

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H1/17/97 H1/23/97 S2/5/97

## A Bill

HOUSE BILL 1188

5 *By: Representatives Lancaster, Schexnayder, Miller, Bush, Simmons and Hall*  
6 *By: Senator Scott*  
7  
8

### For An Act To Be Entitled

10 "AN ACT TO CONSOLIDATE THE STATE FORESTRY COMMISSIONS  
11 TRUST FUNDS PURSUANT TO ARKANSAS CODE §19-4-509; TO CLARIFY  
12 THE PURPOSES AND PROCEEDS OF THE TRUST FUND; TO CLASSIFY  
13 CERTAIN STATE FORESTRY COMMISSION REVENUES AS SPECIAL  
14 REVENUES; AND FOR OTHER PURPOSES."  
15  
16

### Subtitle

17 "AN ACT TO CONSOLIDATE THE FORESTRY  
18 COMMISSIONS TRUST FUNDS."  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. The Arkansas General Assembly established two trust funds to  
24 be used by the State Forestry Commission. The Board of the State Forestry  
25 Commission now has determined that a single, consolidated trust fund would  
26 provide for efficient financial administration. The policy of the State of  
27 Arkansas as set out at Arkansas Code §19-4-509 is that only the minimum number  
28 of funds should be established since unnecessary funds result in  
29 inflexibility, undue complexity, and inefficient financial administration.  
30

31 SECTION 2. Arkansas Code §19-5-927 is amended to read as follows:  
32 "19-5-927. State Forest Trust Fund.

33 (a) There is established on the books of the Treasurer of State,  
34 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be  
35 known as the State Forestry Trust Fund.

36 (b) This fund shall consist of:

1                   (1) The balances on the effective date of this act of the State  
2 Forest Trust Fund and the Emergency Fire Trust Fund, which are hereby  
3 abolished;

4                   (2) Income derived from management of state forests by the State  
5 Forestry Commission to the extent this income is not needed to fund the  
6 general operations of the State Forestry Commission; and

7                   (3) Income derived from management of state nurseries by the  
8 State Forestry Commission to the extent this income is not needed to fund the  
9 general operations of the State Forestry Commission.

10                   (c) ~~It~~ This fund shall be used for:

11                   (1) The management and improvement of state forests;

12                   (2) ~~Payments to the Federal Government for a~~ Acquisition of  
13 state forests;

14                   (3) ~~The transfer of funds, as determined by the State Forestry~~  
15 ~~Commission, to the Emergency Fire Trust Fund for the purchase of fire fighting~~  
16 equipment and other forest fire suppression activities; and

17                   (4) Improvements at State Forestry Commission nurseries and the  
18 seedling storage and distribution system; and

19                   ~~(4)~~ (5) Such other purposes as may be authorized by law. ~~2~~

20  
21                   SECTION 3. Income derived from management of state forests by the State  
22 Forestry Commission and income derived from management of state nurseries by  
23 the State Forestry Commission shall be classified as Special Revenues under  
24 the Revenue Classification Law.

25  
26                   SECTION 4. Arkansas Code §19-5-928 is hereby repealed.

27 ~~19 5 928. Emergency Fire Trust Fund.~~

28 ~~(a) There is established on the books of the Treasurer of State,~~  
29 ~~Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be~~  
30 ~~known as the Emergency Fire Trust Fund.~~

31 ~~(b) This fund shall consist of the unexpended and unobligated cash~~  
32 ~~funds of the State Forestry Commission deposited in the State Treasury to the~~  
33 ~~credit of the fund, and any transfer of funds from the State Forest Trust~~  
34 ~~fund.~~

35 ~~(c) It shall be used for combating forest fires, on an emergency basis,~~  
36 ~~and for the purchase of fire fighting equipment whenever other moneys are not~~

1 ~~available to the commission.~~

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3 SECTION 5. For the biennium ending June 30, 1999, the sum of the  
4 appropriations for the Emergency Fire Trust Fund and the State Forest Trust  
5 Fund shall apply to the State Forestry Trust Fund.

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7 SECTION 6. All provisions of this act of a general and permanent  
8 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
9 Code Revision Commission shall incorporate the same in the Code.

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11 SECTION 7. If any provision of this or the application thereof to any  
12 person or circumstance is held invalid, such invalidity shall not affect other  
13 provisions or applications of the act which can be given effect without the  
14 invalid provision or application, and to this end the provisions of this act  
15 are declared to be severable.

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17 SECTION 8. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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20 SECTION 9. EMERGENCY CLAUSE.

21 It is hereby found and determined by the Eighty-First General Assembly  
22 that the consolidation of the Forestry Commission's Trust Funds is essential  
23 to be in force at the beginning of the state fiscal year and that the  
24 effectiveness of this Act on July 1, 1997 is essential to the operation of the  
25 agency for which the trust funds in this Act are provided, and that in the  
26 event of an extension of the Regular Session, the delay in the effective date  
27 of this Act beyond July 1, 1997 could work irreparable harm upon the proper  
28 administration and provision of essential governmental programs and would  
29 impede the Forestry Commission from complying with the policy of the State of  
30 Arkansas as set out in Arkansas Code § 19-4-509. Therefore, an emergency is  
31 hereby declared to exist and this Act being necessary for the immediate  
32 preservation of the public peace, health and safety shall be in full force and  
33 effect from and after July 1, 1997.

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35 /s/Rep. Lancaster, et al