

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

A Bill

SENATE BILL 876

4
5 By: Senator Gwatney
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For An Act To Be Entitled

8
9 "AN ACT TO AMEND THE ARKANSAS CODE OF 1987 ANNOTATED
10 TO ADD A NEW CHAPTER RELATING TO THE NATURAL RESOURCES
11 DAMAGES TRUST FUND; TO CREATE A NATURAL RESOURCES
12 DAMAGES ADVISORY BOARD TO PROVIDE ADVICE ON
13 RESTORATION PROJECTS; AND FOR OTHER PURPOSES. "

Subtitle

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16 "AN ACT TO CREATE A NATURAL RESOURCES
17 DAMAGES TRUST FUND AND ADVISORY BOARD. "

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Title 8 of the Arkansas Code is amended to add the following
23 new chapter:

24 "8-11-101. Title.

25 This chapter shall be known and may be cited as the 'Natural Resources
26 Damages Trust Fund Act.'

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28 8-11-102. Definitions.

29 As used in this chapter, unless the context otherwise requires:

30 (1) 'Advisory Board' means the Natural Resources Damages Advisory Board;

31 (2) 'Fund' means the Natural Resources Damages Trust Fund created by
32 this chapter; and

33 (3) 'Natural resources' means land, fish, wildlife, biota, air, surface
34 water, ground water, drinking water supplies, and other such resources
35 belonging to, managed by, held in trust by, appertaining to, or otherwise
36 controlled by the State of Arkansas or local government.

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2 8-11-103. Natural Resources Damages Trust Fund.

3 (a)(1) There is established on the books of the Treasurer of State,
4 Auditor of State, and Chief Fiscal Officer of the State a trust fund to be
5 known as the 'Natural Resources Damages Trust Fund.'

6 (2) In addition to all moneys appropriated by the General Assembly to
7 the fund, there shall be deposited in the fund all payments collected by the
8 state for restoration, rehabilitation, replacement, or acquisition of natural
9 resources and any moneys received by the state as a gift or donation to the
10 fund or any federal moneys designated to enter the fund, and all interest
11 earned upon moneys deposited in the fund.

12 (3) All moneys received into the fund shall be utilized for natural
13 resource restoration, rehabilitation, replacement, or acquisition.

14 (b) All expenditures from the fund shall be authorized by the Natural
15 Resources Damages Trust Advisory Board, according to the provisions of this
16 chapter and the requirements or conditions of any orders, settlement
17 agreements, gifts, or donations.

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19 8-11-104. Natural Resources Damages Advisory Board.

20 There is hereby created and established a Natural Resources Damages
21 Advisory Board.

22 (a) The Advisory Board shall be composed of seven (7) members:

23 (1) One (1) member shall be a representative from the Arkansas Farm
24 Bureau Federation, Inc.;

25 (2) One (1) member shall be a representative from the Arkansas Soil and
26 Water Conservation Commission;

27 (3) One (1) member shall be a representative from the State Forestry
28 Commission;

29 (4) One (1) member shall be a representative from the Arkansas
30 Department of Environmental Quality;

31 (5) One (1) member shall be a representative from the Arkansas State
32 Game and Fish Commission;

33 (6) One (1) member shall be a representative of the Arkansas Natural
34 Heritage Commission; and

35 (7) One (1) member shall be a representative of the Attorney General's
36 Office.

1 (b) Members of the Advisory Board shall serve without compensation.

2 (c) The Advisory Board shall have the following powers and duties:

3 (1) To develop projects for the restoration, rehabilitation,
 4 replacement, and acquisition of natural resources;

5 (2) To request proposals for natural resource related projects;

6 (3) To review and evaluate proposals for natural resource related
 7 projects;

8 (4) To select projects for the restoration, rehabilitation,
 9 replacement, and acquisition of natural resources; and

10 (5) To approve payments from the Natural Resources Damages Trust Fund
 11 for projects and other activities relating to the restoration, rehabilitation,
 12 replacement, and acquisition of natural resources.

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 14 8-11-105. Duties of the Department of Finance and Administration.

15 (a) The Department of Finance and Administration shall administer the
 16 fund, as authorized by the Advisory Board.

17 (b) The Department of Finance and Administration shall undertake the
 18 following activities, as authorized by the Advisory Board:

19 (1) Develop and issue requests for proposals;

20 (2) Award grants for projects relating to natural resource restoration,
 21 rehabilitation, replacement, and acquisition;

22 (3) Contract for services; and

23 (4) Make payments from the Natural Resources Damages Trust Fund."

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 25 SECTION 2. If another act of the 1999 Regular Session of the General
 26 Assembly adds a new Chapter 11 to Title 8 of the Arkansas Code, the Arkansas
 27 Code Revision Commission may renumber the chapter, and its sections, added by
 28 this act.

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 30 SECTION 3. All provisions of this act of a general and permanent nature
 31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 32 Revision Commission shall incorporate the same in the Code.

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 34 SECTION 4. If any provision of this act or the application thereof to
 35 any person or circumstance is held invalid, such invalidity shall not affect
 36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 5. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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