

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 686 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1846

5 By: Representatives Moore, Reynolds, Abernathy, Allen, T. Baker, T. Bradford, J. Brown, J. Burris,
6 Carnine, Carroll, Cash, Cole, Cook, L. Cowling, Dale, Davenport, J. Dickinson, Dunn, Flowers, George,
7 Glidewell, R. Green, Greenberg, Hall, Hardy, Hawkins, House, Hoyt, Hyde, Ingram, Kidd, King,
8 Lindsey, Lovell, Maxwell, McLean, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland,
9 Rice, T. Rogers, Sample, G. Smith, L. Smith, Stewart, Tyler, Wagner, Webb, Wells, B. Wilkins,
10 Williams, Word, Cheatham, J. Edwards, McCrary, Shelby
11 By: Senator J. Jeffress
12
13

For An Act To Be Entitled

15 AN ACT TO CREATE ECONOMIC STIMULUS THROUGH THE
16 DEVELOPMENT AND USE OF WILDLIFE OBSERVATION
17 TRAILS; TO CREATE THE WILDLIFE OBSERVATION TRAILS
18 PILOT PROGRAM; AND FOR OTHER PURPOSES.
19

Subtitle

21 THE WILDLIFE OBSERVATION TRAILS PILOT
22 PROGRAM.
23
24

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

27 SECTION 1. Arkansas Code Title 15, Chapter 11, is amended to add an
28 additional subchapter to read as follows:

29 15-11-701. Title.

30 This subchapter shall be known and may be cited as the "Wildlife
31 Observation Trails Pilot Program".
32

33 15-11-702. Findings.

34 The General Assembly finds that:

35 (1) Arkansas is a state of natural cultural and scenic beauty,



1 natural resources, and wildlife;

2 (2) Enjoyment of the natural cultural and scenic beauty, the
 3 natural resources, and the observation of wildlife in Arkansas is a favorite
 4 pastime of many;

5 (3) There will be a positive impact on the physical,
 6 intellectual, and emotional development of our youth through enhanced access
 7 to the state's natural resources and wildlife by establishing wildlife
 8 observation trails in local communities;

9 (4) The potential for growth in the tourism sector of the
 10 economy through the development of trails is significant;

11 (5) The growth of the economy through the development of trails
 12 is "green growth" that is good for the environment;

13 (6) The development of trails is also good for encouraging and
 14 promoting a healthy lifestyle for our citizens;

15 (7) Wildlife observation trails rank high among the list of
 16 local amenities that an industry desires when it considers locating within
 17 the state;

18 (8) In permitted hunting and fishing areas of the state, the
 19 creation of wildlife observation trails can improve access to those
 20 activities;

21 (9) The Department of Parks and Tourism and the Arkansas State
 22 Game and Fish Commission are interested in developing a Wildlife Observation
 23 Trails Pilot Program to ignite interest in the natural cultural and scenic
 24 beauty and natural resources of Arkansas and to promote economic development
 25 in a healthy and environmentally sound manner.

26
 27 15-11-703. Definition.

28 (1) "Wildlife observation trail" means a trail route designed to
 29 promote conservation and management of wildlife resources of the state, and
 30 to promote tourism and economic development through the enjoyment, use,
 31 protection, and improvement of the natural resources of Arkansas.

32
 33 15-11-704. The Wildlife Observation Trails Pilot Program.

34 (a) There is created a program to be known as the Wildlife Observation
 35 Trails Pilot Program.

36 (b) The Wildlife Observation Trails Pilot Program shall be developed,

1 implemented, and administered by the Department of Parks and Tourism with the
 2 assistance of the Arkansas State Game and Fish Commission.

3 (c) The purpose of the program is to:

4 (1) Increase public awareness of the conservation of wildlife
 5 and other natural resources;

6 (2) Utilize the natural beauty, natural resources, and wildlife
 7 in the landscape of Arkansas in a positive, healthful manner;

8 (3) Attract tourism and the tourism industry through the
 9 enjoyment and utilization of the trails;

10 (4) Promote harmonious interaction between communities and
 11 industry and the natural environment; and

12
 13 15-11-705. Wildlife Observation Trails - Development.

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

18 (1) Meets the criteria established by the department after
 19 consultation with the Wildlife Observation Trails Pilot Program Advisory
 20 Board. The criteria includes without limitation:

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

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

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

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

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

30 (F) Proper marking and signing;

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

33 (3) Promotes tourism and economic development.

34 (b) When designating the grant recipients that are eligible for moneys
 35 under this subchapter, the Department of Parks and Tourism shall give more
 36 consideration to the location and design of a trail that is:

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

7

8 15-11-706. Wildlife Observation Trails – Advisory Board.

9 (a)(1) There is created an advisory body to the Department of Parks
10 and Tourism to be known as the "Wildlife Observation Trails Pilot Program
11 Advisory Board" to provide recommendations to the Director of the Department
12 of Parks and Tourism and the Arkansas State Game and Fish Commission to
13 develop criteria to establish and fund the development and maintenance of
14 wildlife observation trails through the distribution of grant moneys under
15 this subchapter.

16 (2) The board is a voluntary board that consists of seven (7)
17 members that are appointed by the Director of the Department of Parks and
18 Tourism as follows:

19 (A) One (1) representative of the Arkansas Economic
20 Development Commission;

21 (B) One (1) representative of the Arkansas State Game and
22 Fish Commission;

23 (C) One (1) representative of the Arkansas Recreation and
24 Parks Association;

25 (D) One (1) representative of the Association of Arkansas
26 Counties;

27 (E) One (1) representative of the Arkansas Game and Fish
28 Foundation;

29 (F) One (1) representative of the Arkansas Audubon
30 Society; and

31 (G) One (1) representative of the Arkansas Municipal
32 League.

33 (b)(1) The Director of the Department of Parks and Tourism shall
34 assist the board in establishing criteria consistent with § 15-11-705 by the
35 promulgation of rules in accordance with the Arkansas Administrative
36 Procedure Act, § 25-15-201 et seq. for recommendation of a grant for the

1 development of a wildlife observation trail in the Wildlife Observation
 2 Trails Pilot Program.

3 (2) The Director of the Department of Parks and Tourism shall
 4 seek recommendations from the board for the selection of a grant recipient.

5 (c) To establish criteria to develop and maintain wildlife observation
 6 trails in wildlife management areas that are managed by the Arkansas State
 7 Game and Fish Commission, the Director of the Department of Parks and Tourism
 8 shall consult with the Director of the Arkansas State Game and Fish
 9 Commission.

10
 11 15-11-707. Funding.

12 (a)(1) The Arkansas State Game and Fish Commission agrees to make
 13 available one million dollars (\$1,000,000) for fiscal year 2009-2010 and one
 14 million dollars (\$1,000,000) for fiscal year 2010-2011 for the Wildlife
 15 Observation Trails Pilot Program for the development of wildlife observation
 16 trails under this subchapter from moneys that the Arkansas State Game and
 17 Fish Commission has received from oil and gas leases in the Fayetteville
 18 shale.

19 (2) The General Assembly recognizes that the agreement under
 20 subdivision (a)(1) of this section does not constitute:

21 (A) A mandate by the General Assembly;

22 (B) An appropriation of funds by the General Assembly; or

23 (C) A waiver or relinquishment by the Arkansas State Game
 24 and Fish Commission of the authority vested in the Arkansas State Game and
 25 Fish Commission under Arkansas Constitution, Amendment 35.

26 (3) Before moneys are distributed under this section, the
 27 Arkansas State Game and Fish Commission shall retain the right to approve or
 28 disapprove the release of moneys.

29 (4) Future funding for the Wildlife Observation Trails Pilot
 30 Program is subject to the review under subdivision (b)(2) and (3) of this
 31 section and shall be determined by and distributed from the availability of
 32 royalties from oil and gas leases in the Fayetteville shale that the Arkansas
 33 State Game and Fish Commission receives or from money from other sources.

34 (b)(1) The Department of Parks and Tourism and the Arkansas State Game
 35 and Fish Commission agree to execute a memorandum of understanding to
 36 delineate each party's participation, obligation, and cooperation in the

1 Wildlife Observation Trails Pilot Program sufficient to fulfill the
 2 requirements of this subchapter.

3 (2) The Department of Parks and Tourism and the Arkansas State
 4 Game and Fish Commission agree to review the memorandum of understanding
 5 under (b)(1) of this section every two (2) years to evaluate the
 6 effectiveness and success of the Wildlife Observation Trails Pilot Program
 7 and to reexamine the need for moneys to be made available to the grant
 8 recipients to fund the development and maintenance of wildlife observation
 9 trails.

10 (3) If both the Arkansas State Game and Fish Commission and the
 11 Department of Parks and Tourism agree that the Wildlife Observation Trails
 12 Pilot Program meets or exceeds the purpose of the legislation or agree that
 13 to discontinue the program would result in an undue disruption of progress,
 14 then the parties shall reexecute a Memorandum of Understanding under
 15 subdivision (b)(1) of this section.

16 (c) An agreement for funding in a memorandum of understanding under
 17 subdivision (b)(1) of this section and a distribution of money under this
 18 section requires the final approval of the Arkansas State Game and Fish
 19 Commission.

20 (d) The maximum grant amount for a single project funded under the
 21 Wildlife Observation Trails Pilot Program is one hundred thousand dollars
 22 (\$100,000) per year.

23
 24 15-11-708. Grant distribution.

25 (a) A grant application under this subchapter that meets the criteria
 26 under § 15-11-705 shall be submitted to the advisory board by the Director of
 27 the Department of Parks and Tourism for review and comment.

28 (2) The advisory board shall recommend grants for approval by
 29 the director of the Department of Parks and Tourism.

30 (3) The director of the Department of Parks and Tourism shall
 31 designate the grant recipients that are eligible for moneys under this
 32 subchapter and notify the Arkansas State Game and Fish Commission of the
 33 grant recipients.

34 (b) The Arkansas State Game and Fish Commission agrees to receive
 35 grant designations submitted by the Director of the Department of Parks and
 36 Tourism and approve distribution of moneys annually to eligible grant

1 recipients in the Wildlife Observation Trails Pilot Program as follows:

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

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

7
8 15-11-709. Reporting.

9 (a) The Arkansas State Game and Fish Commission and the Department of
10 Parks and Tourism shall report the status of the Wildlife Observation Trails
11 Pilot Program bi-annually to the Game and Fish/State Police Subcommittee of
12 the Legislative Council and the Parks and Tourism Subcommittee of the Joint
13 Budget Committee,

14 (b) The report shall address and evaluate whether or not the pilot
15 program as provided in this subchapter has been successful in creating new
16 wildlife observation trails and stimulating economic growth.

17
18 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
19 to add an additional section to read as follows:

20 19-6-811. Wildlife Observation Trail Fund.

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 "Wildlife Observation Trail Fund" administered by the
24 Department of Parks and Tourism.

25 (b) The fund shall consist of:

26 (1) Those special revenues and any other revenues as may be
27 authorized by law;

28 (2) Any moneys appropriated to it by the General Assembly; and

29 (3) Any gifts, contributions, grants, or bequests received from
30 federal, private, or other sources.

31 (c) The fund shall be used by the department to develop criteria to
32 establish and fund the development and maintenance of wildlife observation
33 trails.

34
35 **APPROVED: 3/27/2009**