

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 2/13/87

HOUSE BILL 1475

By: Representatives Mahony, Mullenix, and Barclay AS ENGROSSED 3/11/87

"AN ACT TO ESTABLISH A NATURAL AND CULTURAL RESOURCES COUNCIL TO MANAGE AND SUPERVISE A NATURAL AND CULTURAL RESOURCES GRANT AND TRUST FUND TO BE MANAGED FOR THE ACQUISITION, MANAGEMENT, AND STEWARDSHIP OF STATE-OWNED PROPERTIES ACQUIRED OR USED FOR PURPOSES APPROVED BY SAID COUNCIL; TO PROVIDE FOR THE LEVY OF AN ADDITIONAL TAX ON EACH DEED, INSTRUMENT, OR WRITING BY WHICH ANY LANDS, TENEMENTS OR OTHER REALTY ARE SOLD, GRANTED, ASSIGNED, TRANSFERRED OR OTHERWISE CONVEYED IN THIS STATE; TO DEFINE THE PURPOSES FOR WHICH SAID FUNDS ARE COLLECTED AND SHALL BE ADMINISTERED; AND FOR OTHER PURPOSES."

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

SECTION 1. There is hereby established the Arkansas Natural and Cultural Resources Council, which shall consist of nine (9) voting members and two (2) non-voting members, as follows:

(a) Voting members of the Council shall include:

(1) the Director of the Department of Arkansas Department of Parks and Tourism;

(2) the Director of the Department of Arkansas Heritage;

(3) the Chairman of the State Parks, Recreation and Travel Commission or his/her designee;

(4) the Chairman of the Natural Heritage Commission or his/her designee; and the Commissioner of State Lands;

(5) two (2) resident electors of this State as public members, to be appointed by the Governor, who are representative of recreation groups, conservation groups, or other groups interested in the wise use, preservation, and conservation of Arkansas's natural or cultural resources, with such appointments to be made by the Governor, insofar as possible,

from names recommended to the Governor by groups representative of such organizations. One member shall represent rural areas and will be chosen from a list of names submitted to the Governor by the Arkansas Forestry Association. The other member shall represent urban areas. The Governor shall designate the terms of the two appointed members in order that the term of one member shall be for two (2) years, and the term of the other member shall be for four (4) years. Successor members shall be appointed for four-year terms in the same manner as provided for the original appointments;

(6) one (1) member to represent Arkansas cities and towns, to be named by the Governor from a list of three names recommended to the Governor by the Arkansas Municipal League. Such member shall serve a term of two (2) years or until his successor is appointed and qualified;

(7) one (1) member to represent Arkansas counties, to be appointed by the Governor from a list of three names submitted to the Governor by the Arkansas County Judges Association. Such member shall serve a term of two (2) years or until his successor is appointed and qualified.

(b) Non-voting members of the Council shall consist of:

(1) a member of the Arkansas House of Representatives, to be appointed by the Speaker of the House of Representatives, who shall serve until the next-following regular session of the General Assembly, at which time a successor member shall be appointed;

(2) a member of the Arkansas Senate, to be appointed by the Senate Committee on Committees, who shall serve until the next-following regular session of the General Assembly, at which time a successor member shall be appointed.

SECTION 2. (a) Members of the Arkansas Natural and Cultural Resources Council shall serve without pay, provided that:

(i) the Director of the Department of Parks and Tourism; the Director of the Department of Arkansas Heritage; the Chairman of the Arkansas Parks, Recreation, and Tourism Commission or his/her designee; and the Chairman of the Natural Heritage Commission or his/her designee, shall be entitled to reimbursement for reasonable and necessary meals, lodging, and travel for attending meetings of the Council, with such allowances to be paid from funds appropriated

for the support of their respective agencies;

(ii) the Governor's appointees to the Council, including the city and county representatives thereon, shall be entitled to reimbursement for reasonable and necessary expenses incurred for meals, lodging, and travel in attending Council meetings, to be paid from funds appropriated for the support of the Department of Arkansas Heritage;

(iii) the non-voting legislative members of the Council shall receive, in lieu of reimbursement for meals, lodging, and travel, the same per diem and mileage allowance for each day in attending meetings of the Council as authorized by law for attending meetings of Joint Interim Committees of the General Assembly, to be paid from funds appropriated for such purpose.

(b) All action by the Arkansas Natural and Cultural Resources Council shall be taken by the vote of a majority of the eight voting members of the Council. The non-voting members of the Council may participate in all debate and discussion before the Council, but shall abstain from voting on any matter before the Council.

(c) The Arkansas Natural and Cultural Resources Council shall organize by choosing one of its voting members to serve as Chairman, and shall elect such other officers as deemed necessary for the functioning of the Council. The Director of the Department of Arkansas Heritage shall serve as Secretary of the Council and shall serve as disbursing officer of any funds appropriated for or administered by the Council.

(d) The Arkansas Natural and Cultural Resources Council shall meet on call of the Chairman, or upon written request of not less than four (4) voting members, or at such times as provided in rules adopted by the Council.

SECTION 3. The Arkansas Natural and Cultural Resources Council shall administer the Natural and Cultural Resources Grants and Trust Fund, established in this Act, and shall administer and approve all grants payable from the fund.

SECTION 4. In addition to the tax now levied by law on each deed, instrument, or writing by which any lands, tenements or other realty sold

shall be granted, assigned, transferred or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his or their direction when the consideration for the interest or property conveyed exceeds One Hundred Dollars (\$100.00), as levied under the provisions of Act 275 of 1971, as amended, there is hereby levied an additional tax of One Dollar and ten cents (\$1.10) for each One Thousand Dollars (\$1,000.00), or fractional part thereof, to be paid by the purchaser and to be allocated and used for the purposes as provided hereinafter.

SECTION 5. All revenues derived from the additional tax levied by this Act (which shall be in addition to the tax levied under the authority of Act 275 of 1971, as amended), shall be deposited by the Commissioner of Revenues in the State Treasury as "special revenues", and the State Treasurer shall, after deducting three percent (3%) thereof for distribution to the Constitutional and Fiscal Agencies Fund or any fund or funds established as a successor fund or funds to the Constitutional and Fiscal Agencies Fund, to be used for the purposes as provided by law, credit the net amount thereof as follows:

(1) Eighty percent (80%) thereof shall be credited to the Arkansas Natural and Cultural Resources Grants and Trust Fund, to be preserved and managed by the Arkansas Natural and Cultural Resources Council for use in the acquisition, management, and stewardship of State-owned lands or the preservation of State-owned historic sites, buildings, structures or objects which said Council determines to be of value for recreation or conservation purposes, said properties to be used, preserved, and conserved for the benefit of this and future generations. It is not the intention of this Act that the said Council shall itself manage, operate, or maintain any lands so acquired, but, rather, that it shall, from time to time in its own discretion, make grants to other agencies of the State authorized by law to acquire, manage, for operate, and maintain such lands. Such grants shall be made in such amounts, for such purposes, and to such agencies as the Council in its discretion shall select; provided, however, that in choosing among competing purposes or expenditures the Council shall be guided by the principles set forth in the Arkansas Statewide Comprehensive Outdoor Recreation Plan as the same may exist and be in force from time to time. In funding State Park improvements, the Council should initially emphasize the restoration or renovation of existing

facilities and historic structures within the system. The Council in its discretion shall have power either to allow monies paid into the Fund to accumulate, with only the income thereon being spent, or to expend the whole or any part of the corpus or principal of the fund; provided, however, that the Council shall have power to do any and all things necessary to take advantage of federal or private funds donated or obtainable through the use of the Fund; and provided further, without limiting the generality of the foregoing, that the Council shall have power to set aside any portion of said Fund into a separate and segregated account, the corpus or principal of which shall be inviolate, and only the income of which may be expended, to the extent necessary to comply with any federal law; regulation, or other requirement in connection with federal matching or grant monies.

As used herein, the term "stewardship" shall include monies necessary for the maintenance, preservation, operation, improvement, and management of State-owned lands acquired for recreational or conservational purposes, and shall include such other stewardship purposes as may be authorized by the Arkansas Natural and Cultural Resources Council.

(3) Ten percent (10%) thereof shall be distributed to the Parks and Tourism Fund, to be used by the Department of Parks and Tourism, on approval of the Parks, Recreation, and Tourism Grant Advisory Committee, for making grants for outdoor recreational purposes to cities and counties of this State in accordance with the Statewide Comprehensive Outdoor Recreation Plan.

(4) Ten percent (10%) thereof shall be credited to a fund to be known as the "Natural and Cultural Resources Historic Preservation Fund", to be used by the Arkansas Natural and Cultural Resources Council for providing a source of funds for the operation of the State historic preservation program and the "Main Street" program.

SECTION 6. On and after the effective date of this Act one-half of all money derived from the sale of revenue stamps shall be deemed to be special revenues derived from the additional tax levied by this Act and shall be deposited and distributed according to this Act.

/s/Jody Mahony, et al