

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
4
5 By: Representative Kidd

A Bill

ACT 1023 OF 1997
HOUSE BILL 1632

For An Act To Be Entitled

9 "AN ACT TO ABOLISH THE ARKANSAS NATURAL AND SCENIC RIVERS
10 COMMISSION AND TRANSFER ITS POWERS, FUNCTIONS, AND DUTIES
11 TO THE NATURAL HERITAGE COMMISSION-DEPARTMENT OF ARKANSAS
12 HERITAGE; AND FOR OTHER PURPOSES."

Subtitle

15 "TO ABOLISH THE ARKANSAS NATURAL AND
16 SCENIC RIVERS COMMISSION AND TRANSFER
17 ITS POWERS AND DUTIES TO THE NATURAL
18 HERITAGE COMMISSION-DEPARTMENT OF
19 ARKANSAS HERITAGE."

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

23 SECTION 1. Arkansas Code §§ 15-23-304, 15-23-305 and 15-23-306 are
24 hereby repealed and the Arkansas Natural and Scenic Rivers Commission is
25 abolished.

26 ~~§ 15-23-304. Arkansas Natural and Scenic Rivers Commission~~
27 ~~Creation.~~

28 ~~(a) There is created the Arkansas Natural and Scenic Rivers~~
29 ~~Commission to be located within the Department of Arkansas Heritage.~~

30 ~~(b) The commission shall administer the Arkansas Natural and~~
31 ~~Scenic Rivers System.~~

32
33 ~~§ 15-23-305. Commission - Members.~~

34 ~~(a) This commission shall consist of twelve (12) members to be~~
35 ~~appointed by the Governor.~~

36 ~~(1) Eight (8) members shall be citizens representing the state at~~

1 ~~large who are concerned with the protection of Arkansas' free-flowing~~
 2 ~~streams.~~

3 ~~—— (2) Of the remaining four (4) members:~~

4 ~~—— (A) One (1) shall be appointed to represent farming interests;~~

5 ~~—— (B) One (1) shall be appointed to represent industry interests;~~

6 ~~—— (C) One (1) shall be appointed to represent forestry interests;~~

7 ~~and~~

8 ~~—— (D) One (1) shall be appointed to represent conservation~~

9 ~~interests.~~

10 ~~—— (3) All successor appointments and appointments to vacancies on~~
 11 ~~the commission shall be appointed in the same manner.~~

12 ~~—— (b)(1) Members shall be appointed for terms of four (4) years and~~
 13 ~~shall serve until their successors have been appointed and qualified.~~

14 ~~—— (2) When an appointment is made to fill a vacancy, the~~
 15 ~~appointment shall be for the remaining term of the position vacated.~~

16 ~~—— (3) A member of the commission who has served two (2) consecutive~~
 17 ~~full terms shall not be eligible for reappointment until a period of one~~
 18 ~~(1) year has elapsed following the expiration of the second full term.~~

19 ~~—— (c) Members of the commission shall serve without compensation.~~

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21 ~~—— § 15-23-306. Commission - Organization.~~

22 ~~—— (a) The commission shall elect a chairman from its membership.~~

23 ~~—— (b) At its first meeting the commission shall also elect a~~
 24 ~~secretary from its membership and shall adopt procedural rules for~~
 25 ~~transacting its business and keeping records thereof.~~

26 ~~—— (c) Seven (7) members shall constitute a quorum for the~~
 27 ~~transaction of business.~~

28 ~~—— (d) The chairman shall have a vote in all cases.~~

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30 SECTION 2. In addition to the members of the Arkansas Natural
 31 Heritage Commission provided for in 15-20-305, the person serving as
 32 chairman of the Arkansas Natural and Scenic Rivers Commission on the
 33 effective date of this act shall be a voting member of the Arkansas
 34 Natural Heritage Commission during the remainder of the term for which
 35 he or she was appointed to serve on the Arkansas Natural and Scenic
 36 Rivers Commission.

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SECTION 3. All powers, functions, and duties of the Arkansas Natural and Scenic Rivers Commission and all funds, equipment, and records of the commission are hereby transferred to the Natural Heritage Commission-Department of Arkansas Heritage.

SECTION 4. Arkansas Code 15-23-307(a) is amended to read as follows:

"(a) An advisory council shall serve to provide technical aid and assistance to the ~~commission~~ Natural Heritage Commission-Department of Arkansas Heritage in carrying out its responsibilities with respect to Arkansas natural and scenic rivers."

SECTION 5. Arkansas Code 15-23-308 is amended to read as follows:

"15-23-308. ~~Commission~~ Natural Heritage Commission-Department of Arkansas Heritage - Duties.

The ~~commission~~ Natural Heritage Commission-Department of Arkansas Heritage shall:

- (1) Survey, evaluate, and assess the rivers to be considered for designation as components in the system;
- (2) Recommend to the General Assembly rivers to be considered for entry into the system;
- (3) Contract for any professional services with any federal, state, or local governmental agency or private individual or organization as may be necessary for the proper performance of its functions under this subchapter;
- (4) Organize, establish, and serve on an advisory committee for each river considered for recommendation for designation into the system; and
- (5) Review water-related projects, including state and federal projects, for their potential impacts on the Arkansas natural stream system."

SECTION 6. Arkansas Code 15-23-309 is amended to read as follows:

"15-23-309. ~~Commission~~ Natural Heritage Commission-Department of Arkansas Heritage - Power to obtain property.

1 (a) The ~~commission~~ Natural Heritage Commission-Department of
 2 Arkansas Heritage shall have the authority to purchase or receive by
 3 gift, devise, grant, or dedication, conservation easements in real
 4 property for the protection of rivers and streams in this state.

5 (b) The ~~Arkansas Natural and Scenic Rivers Commission~~ Natural
 6 Heritage Commission-Department of Arkansas Heritage shall not have the
 7 power of eminent domain for purposes of performing its responsibilities
 8 relating to Arkansas natural and scenic rivers."

9
 10 SECTION 7. Arkansas Code 15-23-310 is amended to read as follows:
 11 "15-23-310. Proposed contracts and compacts with federal
 12 government.

13 Notwithstanding any provisions of this subchapter or any other law
 14 to the contrary, the ~~Arkansas Natural and Scenic Rivers Commission~~
 15 Natural Heritage Commission-Department of Arkansas Heritage shall submit
 16 proposed contracts ~~and compacts~~ between it and the federal government to
 17 the ~~General Assembly~~ Legislative Council for its review and shall not
 18 enter into any such contracts ~~or compacts~~ without the prior ~~approval of~~
 19 ~~the General Assembly~~ review of the Legislative Council."

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 21 SECTION 8. Arkansas Code 15-23-311 is amended to read as follows:
 22 "15-23-311. Procedure for designation of river.

23 The procedure that the ~~commission~~ Natural Heritage Commission-
 24 Department of Arkansas Heritage shall follow to submit a river to the
 25 General Assembly for designation as a component into the system is as
 26 follows:

27 (1) The commission shall decide, based upon the classification
 28 and evaluation system, the priority of rivers to be considered for
 29 inclusion in the system;

30 (2) Having selected a river for potential designation, the
 31 commission with the advice of local county governments through which the
 32 river flows, shall establish an advisory committee. This committee
 33 shall:

34 (A) Consist of three (3) members of the ~~commission~~ Natural
 35 Heritage Commission appointed by the chairman to represent the state at
 36 large and five (5) members who are residents of the river area and

1 appointed by the local county quorum court. If the river flows through
 2 more than one (1) county, four (4) members shall be appointed by each
 3 county quorum court. At least three (3) of the local residents of the
 4 four (4) appointed from each county shall be riparian landowners;

5 (B) Assist and advise the commission concerning the planning for
 6 the management and protection of the river;

7 (C) Serve at the call of the commission or on call of a majority
 8 of the members of the committee; and

9 (D) Elect a chairman from among its members;

10 (3) A public hearing shall be held after the advisory committee has
 11 been appointed and a management plan has been drawn up. More public
 12 hearings may be held as needed;

13 (4) The commission shall submit to the General Assembly a report
 14 showing the proposed area and classification, the characteristics which
 15 qualify the river for inclusion into the system, the general ownership
 16 and land use in the area, and the management plan approved by the
 17 commission. This report shall be made available to other concerned
 18 agencies for comment; and

19 (5) The management plan shall not be effective until enacted into
 20 law by the General Assembly."

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22 SECTION 9. Arkansas Code 15-23-313(d) is amended to read as
 23 follows:

24 "(d) The ~~commission~~ Natural Heritage Commission-Department of
 25 Arkansas Heritage is authorized to apply for and the court is authorized
 26 to grant a temporary or permanent injunction restraining any person from
 27 violating or continuing to violate any provision of this section or any
 28 rule or regulation promulgated under this section, notwithstanding the
 29 existence of other remedies at law. Such injunction shall be issued
 30 without bond."

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32 SECTION 10. Arkansas Code 15-23-315(a) is amended to read as
 33 follows:

34 "(a) The ~~commission~~ Natural Heritage Commission-Department of
 35 Arkansas Heritage may receive any money or property from federal, state,
 36 or private sources, including grants, contributions, gratuities, and

1 loans."

2

3 SECTION 11. All provisions of this act of a general and permanent
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the
5 Arkansas Code Revision Commission shall incorporate the same in the
6 Code.

7

8 SECTION 12. If any provision of this act or the application
9 thereof to any person or circumstance is held invalid, such invalidity
10 shall not affect other provisions or applications of the act which can
11 be given effect without the invalid provision or application, and to
12 this end the provisions of this act are declared to be severable.

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14 SECTION 13. All laws and parts of laws in conflict with this act
15 are hereby repealed.

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17 APPROVED:4-02-97

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