

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 637

5 By: Senator Irvin
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For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS UNPAVED ROADS PROGRAM
9 ACT; TO TRANSFER DUTIES TO THE DEPARTMENT OF
10 AGRICULTURE; TO AUTHORIZE THE DEPARTMENT OF
11 AGRICULTURE TO PROMULGATE RULES AND AWARD GRANT
12 FUNDS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE ARKANSAS UNPAVED ROADS
16 PROGRAM ACT; TO TRANSFER DUTIES TO THE
17 DEPARTMENT OF AGRICULTURE; AND TO
18 AUTHORIZE THE DEPARTMENT OF AGRICULTURE
19 TO PROMULGATE RULES AND AWARD GRANT
20 FUNDS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 14-305-105 is amended to read as follows:

27 14-305-105. Application process – Criteria for selection.

28 (a)(1) After completing training in best management practices, a
29 county may submit an application to receive funding for an unpaved road
30 project to the ~~Arkansas Natural Resources Commission~~ Department of
31 Agriculture.

32 (2) The ~~Arkansas Natural Resources Commission~~ department shall:

33 (A) Determine which of the proposed unpaved road projects
34 to fund based on the criteria and requirements stated in this chapter; and

35 (B) Create an advisory committee to assist the ~~Arkansas~~
36 ~~Natural Resources Commission~~ department in evaluating applications and



1 determining which proposed unpaved road projects to fund.

2 (b) A county applying for funding for an unpaved road project shall
3 submit an application to the ~~Arkansas Natural Resources Commission~~ department
4 that includes the following:

5 (1) A brief description of the maintenance needs to be addressed
6 by the unpaved road project;

7 (2) A cost estimate for the unpaved road project;

8 (3) A proposed work schedule for the unpaved road project;

9 (4) The basis for successful completion of the unpaved road
10 project with citation to the relevant feature contained in subsection (c) of
11 this section;

12 (5) A plan for using best management practices;

13 (6) A description of the unpaved road project site, including
14 without limitation a site map; and

15 (7) Any other information requested by the ~~Arkansas Natural~~
16 ~~Resources Commission~~ department.

17 (c) The proposed unpaved road project shall be located in a watershed
18 area with at least one (1) of the following features, listed in order of
19 priority:

20 (1) An aquatic species that the United States Government has
21 listed as a threatened, endangered, or candidate species;

22 (2) A water body that has been determined to be impaired as a
23 result of turbidity or sediment;

24 (3) A drinking water source;

25 (4) An interstate water body;

26 (5) A species that the Arkansas State Game and Fish Commission
27 has declared is of greatest conservation need;

28 (6) An agricultural or pasture land use; or

29 (7) A forestry land use.

30 (d) The proposed unpaved road project shall not include the paving or
31 chipping and sealing of a dirt or gravel road.

32 (e) The ~~Arkansas Natural Resources Commission~~ department shall
33 evaluate and prioritize each proposed unpaved road project based on the
34 characteristics of the road contributing to erosion.

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36 SECTION 2. Arkansas Code § 14-305-106(b) and (c), concerning grant

1 funding from the Arkansas Unpaved Roads Program Fund, are amended to read as
2 follows:

3 (b) The ~~Arkansas Natural Resources Commission~~ Department of
4 Agriculture may award a grant to a county using funds available in the
5 Arkansas Unpaved Roads Program Fund for up to fifty percent (50%) of the
6 estimated total costs of a proposed unpaved road project.

7 (c) At least four percent (4%) of the funding obtained from the
8 ~~commission~~ department under this chapter shall be used to evaluate and assess
9 the unpaved road project.

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11 SECTION 3. Arkansas Code § 14-305-107(b) and (c), concerning the
12 completion of unpaved road projects, are amended to read as follows:

13 (b)(1) If an unpaved road project that has been approved for a grant
14 is not completed within one (1) year of the award of the grant, the county
15 shall refund the full grant amount to the ~~Arkansas Natural Resources~~
16 ~~Commission~~ Department of Agriculture.

17 (2) However, for good cause shown, the ~~Director of the Arkansas~~
18 ~~Natural Resources Commission~~ department may allow one (1) extension for a
19 county that is unable to complete its unpaved road project within the period
20 stated in subdivision (b)(1) of this section.

21 (c) A county shall:

22 (1) Comply with the standards set by the ~~commission~~ department
23 for the completion of an unpaved road project to ensure that the unpaved road
24 project is conducted in a manner that is not harmful to the state or the
25 environment; and

26 (2) Report on the progress of the unpaved road project in the
27 manner and at the times determined by the ~~commission~~ department.

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29 SECTION 4. Arkansas Code § 14-305-108(3), concerning inspections of
30 records of a county that receives a grant under the Arkansas Unpaved Roads
31 Program, is amended to read as follows:

32 (3) Allow inspection by the ~~Arkansas Natural Resources~~
33 ~~Commission~~ Department of Agriculture of the records described in subdivisions
34 (1) and (2) of this section.

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36 SECTION 5. Arkansas Code § 14-305-110 is amended to read as follows:

1 14-305-110. Rules.

2 The ~~Arkansas Natural Resources Commission~~ Department of Agriculture
3 shall promulgate rules to implement and administer this chapter, including
4 without limitation rules regarding:

5 (1) The application process;

6 (2) The creation and administration of an advisory committee to
7 assist the ~~commission~~ department in evaluating applications and making
8 funding determinations;

9 (3) The disbursement of grant funds;

10 (4) The reporting required by counties that receive grant funds
11 under this chapter;

12 (5) The evaluation and assessment of unpaved road projects
13 approved for grants;

14 (6) The expenses that are eligible for grant funds; and

15 (7) The standards a county is required to meet in completing an
16 unpaved road project.

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19 **APPROVED: 4/25/21**
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