

*As Engrossed: 4/7/95*

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 1265 OF 1995**  
**HOUSE BILL 1304**

4 **By: Representatives Jones, Northcutt, Brown, Wyrick, Dietz, von Gremp, Kidd, Wilkinson, T.**  
5 **Smith, Johnson, Molinaro, Choate, Young, K. Wood, Horn, Bennett, Ferrell, Ammons,**  
6 **Wilkins, and Beatty**

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## **For An Act To Be Entitled**

10 *"AN ACT TO AUTHORIZE THE ARKANSAS GEOLOGICAL COMMISSION TO*  
11 *MERGE ANY OR ALL OR ITS PROGRAMS AND DIVISIONS WITH THE*  
12 *ARKANSAS SOIL AND WATER CONSERVATION COMMISSION; AND FOR*  
13 *OTHER PURPOSES."*

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## **Subtitle**

16 *"AN ACT TO AUTHORIZE THE ARKANSAS*  
17 *GEOLOGICAL COMMISSION TO MERGE ANY OR*  
18 *ALL OF ITS PROGRAMS AND DIVISIONS WITH*  
19 *THE ARKANSAS SOIL AND WATER CONSERVATION*  
20 *COMMISSION."*

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

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24 SECTION 1. The General Assembly has determined that the duties  
25 performed and the programs administered by the Arkansas Geological Commission  
26 are closely related to those of the Arkansas Soil and Water Conservation  
27 Commission.

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29 SECTION 2. *It is the purpose of this act to authorize the Arkansas*  
30 *Geological Commission at its June, 1995 meeting to, by a majority vote of its*  
31 *membership, enter into a voluntary merger of any or all of its programs or*  
32 *divisions with the Arkansas Soil and Water Conservation Commission. If the*  
33 *Geological Commission votes to merge any or all of its programs or divisions*  
34 *with the Soil and Water Conservation Commission it is further the purpose of*  
35 *this act that the transfer be accomplished in an expeditious, orderly and*  
36 *efficient manner.*

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2           SECTION 3. (a) The merger vote shall occur at the June, 1995 meeting  
3 of the Arkansas Geological Commission and prior to that time both the Arkansas  
4 Geological Commission and the Arkansas Soil and Water Conservation Commission  
5 shall hold joint public hearings and solicit input concerning the synergies  
6 and benefits possible by the proposed merger. The Soil and Water Conservation  
7 Commission shall provide input to the Geological Commission prior to its June  
8 meeting on the Soil and Water Conservation Commission's position on the  
9 merger.

10           (b) If the Geological Commission votes against the merger of any or all  
11 of its programs or divisions it shall conduct a quality management review of  
12 the programs of the Geological Commission and specifically review the  
13 location, cost and equality of the Arkansas Geology Museum and determine  
14 whether it is in the best interest of the state for the museum to remain a  
15 stand alone entity or merge with the Museum of Natural Science and History or  
16 other museum. The Geological Commission is authorized to transfer the museum  
17 and all of its duties, powers, functions, actions, assets, properties and  
18 appropriations at any time. If the Geological Commission votes to merge any  
19 or all of its programs or divisions with the Soil and Water Conservation  
20 Commission, the quality management review shall be conducted by the Soil and  
21 Water Conservation Commission on such programs or divisions. A report of the  
22 results of the quality management review shall be prepared and filed no later  
23 than July 1, 1996 with the Governor, the Joint Interim Committee on State  
24 Agencies and Governmental Affairs and the Joint Interim Committee on City,  
25 County and Local Affairs.

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27           SECTION 4. Both the Arkansas Geological Commission and the Soil and  
28 Water Conservation Commission shall also prepare and file no later than July  
29 1, 1996 a report to the Governor, the Joint Interim Committee on State  
30 Agencies and Governmental Affairs, and the Joint Interim Committee on City,  
31 County, and Local Affairs regarding the benefits of the merger in the future.

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33           SECTION 5. In determining whether to voluntarily merge with the  
34 Arkansas Soil and Water Conservation Commission, the Arkansas Geological  
35 Commission shall take into consideration the best interest of the state and

1 the furtherance of the obligations of the commission.

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3 SECTION 6. Upon a majority vote of the membership of the Arkansas  
4 Geological Commission to merge with the Arkansas Soil and Water Conservation  
5 Commission, the Arkansas Geological Commission is abolished effective July 1,  
6 1995, and its functions, powers, duties, assets, properties and appropriations  
7 are transferred by a Type 3 transfer, as defined in Ark. Code Ann. § 25-2-106,  
8 to the Arkansas Soil and Water Conservation Commission.

9 *If the Geological Commission votes to transfer a portion of its programs or*  
10 *divisions to the Soil and Water Conservation Commission then those programs or*  
11 *divisions will be abolished effective July 1, 1995 and their powers,*  
12 *functions, duties, assets, properties and appropriations are transferred by a*  
13 *Type 3 transfer as defined in Ark. Code 25-2-106 to the Arkansas Soil and*  
14 *Water Conservation Commission.*

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16 SECTION 7. All provisions of this act of a general and permanent nature  
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 8. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

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26 SECTION 9. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

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29 SECTION 10. Emergency. It is hereby found and determined by the  
30 General Assembly that the provisions of the act are of critical importance to  
31 preserve the efficient operation of programs that deliver services to the  
32 citizens of the State of Arkansas; and that this act is necessary for the  
33 efficient and economic operation of state government. Therefore, an emergency  
34 is hereby declared to exist, and this act being necessary for the immediate  
35 preservation of the public peace, health and safety shall be in full force and

1 effect from and after passage and approval.

2 /s/Rep. Jones, et al

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4 APPROVED: 4-13-95

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