

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 390 OF 1997
HOUSE BILL 1614

4
5 By: Representatives Northcutt, Fletcher, and Johnson
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 15-22-1003 AND § 15-22-
10 1006 PERTAINING TO THE SALE AND USE OF WETLANDS MITIGATION
11 BANK CREDITS; AND FOR OTHER PURPOSES."
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Subtitle

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14 "PERTAINING TO THE SALE AND USE OF
15 WETLANDS MITIGATION BANK CREDITS."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code 15-22-1003(4) is amended to read as follows:

20 "(4) Mitigation bank means a publicly owned and managed wetland site,
21 created or restored in accordance with this subchapter to compensate for
22 unavoidable adverse impacts due to activities which otherwise comply with the
23 requirements of the Federal Water Pollution Control Act, as amended, 33 U.S.C.
24 §§ 1251-1376 or other laws requiring mitigation;"
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26 SECTION 2. Arkansas Code 15-22-1006(b) is amended to read as follows:

27 "(b) The director ~~shall not withdraw any~~ may sell credits from any
28 mitigation bank ~~until the director has taken actions sufficient to establish~~
29 ~~wetland function of the mitigation bank site~~ prior to the establishment of
30 wetlands functions, if upon review of the site plan the director determines
31 that the implementation of the plan will likely result in the established
32 wetland function on the site."
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34 SECTION 3. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
36 Revision Commission shall incorporate the same in the Code.

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SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED:3-06-97