

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/10/99

A Bill

Act 895 of 1999
SENATE BILL 888

5 By: Senators Hoofman, *Gwatney*
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND THE ARKANSAS CODE TITLE 8 TO ADD A
10 NEW CHAPTER RELATING TO THE NATURAL RESOURCES DAMAGES
11 TRUST FUND; TO CREATE A NATURAL RESOURCES DAMAGES
12 ADVISORY BOARD TO PROVIDE ADVICE ON RESTORATION
13 PROJECTS; AND FOR OTHER PURPOSES."
14

Subtitle

15 "AN ACT TO CREATE A NATURAL RESOURCES
16 DAMAGES TRUST FUND AND ADVISORY BOARD."
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19

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

22 SECTION 1. Arkansas Code Title 8 is amended to add the following new
23 chapter to be appropriately numbered by the Arkansas Code Revision Commission:

24 "Title.

25 This chapter may be known and may be cited as the 'Natural Resources
26 Damages Trust Fund Act.'
27

28 Definitions.

29 As used in this chapter, unless the context otherwise requires:

30 (1) 'Advisory Board' means the Natural Resources Damages Advisory
31 Board;

32 (2) 'Fund' means the Natural Resources Damages Trust Fund created by
33 this chapter; and

34 (3) 'Natural resources' means land, fish, wildlife, biota, air, surface
35 water, ground water, drinking water supplies, and other such resources
36 belonging to, managed by, held in trust by, appertaining to, or otherwise

1 controlled by the State of Arkansas or local government.

2 Natural Resources Damages Trust Fund.

3 (a)(1) There is established on the books of the Treasurer of State,
4 Auditor of State, and Chief Fiscal Officer of the State a trust fund to be
5 known as the 'Natural Resources Damages Trust Fund.'

6 (2) In addition to all moneys appropriated by the General
7 Assembly to the fund, there shall be deposited in the fund all payments
8 collected by the state for restoration, rehabilitation, replacement, or
9 acquisition of natural resources and any moneys received by the state as a
10 gift or donation to the fund or any federal moneys designated to enter the
11 fund, and all interest earned upon moneys deposited in the fund.

12 (3) All moneys received into the fund shall be utilized for
13 natural resource restoration, rehabilitation, replacement, or acquisition.

14 (b) All expenditures from the fund shall be authorized by the Natural
15 Resources Damages Trust Advisory Board, according to the provisions of this
16 chapter and the requirements or conditions of any orders, settlement
17 agreements, gifts, or donations.

18
19 Natural Resources Damages Advisory Board.

20 There is hereby created and established a natural Resources Damages
21 Advisory Board.

22 (a) The Advisory Board shall be composed of seven (7) members:

23 (1) One (1) member shall be a representative from the Arkansas
24 Farm Bureau;

25 (2) One (1) member shall be a representative from the Soil and
26 Water Conservation Commission;

27 (3) One (1) member shall be a representative from the Forestry
28 Commission;

29 (4) One (1) member shall be a representative from the Arkansas
30 Department of Environmental Quality;

31 (5) One (1) member shall be a representative from the Game and
32 Fish Commission;

33 (6) One (1) member shall be a representative of the Arkansas
34 Heritage Commission; and

35 (7) One (1) member shall be a representative of the Attorney
36 General's Office.

1 (b) Members of the Advisory Board shall serve without compensation.

2 (c) The Advisory Board shall have the following powers and duties:

3 (1) To develop projects for the restoration, rehabilitation,
4 replacement, and acquisition of natural resources;

5 (2) To request proposals for natural resource related projects;

6 (3) To review and evaluate proposals for natural resource related
7 projects;

8 (4) To select projects for the restoration, rehabilitation,
9 replacement, and acquisition of natural resources; and

10 (5) To approve payments from the Natural Resource Damages Trust
11 Fund for projects and other activities relating to the restoration,
12 rehabilitation, replacement, and acquisition of natural resources.

13
14 Duties of the Department of Finance and Administration.

15 (a) The Department of Finance and Administration shall administer the
16 fund, as authorized by the Advisory Board.

17 (b) The Department of Finance and Administration shall undertake the
18 following activities, as authorized by the Advisory Board:

19 (1) Develop and issue requests for proposals;

20 (2) Award grants for projects relating to natural resource
21 restoration, rehabilitation, replacement, and acquisition;

22 (3) Contract for services; and

23 (4) Make payments from the Natural Resources Damages Trust Fund."
24

25 SECTION 2. All provisions of this act of a general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.

28
29 SECTION 3. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 4. All laws and parts of laws in conflict with this act are
36 hereby repealed.

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/s/ Hoofma

APPROVED: 3/29/1999n