

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/24/11

A Bill

HOUSE BILL 1913

5 By: Representative Moore
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE WILDLIFE OBSERVATION TRAILS
9 PILOT PROGRAM; CONCERNING THE WILDLIFE RECREATION
10 FACILITIES PILOT PROGRAM; AND FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING THE WILDLIFE OBSERVATION
13 TRAILS PILOT PROGRAM AND THE WILDLIFE
14 RECREATION FACILITIES PILOT PROGRAM.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 15-11-701 is amended to read as follows:
22 15-11-701. Title.

23 This subchapter shall be known and may be cited as the "Wildlife
24 Observation Trails *Pilot Program*".
25

26 SECTION 2. Arkansas Code § 15-11-702(9), concerning findings, is
27 amended to read as follows:

28 (9) The Department of Parks and Tourism and the Arkansas State
29 Game and Fish Commission are interested in ~~developing~~ continuing a Wildlife
30 Observation Trails *Pilot Program* to ignite interest in the natural cultural
31 and scenic beauty and natural resources of Arkansas and to promote economic
32 development in a healthy and environmentally sound manner.
33

34 SECTION 3. Arkansas Code § 15-11-704(a) concerning the Wildlife
35 Observation Trails Program, is amended to read as follows:

36 (a) There is ~~created~~ continued a program to be known as the "Wildlife



1 Observation Trails *Pilot* Program”.

2

3 *SECTION 4.* Arkansas Code § 15-11-706 is amended to read as follows:

4 15-11-706. Wildlife Observation Trails *Pilot* Program Advisory Board –
5 Created.

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

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

16 (A) One (1) representative of the Arkansas Economic
17 Development Commission;

18 (B) One (1) representative of the Arkansas State Game and
19 Fish Commission;

20 (C) One (1) representative of the Arkansas Recreation and
21 Parks Association;

22 (D) One (1) representative of the Association of Arkansas
23 Counties;

24 (E) One (1) representative of the Arkansas Game and Fish
25 Foundation;

26 (F) One (1) representative of the Arkansas Audubon
27 Society; and

28 (G) One (1) representative of the Arkansas Municipal
29 League.

30 (b)~~(1)~~ The Director of the Department of Parks and Tourism shall:

31 (1) assist ~~assist~~ Assist the board in establishing criteria consistent
32 with § 15-11-705 by the promulgation of rules in accordance with the Arkansas
33 Administrative Procedure Act, § 25-15-201 et seq., for recommendation of a
34 grant for the development of a wildlife observation trail in the Wildlife
35 Observation Trails ~~Pilot~~ Program; and

36 ~~(2) The Director of the Department of Parks and Tourism shall~~

1 ~~seek~~ Seek recommendations from the board for the selection of a grant
2 recipient.

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

10

11 *SECTION 5.* Arkansas Code § 15-11-707(a), concerning funding, is
12 amended to read as follows:

13 (a)(1) The Arkansas State Game and Fish Commission agrees to make
14 *available an amount not to exceed one million dollars (\$1,000,000) for fiscal*
15 *year ~~2009-2010 and one million dollars (\$1,000,000) for fiscal year 2010-2011~~*
16 *2011-2012 for the Wildlife Observation Trails Pilot Program for the*
17 *development of wildlife observation trails under this subchapter from moneys*
18 *that the commission has received from oil and gas leases in the Fayetteville*
19 *Shale.*

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

22 (A) A mandate by the General Assembly;

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

24 (C) A waiver or relinquishment by commission of the
25 authority vested in the commission under Arkansas Constitution, Amendment 35.

26 (3) Before moneys are distributed under this section, the
27 commission shall retain the right to approve or disapprove the release of
28 moneys.

29 (4) *Future funding for the program is subject to the review*
30 *under subdivisions (b)(2) and (3) of this section and shall be determined by*
31 *and distributed from the availability of royalties from oil and gas leases in*
32 *the Fayetteville Shale that the commission receives or from money from other*
33 *sources.*

34 *SECTION 6.* Arkansas Code §§ 15-11-708 and 15-11-709 are amended to
35 read as follows:

36 15-11-708. Grant distribution.

1 (a)(1) A grant application under this subchapter that meets the
2 criteria under § 15-11-705 shall be submitted to the Wildlife Observation
3 Trails *Pilot* Program Advisory Board by the Director of the Department of
4 Parks and Tourism for review and comment.

5 (2) The ~~advisory~~ board shall recommend grants for approval by
6 the director.

7 (3) The director shall designate the grant recipients that are
8 eligible for moneys under this subchapter and notify the Arkansas State Game
9 and Fish Commission of the grant recipients.

10 (b) The commission agrees to receive grant designations submitted by
11 the director and approve distribution of moneys annually to eligible grant
12 recipients in the Wildlife Observation Trails *Pilot* Program as follows:

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

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

18
19 15-11-709. Reporting.

20 (a) The Arkansas State Game and Fish Commission and the Department of
21 Parks and Tourism shall report the status of the Wildlife Observation Trails
22 *Pilot* Program biannually to the Game and Fish/State Police Subcommittee of
23 the Legislative Council and the Parks and Tourism Subcommittee of the Joint
24 Budget Committee.

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

28
29 *SECTION 7.* Arkansas Code § 15-47-104(a), concerning funding, is
30 amended to read as follows:

31 (a)(1) The Arkansas State Game and Fish Commission voluntarily agrees
32 to make available an amount not to exceed one million dollars (\$1,000,000)
33 five hundred thousand dollars (\$500,000) for the fiscal ~~biennium~~ year
34 beginning July 1, 2009 2011, and ending June 30, 2011 2012, for the Wildlife
35 Recreation Facilities *Pilot* Program for the development of wildlife
36 recreation facilities under this subchapter from moneys that the commission

1 has received from oil and gas leases in the Fayetteville Shale.

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

4 (A) A mandate by the General Assembly;

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

6 (C) A waiver or relinquishment by the commission of the
7 authority vested in the commission under Arkansas Constitution, Amendment 35.

8 (3) Before any moneys are distributed under this section, the
9 commission shall retain the right to approve or disapprove the release of
10 moneys.

11 (4) *Future funding for the program is subject to the review*
12 *under subdivisions (b)(2) and (3) of this section and shall be determined by*
13 *and distributed from the availability of royalties from oil and gas leases in*
14 *the Fayetteville Shale that the commission receives or from other sources*
15 *that are not from the commission.*

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17 /s/Moore

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20 **APPROVED: 04/01/2011**