

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1068

4
5 By: Representatives Faris, Courtway
6
7

For An Act To Be Entitled

8
9 "AN ACT TO PROHIBIT COMMERCIAL DIAMOND MINING AT THE
10 CRATER OF DIAMONDS STATE PARK; AND FOR OTHER
11 PURPOSES. "

Subtitle

12
13
14 "AN ACT TO PROHIBIT COMMERCIAL DIAMOND
15 MINING AT THE CRATER OF DIAMONDS STATE
16 PARK. "

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. No commercial mining shall be permitted at the Crater of
21 Diamonds State Park. Recreational mining by individuals shall continue to be
22 permitted at the park.
23

24 SECTION 2. Arkansas Code 15-11-209 is hereby repealed.

25 ~~15-11-209. Distribution of severance tax generally.~~

26 ~~The State Parks, Recreation, and Travel Commission, as trustees of the~~
27 ~~Arkansas State Parks Trust Fund, shall manage the funds in the trust for~~
28 ~~growth and shall expend the income and principal of the trust as follows:~~

29 ~~(1) Seventy-five percent (75%) of the revenues collected from diamond~~
30 ~~mining pursuant to §§ 22-5-817 and 26-58-107 and paid into the trust each year~~
31 ~~shall be spent, as appropriations are available, for the purposes of the trust~~
32 ~~as set forth in this section and §§ 19-5-986, 22-5-817, 26-58-111(8), and 26-~~
33 ~~58-124; however, the amount annually expended shall not exceed ten million~~
34 ~~dollars (\$10,000,000); and~~

35 ~~(2) Twenty-five percent (25%) of the revenues collected from diamond~~
36 ~~mining pursuant to §§ 22-5-817 and 26-58-107 and paid into the trust each~~

SJH314

0105990838. SJH314

~~1 year, plus all earnings of the trust, and plus all moneys paid into the trust
 2 that exceed ten million dollars (\$10,000,000), shall remain in trust and be
 3 added to the principal; however, after revenues from diamond mining are no
 4 longer received by the state, or thirty (30) years after August 13, 1993,
 5 whichever occurs earlier, the annual earnings of the trust may be expended, as
 6 appropriations are available, for the purposes of the trust as set forth in
 7 this section and §§ 19-5-986, 22-5-817, 26-58-111(8), and 26-58-124.~~

8
 9 Section 3. Arkansas Code 19-5-986 is amended to read as follows:

10 "19-5-986. Arkansas State Parks Trust Fund.

11 (a) There is hereby created on the books of the Treasurer of State,
 12 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
 13 the Arkansas State Parks Trust Fund, there to be used by the State Parks,
 14 Recreation, and Travel Commission, as appropriations are available. The
 15 commission shall annually expend at least ninety percent (90%) of the funds
 16 available for the purpose of development, preservation, and protection of the
 17 infrastructure in the existing state parks of Arkansas, ~~and for those purposes~~
 18 ~~as set out in § 15-11-209.~~

19 (b) The fund shall consist of severance taxes collected from diamond
 20 mining pursuant to § 26-58-107, ~~and the balance of those special revenues as~~
 21 ~~specified in subdivision (178) of § 19-6-301."~~

22
 23 SECTION 4. Arkansas Code 19-6-301(178) is hereby repealed.

24 ~~(178) Crater of Diamonds State Park diamond exploration and production~~
 25 ~~lease royalty payments, § 22-5-817;~~

26
 27 SECTION 5. Arkansas Code 19-6-477 is hereby repealed.

28 ~~19-6-477. Crater of Diamonds State Park Improvement Fund.~~

29 ~~The Crater of Diamonds State Park Improvement Fund shall consist of the~~
 30 ~~first two hundred thousand dollars (\$200,000) of those special revenues as~~
 31 ~~specified in subdivision (178) of § 19-6-301, there to be used by the State~~
 32 ~~Parks, Recreation, and Travel Commission for maintenance and improvements at~~
 33 ~~the Crater of Diamonds State Park, as appropriations are available, as set out~~
 34 ~~in § 22-5-817.~~

35
 36 SECTION 6. Arkansas Code 22-5-817 is hereby repealed.

1 ~~22-5-817. Leasing at Crater of Diamonds State Park.~~

2 ~~(a)(1) The State Parks, Recreation, and Travel Commission, through the~~
3 ~~Department of Parks and Tourism, is authorized to execute a lease after~~
4 ~~securing the advice of the Legislative Council for the exploration and~~
5 ~~production of diamonds at the Crater of Diamonds State Park.~~

6 ~~(2) After securing the advice of the Legislative Council, the~~
7 ~~commission shall have full authority to determine whether the lease shall be~~
8 ~~executed, the area of the park to be included in any lease, the method of~~
9 ~~selecting the lessee, benefits, and improvements for the park to be made by~~
10 ~~the lessee, the royalty payments to be paid the commission by any lessee, and~~
11 ~~any and all other terms of the lease; provided, however, any lease executed by~~
12 ~~the commission shall contain plans for the continued operation and improvement~~
13 ~~of the park, including long-range plans that provide "finders keepers" diamond~~
14 ~~hunting opportunities for visitors to the park.~~

15 ~~(b)(1) The lease may be executed pursuant to the solicitation of bids~~
16 ~~or pursuant to negotiation without bids as may be determined by the~~
17 ~~commission.~~

18 ~~(2) The lease may include such area of the park lands and may~~
19 ~~provide for such royalty payments on the production of diamonds as the~~
20 ~~commission may deem appropriate.~~

21 ~~(c) The authority granted the commission in this section shall be~~
22 ~~exclusive and neither the provisions of §§ 22-5-801 - 22-5-813 nor any other~~
23 ~~provisions of law shall be applicable with respect to the leasing of lands in~~
24 ~~the Crater of Diamonds State Park for the exploration for and production of~~
25 ~~diamonds.~~

26 ~~(d) If a lease is executed by the commission for the exploration and~~
27 ~~production of diamonds at the Crater of Diamonds State Park as authorized in~~
28 ~~this section, the first two hundred thousand dollars (\$200,000) of the royalty~~
29 ~~payments received by the commission under the lease shall be deposited by the~~
30 ~~commission in the State Treasury as special revenues and credited to the~~
31 ~~Crater of Diamonds State Park Improvement Fund, which is hereby created on the~~
32 ~~books of the Treasurer of State, the Auditor of State and the Chief Fiscal~~
33 ~~Officer of the State and there to be used by the State Parks, Recreation, and~~
34 ~~Travel Commission for maintenance and improvements at the Crater of Diamonds~~
35 ~~State Park, as appropriations are available. The balance of the royalty~~
36 ~~payments shall be deposited by the commission in the State Treasury as special~~

1 ~~revenues and credited to the Arkansas State Parks Trust Fund, there to be used~~
2 ~~by the State Parks, Recreation, and Travel Commission, as appropriations are~~
3 ~~available. The commission shall annually expend at least ninety percent (90%)~~
4 ~~of the funds available for the purpose of development, preservation, and~~
5 ~~protection of the infrastructure in the existing state parks of Arkansas.~~

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

10
11 SECTION 8. If any provision of this Act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the Act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 Act are declared to be severable.

16
17 SECTION 9. All laws and parts of laws in conflict with this Act are
18 hereby repealed.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36