums for fire, lightning, and tornado

1 insurance;

2 (5) Such other items of reasonable expense as, in the opinion of
3 the Department of Parks, Heritage, and Tourism with advice from the
4 commission, may be required to maintain and operate War Memorial Stadium; and

5 (6) Amounts paid contesting colleges or schools.
6

7 SECTION 158. Arkansas Code § 22-4-103(1)(B), concerning the powers of
8 the State Parks, Recreation, and Travel Commission, is amended to read as
9 follows:

10 (B) If the Department of Parks, Heritage, and Tourism is
11 unable to agree with the owner of the land, or if by legal incapacity or
12 absence of the owner, no agreement can be made for the purchase, the land may
13 be acquired by condemnation proceedings instituted in the name of the state
14 in the manner provided by law for the condemnation of property for public
15 purposes.
16

17 SECTION 159. Arkansas Code § 22-4-103(3), concerning the powers of the
18 State Parks, Recreation, and Travel Commission, is amended to read as
19 follows:

20 (3) To apply to the Commissioner of State Lands for the transfer
21 of any state-owned land or land the title to which has reverted to the state
22 by reason of tax delinquency and which is deemed by the Department of Parks,
23 Heritage, and Tourism as suitable and desirable for park and recreational
24 purposes. The Commissioner of State Lands is authorized and directed to make
25 such transfers which shall operate as an appropriation of the land for park
26 and recreational purposes forever and shall be a bar to any grants by the
27 state of the land so transferred or of any interest in it for any purpose
28 whatsoever;
29

30 SECTION 160. Arkansas Code § 22-4-103(8), concerning the powers of the
31 State Parks, Recreation, and Travel Commission, is amended to read as
32 follows:

33 (8) To appoint local and regional park and recreational councils
34 to consider, study, and advise in the work of the commission for the
35 extension, development, use, and maintenance of the parks for which
36 appointed. The Chair of the State Parks, Recreation, and Travel Commission

1 and the ~~Director~~ Secretary of the Department of Parks, Heritage, and Tourism
2 shall be ex officio members of all councils so appointed; and

3
4 SECTION 161. Arkansas Code § 22-4-105(a), concerning the leasing
5 powers of the Department of Parks and Tourism, is amended to read as follows:

6 (a) The Department of Park, Heritage, and Tourism, in addition to any
7 other powers granted in this chapter, shall have the sole authority to lease
8 state park lands to private companies and to authorize the lessees to
9 construct, maintain, and operate overnight accommodation facilities,
10 recreational facilities, and the other major facilities which the department
11 may deem appropriate.

12
13 SECTION 162. Arkansas Code § 22-4-106(a), concerning the procedure for
14 establishing and acquiring property for state parks, is amended to read as
15 follows:

16 (a) The Department of Parks, Heritage, and Tourism and the State
17 Parks, Recreation, and Travel Commission are directed to consult with and
18 seek the advice of the Governor, the Director of the Department of Finance
19 and Administration, and the Legislative Council before establishing and
20 acquiring properties for new state parks or before making acquisitions of
21 real property for additions to or expansions of existing state parks which
22 have not been specifically authorized or funded by the General Assembly.

23
24 SECTION 163. Arkansas Code § 22-4-109(a), concerning the acquisition
25 of land for hiking trails, is amended to read as follows:

26 (a) The Department of Parks, Heritage, and Tourism is authorized to
27 acquire, by purchase, gift, or devise, interest in real property less than
28 fee interest, including, but not limited to, easements for the purpose of
29 establishing trails for public hiking and for related purposes over lands
30 contiguous to lands controlled by the department.

31
32 SECTION 164. Arkansas Code § 22-4-403 is amended to read as follows:

33 22-4-403. Administration of Arkansas Trails System.

34 A statewide trails system to be called the "Arkansas Trails System" is
35 authorized to be administered by the State Parks Division of the Department
36 of Parks, Heritage, and Tourism. The administration shall include:

1 (1) Coordination of trail development between state, federal,
2 county, municipal, and private entities;

3 (2) Development of a wide variety of types of trails to provide
4 maximum trail opportunities for the citizens of Arkansas;

5 (3) Establishment of an interconnected trails system by
6 developing new trails or by connecting existing trails or recreation areas;

7 (4) Encouraging the development of trails in or near population
8 centers;

9 (5) Providing technical assistance for trail development and
10 maintenance; and

11 (6) Providing information about Arkansas trails.
12

13 SECTION 165. Arkansas Code § 22-4-404(a), concerning the creation,
14 powers, and duties of the Arkansas Trails Council, is amended to read as
15 follows:

16 (a) An advisory body to the State Parks Division of the Department of
17 Parks, Heritage, and Tourism, to be known as the "Arkansas Trails Council",
18 is created for the purpose of informing the ~~division~~ State Parks Division,
19 other trail-providing agencies, and the public at large of public need, use,
20 and ongoing and planned trail development and to provide a public forum for
21 discussion of trail-related issues.
22

23 SECTION 166. Arkansas Code § 22-4-404(c), concerning the creation,
24 power, and duties of the Arkansas Trails Council, is amended to read as
25 follows:

26 (c) The Department of Parks, Heritage, and Tourism's representative on
27 the council shall serve as the council's executive secretary.
28

29 SECTION 167. Arkansas Code § 22-4-405 is amended to read as follows:

30 22-4-405. Criteria for acceptance into Arkansas Trails System.

31 Trails accepted into the Arkansas Trails System shall meet criteria as
32 established by the Arkansas Trails Council and the State Parks Division of
33 the Department of Parks, Heritage, and Tourism, which shall include:

34 (1) A guaranteed right-of-way for public use for a minimum
35 period of five (5) years;

36 (2) Trail operation and maintenance for a minimum period of five

- 1 (5) years by an acceptable responsible organization;
 2 (3) Adherence to state trails standards and guidelines for the
 3 trail type designated;
 4 (4) Readiness of the trail for public use;
 5 (5) Proper marking and signing; and
 6 (6) Conformity of the trail with goals established in the
 7 Statewide Comprehensive Outdoor Recreation Plan or the Arkansas Trails Plan.
 8

9 SECTION 168. Arkansas Code § 22-5-804(a)(1), concerning the leases and
 10 permits of the Natural Resources Committee and the Arkansas State Game and
 11 Fish Commission, is amended to read as follows:

12 (a)(1) The Natural Resources Committee is created and shall be
 13 composed of the following members:

- 14 (A) The Director of the Department of Finance and
 15 Administration;
 16 (B) The Director of Production and Conservation of the Oil
 17 and Gas Commission;
 18 (C) The State Geologist;
 19 (D) The State Forester;
 20 (E) The ~~Executive~~ Director of the Arkansas Natural
 21 Resources Commission;
 22 (F) The Commissioner of State Lands;
 23 (G) The Executive Secretary of the Arkansas State Game and
 24 Fish Commission;
 25 (H) The ~~Director~~ Secretary of the Department of Parks,
 26 Heritage, and Tourism;
 27 (I) The Director of the ~~Arkansas Department~~ Division of
 28 Environmental Quality; and
 29 (J) The Chair of the Arkansas Natural Heritage Commission.
 30

31 SECTION 169. Arkansas Code § 22-5-807(a), concerning the notification
 32 of interested agencies regarding leases and permits, is amended to read as
 33 follows:

34 (a) When an application for a lease or permit is filed with the
 35 Commissioner of State Lands for the taking or production of any sand, gravel,
 36 oil, natural gas, casinghead gas, coal, or other minerals or the severance of

1 any timber or logs from state-owned lands, the Commissioner of State Lands
2 shall so notify the Arkansas Geological Survey, the Arkansas Natural
3 Resources Commission, the Oil and Gas Commission, the Arkansas State Game and
4 Fish Commission, the Department of Parks, Heritage, and Tourism, the ~~Arkansas~~
5 ~~Department~~ Division of Environmental Quality, the Arkansas Forestry
6 Commission, and any other appropriate state agency that has or may have a
7 particular interest in the area proposed to be covered by the lease or
8 permit.

9
10 SECTION 170. Arkansas Code § 23-89-518(a)(2)(C)(i), concerning the
11 creation and duties of the Amusement Ride Safety Advisory Board, is amended
12 to read as follows:

13 (i) One (1) member of the board shall be the
14 ~~Director~~ Secretary of the Department of Parks, Heritage, and Tourism or his
15 or her designee;

16
17 SECTION 171. Arkansas Code § 23-89-518(a)(3)(A), concerning the
18 creation and duties of the Amusement Ride Safety Advisory Board, is amended
19 to read as follows:

20 (3)(A) Except for the Director of the Department of Labor and
21 the ~~Director~~ Secretary of the Department of Parks, Heritage, and Tourism, the
22 terms of office of the members shall be for four (4) years or until a
23 successor is appointed.

24
25 SECTION 172. Arkansas Code § 23-89-518(c), concerning the creation and
26 the duties of Amusement Ride Safety Advisory Board, is amended to read as
27 follows:

28 (c) Except for the ex officio chair and the ~~Director~~ Secretary of the
29 Department of Parks, Heritage, and Tourism, the members of the board may
30 receive expense reimbursement and stipends in accordance with § 25-16-901 et
31 seq.

32
33 SECTION 173. Arkansas Code § 24-4-727(e), concerning War Memorial
34 Stadium Commission employees, is amended to read as follows:

35 (e) The Department of Parks, Heritage, and Tourism on behalf of the
36 commission shall pay into the fund such sums of money as are necessary to

1 match the contributions of its employees in the same form and manner as other
2 public employers and shall be subject to all the provisions of this chapter,
3 to the same extent as other public employers.
4

5 SECTION 174. Arkansas Code § 25-1-205(b)(5), concerning filing copies
6 of distributed state agency publications with the Legislative Council, is
7 amended to read as follows:

8 (5) Promotional brochures and educational materials published by
9 the Department of Parks, Heritage, and Tourism;
10

11 SECTION 175. Arkansas Code § 25-3-101(b), concerning the legislative
12 intent creating the Department of Arkansas Heritage, is amended to read as
13 follows:

14 (b) It is the intent of the General Assembly to provide for an orderly
15 transfer of powers, duties, and functions of the various state programs or
16 agencies to the ~~Department~~ Division of Arkansas Heritage with a minimum of
17 disruption of governmental services and functions and with a minimum of
18 expense.
19

20 SECTION 176. Arkansas Code § 25-3-102 is amended to read as follows:

21 25-3-102. Creation – Director – Organization – Personnel.

22 (a) There is created a ~~Department~~ Division of Arkansas Heritage.

23 (b) The executive head of the ~~department~~ division shall be the
24 Director of the ~~Department~~ Division of Arkansas Heritage. The director shall
25 be appointed by the Governor, subject to confirmation by the Senate, and
26 shall serve at the pleasure of the Governor.

27 (c) The director, with the advice and consent of the Governor and the
28 secretary, shall appoint the heads of each of the programs and agencies of
29 the ~~department~~ division. All other personnel of the ~~department~~ division shall
30 be employed by and serve at the pleasure of the director. However, nothing in
31 this section shall be so construed as to reduce any right which an employee
32 of the ~~department~~ division shall have under any civil service or merit
33 system.

34 (d) Each agency or program of the ~~department~~ division shall be under
35 the direction, control, and supervision of the ~~department~~ division. The
36 director may delegate his or her functions, powers, and duties to the head of

1 any agency or program of the ~~department~~ division as he or she shall deem
2 desirable and necessary for the effective and efficient operation of the
3 ~~department~~ division.

4
5 SECTION 177. Arkansas Code § 25-3-104(a)(1), concerning the Arkansas
6 Natural and Cultural Heritage Advisory Committee, is amended to read as
7 follows:

8 (1) The Director of the ~~Department~~ Division of Arkansas
9 Heritage;

10
11 SECTION 1798. Arkansas Code § 25-3-104(a)(5), concerning the Arkansas
12 Natural and Cultural Heritage Advisory Committee, is amended to read as
13 follows:

14 (5) The ~~Director~~ Secretary of the Department of Parks, Heritage,
15 and Tourism;

16
17 SECTION 179. Arkansas Code § 25-3-105(a), concerning fees for
18 publications, seminars and other educational materials, is amended to read as
19 follows:

20 (a) The ~~Department~~ Division of Arkansas Heritage through ~~its~~ a Central
21 Administration Division or any successor division is authorized to establish
22 and impose reasonable fees to recover costs incurred in the preparation and
23 distribution of educational published materials and in holding workshops and
24 seminars and costs of other services rendered.

25
26 SECTION 180. Arkansas Code § 25-3-106(a), concerning the Publication
27 Development and Resale Revolving Fund, is amended to read as follows:

28 (a) There is established a fund to be known as the Publication
29 Development and Resale Revolving Fund for the ~~Department~~ Division of Arkansas
30 Heritage. This fund shall be located in the Central Administration Division
31 of the ~~Department~~ Division of Arkansas Heritage and shall be managed by the
32 ~~division~~ Central Administration Division for the benefit of the various
33 agencies located within the ~~department~~ Division of Arkansas Heritage. This
34 fund shall be a revolving fund.

35
36 SECTION 181. Arkansas Code § 25-3-108 is amended to read as follows:

1 25-3-108. Heritage foundation.

2 (a) In addition to any other rights, powers, functions, and duties
 3 granted by law to the ~~Department~~ Division of Arkansas Heritage, the
 4 ~~department~~ division is hereby authorized to promote and cooperate in the
 5 establishment of a heritage foundation under the Arkansas nonprofit
 6 corporation law, to share resources and facilities with the foundation, and
 7 to accept support and assistance in the form of money, property, or otherwise
 8 from the foundation to be used to preserve and promote the heritage of the
 9 state.

10 (b) If a heritage foundation is established and the ~~department~~
 11 division shares resources or facilities with the foundation or accepts
 12 support and assistance from the foundation, the foundation shall annually
 13 file a report with the Governor, the Legislative Council, and the Legislative
 14 Joint Auditing Committee showing the amount and source of all gifts, grants,
 15 and donations of money or property received by the foundation and all
 16 expenditures or other dispositions of money or property by the foundation
 17 during the preceding year.

18 (c) On or before July 1 of each fiscal year, the Director of the
 19 ~~Department~~ Division of Arkansas Heritage shall submit a plan to the
 20 Legislative Council reflecting the proposed uses of private funds for the
 21 ensuing fiscal year for its review and comment. No person over whom the
 22 ~~department~~ division has day-to-day managerial control shall receive
 23 compensation or remuneration from funds not in the State Treasury.

24
 25 SECTION 182. Arkansas Code Title 25, Chapter 13, is repealed.

26 ~~Chapter 13~~

27 ~~Department of Parks and Tourism~~

28
 29 ~~Subchapter 1 — General Provisions~~

30
 31 ~~25-13-101. Creation — Director — Organization — Personnel.~~

32 ~~(a) There is created a Department of Parks and Tourism.~~

33 ~~(b) The executive head of the department shall be the Director of the~~
 34 ~~Department of Parks and Tourism. The director shall be appointed by the~~
 35 ~~Governor with the consent of the Senate and shall serve at the pleasure of~~
 36 ~~the Governor.~~

1 ~~(c) The department shall consist of those divisions which constituted~~
2 ~~the State Parks, Recreation, and Travel Commission as of July 1, 1971, and~~
3 ~~any other divisions which may be created by law and placed under the~~
4 ~~department.~~

5 ~~(d) The director, with the advice and consent of the Governor, shall~~
6 ~~appoint the heads of the respective divisions. All other personnel of the~~
7 ~~department shall be employed by and serve at the pleasure of the director.~~
8 ~~Provided, nothing in this section shall be so construed as to reduce any~~
9 ~~right which an employee of the department shall have under any civil service~~
10 ~~or merit system.~~

11 ~~(e) Each division of the department shall be under the direction,~~
12 ~~control, and supervision of the director. The director may delegate his or~~
13 ~~her functions, powers, and duties to various divisions of the department as~~
14 ~~he or she shall deem desirable and necessary for the effective and efficient~~
15 ~~operation of the department.~~

16
17 ~~25-13-102. Great River Road Division.~~

18 ~~(a) The Mississippi River Parkway Commission of Arkansas, as~~
19 ~~established pursuant to § 27-69-201 et seq., shall be located in the Great~~
20 ~~River Road Division created hereby.~~

21 ~~(b) The Director of the Department of Parks and Tourism, with the~~
22 ~~advice and consent of the Governor and the Chairman of the national~~
23 ~~Mississippi River Parkway Planning Commission, shall appoint the head of the~~
24 ~~Great River Road Division of the Department of Parks and Tourism.~~

25
26 ~~25-13-103. Payment of gratuities.~~

27 ~~The Department of Parks and Tourism, which from time to time will use~~
28 ~~the services of hotels and restaurants for conferences, conventions,~~
29 ~~meetings, advertising promotions, news blitzes, and other group functions, is~~
30 ~~authorized to pay such reasonable charges of involuntary gratuities for group~~
31 ~~functions as a part of the cost of services.~~

32
33 ~~25-13-104. Extra help restriction.~~

34 ~~No employee of the State Parks Division of the Department of Parks and~~
35 ~~Tourism who is employed as extra help may receive an amount to exceed eighty-~~
36 ~~five percent (85%) of the maximum annual salary for a comparable position as~~

1 ~~authorized under the Uniform Classification and Compensation Act, § 21-5-201~~
 2 ~~et seq., during any fiscal year, nor shall such an employee be employed for a~~
 3 ~~period of time to exceed one thousand eight hundred (1,800) hours in any~~
 4 ~~single fiscal year.~~

5
 6 SECTION 183. Arkansas Code § 25-17-304(a), concerning the appointment
 7 and removal of institutional law enforcement officers, is amended to read as
 8 follows:

9 (a) The executive heads of each of the educational, charitable,
 10 correctional, penal, and other institutions owned and operated by the State
 11 of Arkansas, including the ~~executive head~~ Secretary of the Department of
 12 Parks, Heritage, and Tourism and the executive head of the Arkansas Forestry
 13 Commission, are authorized to designate and appoint one (1) or more of the
 14 employees of the institutions and department, respectively, as an
 15 institutional law enforcement officer or officers for the institution or at a
 16 state park, or any separate portion of the institution or park, who shall
 17 exercise law enforcement officer authority under the laws of this state.

18
 19 SECTION 184. Arkansas Code § 26-26-720 is amended to read as follows:
 20 26-26-720. Correcting descriptions already on books.

21 The Attorney General is authorized to have corrected any part of the
 22 description of lands on the books of the Commissioner of State Lands in the
 23 manner provided. This authority shall be exercised upon the application of
 24 any applicant to purchase or upon application by the ~~Department~~ Division of
 25 Parks and Tourism, the Arkansas Forestry Commission, or the Arkansas State
 26 Game and Fish Commission.

27
 28 SECTION 185. Arkansas Code § 26-51-513(a), concerning the Arkansas
 29 historic rehabilitation income tax credit, is amended to read as follows:

30 (a) In addition to any income tax credit not related to the same
 31 eligible property for which a taxpayer qualifies, the taxpayer is allowed an
 32 income tax credit for the amount of the Arkansas historic rehabilitation
 33 income tax credit allowed by the certification of completion issued by the
 34 ~~Department of Arkansas Heritage~~ Department of Parks, Heritage, and Tourism
 35 under the Arkansas Historic Rehabilitation Income Tax Credit Act, § 26-51-
 36 2201 et seq.

1
2 SECTION 186. Arkansas Code § 26-51-1503(3)(A)(iv), concerning the
3 definition of "committee" under the Arkansas Private Wetland and Riparian Zone
4 Creation, Restoration, and Conservation Tax Credits Act, is amended to read
5 as follows:

6 (iv) The ~~Department~~ Division of Arkansas Heritage;
7 and

8
9 SECTION 187. Arkansas Code § 26-51-2203(3), concerning the definition
10 of "certification of completion" under the Arkansas Historic Rehabilitation
11 Income Tax Credit Act, is amended to read as follows:

12 (3) "Certification of completion" means a certificate issued by
13 the ~~Department~~ Division of Arkansas Heritage certifying that a project is a
14 certified rehabilitation of an eligible property that qualifies for the
15 Arkansas historic rehabilitation income tax credit;

16
17 SECTION 188. Arkansas Code § 26-51-2203(7), concerning the definition
18 of "certification of completion" under the Arkansas Historic Rehabilitation
19 Income Tax Credit Act, is amended to read as follows:

20 (7) "Owner" means a person or an entity that owns eligible
21 property and is the initial recipient of the certification of completion from
22 the ~~department~~ division;

23
24 SECTION 189. Arkansas Code § 26-51-2204(c)(1), concerning the Arkansas
25 historic rehabilitation income tax credit, is amended to read as follows:

26 (c)(1) The ~~Department~~ Division of Arkansas Heritage shall only issue
27 Arkansas historic rehabilitation income tax credits for up to four million
28 dollars (\$4,000,000) in any one (1) fiscal year.

29
30 SECTION 190. Arkansas Code § 26-51-2204(e)-(h), concerning the
31 Arkansas historic rehabilitation income tax credit, are amended to read as
32 follows:

33 (e) Upon completion of a rehabilitation, the owner shall submit
34 documentation required by the ~~department~~ division to verify that the
35 completed rehabilitation qualifies as a certified rehabilitation.

36 (f) If the ~~department~~ division determines that a rehabilitation

1 qualifies as a certified rehabilitation and that the certified rehabilitation
2 is complete, the ~~department~~ division shall issue a freely transferable
3 certification of completion specifying the total amount of the qualified
4 rehabilitation expenses and Arkansas historic rehabilitation income tax
5 credit allowed.

6 (g)(1) If the owner requests a review of the ~~department~~ division
7 determination under subsection (f) of this section, the owner shall submit a
8 written request for review of the determination.

9 (2) The owner shall submit the request in writing to the
10 ~~department~~ division within thirty (30) days of the date of notification to
11 the owner of the determination.

12 (h)(1) The owner shall certify to the ~~department~~ division the validity
13 of costs and expenses claimed as qualified rehabilitation expenses and shall
14 maintain a record supporting the claim for at least five (5) years after the
15 issuance of the certification of completion.

16 (2) An owner's record supporting a claim for qualified
17 rehabilitation expenses may be reviewed by the ~~department~~ division, the
18 appropriate tax collection authority, or a holder.

19
20 SECTION 191. Arkansas Code § 26-51-2205(h), concerning the procedure
21 to claim a tax credit and transferring credit, is amended to read as follows:

22 (h) An owner or holder that assigns part or all of an Arkansas
23 historic rehabilitation income tax credit shall perfect the transfer by
24 notifying the ~~Department~~ Division of Arkansas Heritage and the appropriate
25 tax collection authority in writing within thirty (30) calendar days
26 following the effective date of the transfer and shall provide any
27 information as may be required by the ~~department~~ division and the appropriate
28 tax collection authority to administer and carry out this subchapter and to
29 ensure proper tracking of the ownership of the unused Arkansas historic
30 rehabilitation income tax credit.

31
32 SECTION 192. Arkansas Code § 26-51-2206(a)(1), concerning fees charged
33 by the Department of Arkansas Heritage, is amended to read as follows:

34 (a)(1) The ~~Department~~ Division of Arkansas Heritage may charge a
35 fee to process:

36 (A) An application for an Arkansas historic rehabilitation

1 income tax credit; and

2 (B) A request to record transfers of interests in an
3 Arkansas historic rehabilitation income tax credit to other holders.

4
5 SECTION 193. Arkansas Code § 26-51-2206(b), concerning fees charged by
6 the Department of Arkansas Heritage, is amended to read as follows:

7 (b) A fee collected under this subchapter by the ~~department~~ division
8 shall be considered cash funds of the ~~department~~ division and shall be used
9 for the administration of this subchapter.

10
11 SECTION 194. Arkansas Code § 26-51-2207 is amended to read as follows:
12 26-51-2207. Rules.

13 (a) The ~~Department~~ Division of Arkansas Heritage shall promulgate
14 rules to implement this subchapter that shall include criteria for the
15 prioritizing of the rehabilitation applications and that will stimulate the
16 local economy where the property is located, including without limitation the
17 criteria that the rehabilitation project will be prioritized in the following
18 order:

19 (1) Result in the creation of a new business;

20 (2) Result in the expansion of an existing business;

21 (3) Establish or contribute to the establishment of a tourism
22 attraction as defined by the Department of Parks, Heritage, and Tourism;

23 (4) Contribute to the revitalization of a specific business
24 district; or

25 (5) Be a key property in the revitalization of a specific
26 neighborhood.

27 (b) The ~~Department~~ Division of Arkansas Heritage shall consult with
28 the Department of Finance and Administration, the Arkansas Economic
29 Development Commission, and the State Insurance Department in promulgating
30 rules under this subchapter.

31 (c) The Department of Parks, Heritage, and Tourism shall promulgate
32 rules to define a "tourism attraction" as provided in subdivision (a)(3) of
33 this section.

34
35 SECTION 195. Arkansas Code § 26-57-604(c)(1), concerning the
36 remittance of tax, is amended to read as follows:

1 (c)(1) In addition to any premium tax credit not related to the same
2 eligible property for which an insurer qualifies under subsection (a) of this
3 section, there is allowed a premium tax credit for the amount of the Arkansas
4 historic rehabilitation income tax credit allowed by the certification of
5 completion issued by the ~~Department~~ Division of Arkansas Heritage under the
6 Arkansas Historic Rehabilitation Income Tax Credit Act, § 26-51-2201 et seq.
7

8 SECTION 196. Arkansas Code § 26-63-405(c), concerning the Tourism
9 Development Trust Fund, is amended to read as follows:

10 (c) All revenues collected under this subchapter and credited to the
11 fund shall be used by the Department of Parks, Heritage, and Tourism
12 exclusively for the promotion of tourism in Arkansas.
13

14 SECTION 197. Arkansas Code § 27-24-1601 is amended to read as follows:
15 27-24-1601. Purpose.

16 The purpose of this subchapter is to:

17 (1) Authorize the design and issuance of license plates
18 featuring state parks for the Department of Parks, Heritage, and Tourism;

19 (2) Provide funding to a cash fund to be used by the Department
20 of Parks, Heritage, and Tourism for sponsoring college scholarships in the
21 state parks profession and the state parks education programs; and

22 (3) Authorize the Department of Finance and Administration to
23 issue, renew, and replace the license plates authorized for the Department of
24 Parks, Heritage, and Tourism.
25

26 SECTION 198. Arkansas Code § 27-24-1602(a) and (b), concerning special
27 license plates, are amended to read as follows:

28 (a)(1) The Director of the Department of Finance and Administration
29 shall accept requests from the Department of Parks, Heritage, and Tourism to
30 create and issue special license plates under this subchapter.

31 (2) The Department of Parks, Heritage, and Tourism shall submit
32 with a request for a special license plate a proposed design for the approval
33 of the director.

34 (b) When considering a request from the Department of Parks, Heritage,
35 and Tourism for a special license plate, the director shall consider the
36 following factors:

1 (1) The administrative cost to the Department of Finance and
2 Administration for issuance of a Department of Parks, Heritage, and Tourism
3 special license plate; and

4 (2) The estimated demand for the special license plate requested
5 by the Department of Parks, Heritage, and Tourism.

6
7 SECTION 199. Arkansas Code § 27-24-1603(b)(2), concerning the
8 issuance, renewal, and replacement of a license plate, is amended to read as
9 follows:

10 (2)(A) A fee not to exceed twenty-five dollars (\$25.00) to cover
11 the design-use contribution by the Department of Parks, Heritage, and Tourism
12 or to cover contributions for fundraising purposes.

13 (B) The fee remitted under subdivision (b)(2)(A) of this
14 section shall be deposited into a cash fund to be used by the Department of
15 Parks, Heritage, and Tourism for the following purposes:

16 (i) Sponsoring college scholarships related to the
17 field of conservation; and

18 (ii) Providing conservation education programs; and
19

20 SECTION 200. Arkansas Code § 27-67-204(b), concerning the designation
21 of roads in and connected to state parks, is amended to read as follows:

22 (b) The provisions of this section shall be applicable to all state
23 parks which are now or may hereafter be placed under the control and
24 direction of the Department of Parks, Heritage, and Tourism.

25
26 SECTION 201. Arkansas Code § 27-67-204(d)(3) and (4), concerning the
27 designation of roads in and connected to state parks, are amended to read as
28 follows:

29 (3) The Department of Parks, Heritage, and Tourism shall study
30 the needs for public parking areas and parking facilities at the respective
31 state parks and shall notify the Arkansas Department of Transportation
32 thereof.

33 (4) The Arkansas Department of Transportation may cooperate with
34 the Department of Parks, Heritage, and Tourism in the construction and
35 maintenance of such facilities.
36

1 SECTION 202. Arkansas Code § 27-67-204(e)(1), concerning the
2 designation of roads in and connected to state parks, is amended to read as
3 follows:

4 (e)(1) Notwithstanding any law to the contrary the Department of
5 Parks, Heritage, and Tourism is permitted by regulation to authorize the use
6 of motorized scooters on roads within areas under the control and management
7 of the Department of Parks, Heritage, and Tourism.

8
9 SECTION 203. Arkansas Code § 27-67-224(a)(2)(B), concerning the
10 Arkansas Wine Country Trail, is amended to read as follows:

11 (B) The Arkansas Department of Transportation shall
12 determine the location of the Arkansas Wine Country Trail in consultation
13 with the Department of Parks, Heritage, and Tourism.

14
15 SECTION 204. Arkansas Code § 27-67-224(a)(4), concerning the Arkansas
16 Wine Country Trail, is amended to read as follows:

17 (4) The signs shall be of size and shape and of materials
18 designated by the Arkansas Department of Transportation in consultation with
19 the Department of Parks, Heritage, and Tourism.

20
21 SECTION 205. Arkansas Code § 27-67-224(b)(3), concerning the Arkansas
22 Wine Country Trail, is amended to read as follows:

23 (3) This sign, but on a smaller scale, shall be used as the
24 symbol on the state highway map and in all tourism literature published by
25 the Department of Parks, Heritage, and Tourism to indicate the Arkansas Wine
26 Country Trail or individual vineyards, wineries, or cellars that are part of
27 the Arkansas Wine Country Trail.

28
29 SECTION 206. Arkansas Code § 27-67-322(f)(1), concerning the
30 reacquisition of surplus property by a former owner, is amended to read as
31 follows:

32 (f)(1) The transfer of surplus rail and other railroad track material
33 purchased in part with federal transportation enhancement funds and granted
34 to the State Parks, Recreation, and Travel Commission or the Department of
35 Parks, Heritage, and Tourism, or both, by the State Highway Commission shall
36 not be subject to the procedures set forth in subsections (a)-(e) of this

1 section.

2

3 SECTION 207. Arkansas Code § 27-67-322(f)(3)(B), concerning the
 4 reacquisition of surplus property by a former owner, is amended to read as
 5 follows:

6 (B) A transfer document executed by the State Parks,
 7 Recreation, and Travel Commission or the Department of Parks, Heritage, and
 8 Tourism, or both.

9

10 SECTION 208. Arkansas Code § 27-69-205 is amended to read as follows:
 11 27-69-205. Advisors and assistants.

12 The Director of State Highways and Transportation shall designate one
 13 (1) employee of the Arkansas Department of Transportation who is an engineer
 14 or who has engineering experience, and the ~~Director~~ Secretary of the
 15 Department of Parks, Heritage, and Tourism shall appoint one (1) member of
 16 his or her staff, who shall advise and assist the Mississippi River Parkway
 17 Commission of Arkansas in carrying out its functions and duties under this
 18 subchapter.

19

20 SECTION 209. Arkansas Code § 27-74-213 is amended to read as follows:
 21 27-74-213. Rest areas.

22 In order to provide information in the specific interest of the
 23 traveling public, the State Highway Commission is authorized to maintain maps
 24 and to permit informational directories and advertising pamphlets to be made
 25 available at safety rest areas along the interstate, primary, and other state
 26 highways designated by the commission and to establish information centers in
 27 cooperation with the Department of Parks, Heritage, and Tourism at safety
 28 rest areas for the purpose of informing the public of places of interest
 29 within the state and providing other information as may be considered
 30 desirable.

31

32 SECTION 210. Arkansas Code § 27-101-105(a)(1)(B), concerning the
 33 failure to obey an officer, is amended to read as follows:

34 (B) Certified law enforcement officers of the Department
 35 of Parks, Heritage, and Tourism and municipal police officers may enforce the
 36 provisions of this chapter.

1
2 SECTION 211. EMERGENCY CLAUSE. It is found and determined by the
3 General Assembly of the State of Arkansas that this act revises the duties of
4 certain state entities; that this act establishes new departments of the
5 state; that these revisions impact the expenses and operations of state
6 government; and that the provisions of this act should become effective at
7 the beginning of the fiscal year to allow for implementation of the new
8 provisions at the beginning of the fiscal year. Therefore, an emergency is
9 declared to exist, and this act being necessary for the preservation of the
10 public peace, health, and safety shall become effective on July 1, 2019.

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