

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1913

5 By: Representative Moore
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE WILDLIFE OBSERVATION TRAILS
9 PILOT PROGRAM; CONCERNING THE WILDLIFE RECREATION
10 FACILITIES PILOT PROGRAM; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 CONCERNING THE WILDLIFE OBSERVATION
14 TRAILS PILOT PROGRAM AND THE WILDLIFE
15 RECREATION FACILITIES PILOT PROGRAM.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 15-11-701 is amended to read as follows:
22 15-11-701. Title.

23 This subchapter shall be known and may be cited as the "Wildlife
24 Observation Trails ~~Pilot~~ Program".
25

26 SECTION 2. Arkansas Code § 15-11-702(9), concerning findings, is
27 amended to read as follows:

28 (9) The Department of Parks and Tourism and the Arkansas State
29 Game and Fish Commission are interested in developing a Wildlife Observation
30 Trails ~~Pilot~~ Program to ignite interest in the natural cultural and scenic
31 beauty and natural resources of Arkansas and to promote economic development
32 in a healthy and environmentally sound manner.
33

34 SECTION 3. Arkansas Code § 15-11-704(a) concerning the Wildlife
35 Observation Trails Program, is amended to read as follows:

36 (a) There is created a program to be known as the "Wildlife



1 Observation Trails ~~Pilot~~ Program”.

2

3 SECTION 4. Arkansas Code § 15-11-705(a), concerning the development of
4 wildlife observation trails, is amended to read as follows:

5 (a) To accept a wildlife observation trail into the Wildlife
6 Observation Trails ~~Pilot~~ Program and be eligible to receive grant moneys
7 under this subchapter, the Department of Parks and Tourism shall require that
8 the trail:

9 (1) ~~meet~~ Meet the criteria established by the department after
10 consultation with the Wildlife Observation Trails ~~Pilot~~ Program Advisory
11 Board. The criteria includes without limitation:

12 (A) A right-of-way or easement for public use for a
13 minimum period of ten (10) years;

14 (B) Trail operation and maintenance by a responsible
15 organization for a minimum period of ten (10) years;

16 (C) Adherence to state trails standards and guidelines for
17 the trail type designated;

18 (D) Location and design of the trail so that it is
19 optimally attractive for wildlife observation;

20 (E) Readiness of the trail for public use; and

21 (F) Proper marking and signing;

22 (2) ~~conform~~ Conform to goals established in the Statewide
23 Comprehensive Outdoor Recreation Plan or the Arkansas Trails Plan; and

24 (3) ~~promote~~ Promote tourism and economic development.

25

26 SECTION 5. Arkansas Code § 15-11-706 is amended to read as follows:

27 15-11-706. Wildlife Observation Trails ~~Pilot~~ Program Advisory Board –
28 Created.

29 (a)(1) There is created an advisory body to the Department of Parks
30 and Tourism to be known as the “Wildlife Observation Trails ~~Pilot~~ Program
31 Advisory Board” to provide recommendations to the Director of the Department
32 of Parks and Tourism and the Arkansas State Game and Fish Commission to
33 develop criteria to establish and fund the development and maintenance of
34 wildlife observation trails through the distribution of grant moneys under
35 this subchapter.

36 (2) The board is a voluntary board that consists of seven (7)

1 members that are appointed by the Director of the Department of Parks and
 2 Tourism as follows:

3 (A) One (1) representative of the Arkansas Economic
 4 Development Commission;

5 (B) One (1) representative of the Arkansas State Game and
 6 Fish Commission;

7 (C) One (1) representative of the Arkansas Recreation and
 8 Parks Association;

9 (D) One (1) representative of the Association of Arkansas
 10 Counties;

11 (E) One (1) representative of the Arkansas Game and Fish
 12 Foundation;

13 (F) One (1) representative of the Arkansas Audubon
 14 Society; and

15 (G) One (1) representative of the Arkansas Municipal
 16 League.

17 (b)~~(1)~~ The Director of the Department of Parks and Tourism shall:

18 (1) ~~assist~~ Assist the board in establishing criteria consistent
 19 with § 15-11-705 by the promulgation of rules in accordance with the Arkansas
 20 Administrative Procedure Act, § 25-15-201 et seq., for recommendation of a
 21 grant for the development of a wildlife observation trail in the Wildlife
 22 Observation Trails ~~Pilot~~ Program; and

23 (2) ~~The Director of the Department of Parks and Tourism shall~~
 24 ~~seek~~ Seek recommendations from the board for the selection of a grant
 25 recipient.

26 (c) ~~To establish criteria to develop and maintain wildlife observation~~
 27 ~~trails in wildlife management areas that are managed by the Arkansas State~~
 28 ~~Game and Fish Commission, the~~ The Director of the Department of Parks and
 29 Tourism shall consult with the Director of the Arkansas State Game and Fish
 30 Commission to establish criteria for the development and maintenance of
 31 wildlife observation trails in the wildlife management areas that are managed
 32 by the Arkansas State Game and Fish Commission.

33
 34 SECTION 6. Arkansas Code § 15-11-707(a), concerning funding, is
 35 amended to read as follows:

36 (a)(1) The Arkansas State Game and Fish Commission agrees to make

1 available one million dollars (\$1,000,000) ~~for fiscal year 2009-2010 and one~~
 2 ~~million dollars (\$1,000,000) for fiscal year 2010-2011~~ annually for the
 3 Wildlife Observation Trails ~~Pilot~~ Program for the development of wildlife
 4 observation trails under this subchapter from moneys that the commission has
 5 received from oil and gas leases in the Fayetteville Shale.

6 (2) The General Assembly recognizes that the agreement under
 7 subdivision (a)(1) of this section does not constitute:

8 (A) A mandate by the General Assembly;

9 (B) An appropriation of funds by the General Assembly; or

10 (C) A waiver or relinquishment by commission of the
 11 authority vested in the commission under Arkansas Constitution, Amendment 35.

12 (3) Before moneys are distributed under this section, the
 13 commission shall retain the right to approve or disapprove the release of
 14 moneys.

15 ~~(4) Future funding for the program is subject to the review~~
 16 ~~under subdivisions (b)(2) and (3) of this section and shall be determined by~~
 17 ~~and distributed from the availability of royalties from oil and gas leases in~~
 18 ~~the Fayetteville Shale that the commission receives or from money from other~~
 19 ~~sources.~~

20
 21 SECTION 7. Arkansas Code §§ 15-11-708 and 15-11-709 are amended to
 22 read as follows:

23 15-11-708. Grant distribution.

24 (a)(1) A grant application under this subchapter that meets the
 25 criteria under § 15-11-705 shall be submitted to the Wildlife Observation
 26 Trails ~~Pilot~~ Program Advisory Board by the Director of the Department of
 27 Parks and Tourism for review and comment.

28 (2) The ~~advisory~~ board shall recommend grants for approval by
 29 the director.

30 (3) The director shall designate the grant recipients that are
 31 eligible for moneys under this subchapter and notify the Arkansas State Game
 32 and Fish Commission of the grant recipients.

33 (b) The commission agrees to receive grant designations submitted by
 34 the director and approve distribution of moneys annually to eligible grant
 35 recipients in the Wildlife Observation Trails ~~Pilot~~ Program as follows:

36 (1) A maximum of eighty percent (80%) of the moneys for grants

1 for wildlife observation trail development to cities or counties; and

2 (2) A maximum of twenty percent (20%) of the moneys for grants
3 for wildlife observation trail development to state agencies or nonprofit
4 organizations.

5
6 15-11-709. Reporting.

7 (a) The Arkansas State Game and Fish Commission and the Department of
8 Parks and Tourism shall report the status of the Wildlife Observation Trails
9 ~~Pilot~~ Program biannually to the Game and Fish/State Police Subcommittee of
10 the Legislative Council and the Parks and Tourism Subcommittee of the Joint
11 Budget Committee.

12 (b) The report shall address and evaluate whether or not the ~~pilot~~
13 program as provided in this subchapter has been successful in creating new
14 wildlife observation trails and stimulating economic growth.

15
16 SECTION 8. Arkansas Code § 15-47-101 is amended to read as follows:

17 15-47-101. Title.

18 This subchapter shall be known and may be cited as the "Wildlife
19 Recreation Facilities ~~Pilot~~ Program".

20
21 SECTION 9. Arkansas Code § 15-47-102(5) and (6), concerning findings,
22 is amended to read as follows:

23 (5) The Department of Rural Services and the commission are
24 interested in developing a Wildlife Recreation Facilities ~~Pilot~~ Program to
25 ignite interest in the wildlife resources of Arkansas and to promote economic
26 development in the state through the use and enjoyment of the state's
27 abundant wildlife resources; and

28 (6) To further carry out the mission of the commission, a
29 Wildlife Recreation Facilities ~~Pilot~~ Program should be implemented to
30 establish criteria and construct wildlife recreation facilities, including
31 without limitation the development of community ponds, shooting ranges,
32 community fishing, and access areas for fishing.

33
34 SECTION 10. Arkansas Code § 15-47-103 is amended to read as follows:

35 15-47-103. Wildlife Recreation Facilities ~~Pilot~~ Program.

36 (a) There is created a program to be known as the "Wildlife Recreation

1 Facilities ~~Pilot~~ Program”.

2 (b) The program shall be developed, implemented, and administered by
3 the Department of Rural Services and the Arkansas Rural Development
4 Commission with the assistance of the Arkansas State Game and Fish
5 Commission.

6 (c) The purpose of the program is to:

7 (1) Create better access to outdoor wildlife recreational
8 activities for Arkansans;

9 (2) Attract tourists for the enjoyment and utilization of
10 wildlife sports, including hunting and fishing;

11 (3) Ignite interest in the wildlife resources and nature
12 appreciation activities of Arkansas; and

13 (4) Promote economic development in the state through the use
14 and enjoyment of the state’s abundant wildlife resources.

15 (d) The department and the commission agree to work cooperatively to
16 establish criteria and recommendations for wildlife recreation facilities,
17 including without limitation the development of community ponds, shooting
18 ranges, community fishing, and access areas for fishing for the enjoyment of
19 the wildlife resources of the state by our citizens and visitors to the state
20 who are attracted to Arkansas’s abundant wildlife resources.

21 (e) The department and the commission agree to develop plans and
22 review the needs and requirements for the construction and development of
23 wildlife recreation facilities under the program.

24 (f) The department, with the assistance and advice of the commission,
25 shall establish criteria for the wildlife recreation facilities by the
26 promulgation of rules in accordance with the Arkansas Administrative
27 Procedure Act, § 25-15-201 et seq., for the development of wildlife
28 recreation facilities in the program.

29

30 SECTION 11. Arkansas Code § 15-47-104(a), concerning funding, is
31 amended to read as follows:

32 (a)(1) The Arkansas State Game and Fish Commission voluntarily agrees
33 to make available one million dollars (\$1,000,000) ~~for the fiscal biennium~~
34 ~~beginning July 1, 2009, and ending June 30, 2011,~~ annually for the Wildlife
35 Recreation Facilities ~~Pilot~~ Program for the development of wildlife
36 recreation facilities under this subchapter from moneys that the commission

1 has received from oil and gas leases in the Fayetteville Shale.

2 (2) The General Assembly recognizes that the agreement under
3 subdivision (a)(1) of this section does not constitute:

4 (A) A mandate by the General Assembly;

5 (B) An appropriation of funds by the General Assembly; or

6 (C) A waiver or relinquishment by the commission of the
7 authority vested in the commission under Arkansas Constitution, Amendment 35.

8 (3) Before any moneys are distributed under this section, the
9 commission shall retain the right to approve or disapprove the release of
10 moneys.

11 ~~(4) Future funding for the program is subject to the review~~
12 ~~under subdivisions (b)(2) and (3) of this section and shall be determined by~~
13 ~~and distributed from the availability of royalties from oil and gas leases in~~
14 ~~the Fayetteville Shale that the commission receives or from other sources~~
15 ~~that are not from the commission.~~

16
17 SECTION 12. Arkansas Code § 15-47-105 is amended to read as follows:

18 15-47-105. Reporting.

19 (a) The Arkansas State Game and Fish Commission and the Department of
20 Rural Services shall report the status of the Wildlife Recreation Facilities
21 ~~Pilot~~ Program biannually to the Game and Fish/State Police Subcommittee of
22 the Legislative Council.

23 (b) The report shall evaluate whether or not the program has been
24 successful in creating new wildlife recreation facilities and promoting
25 wildlife conservation and management.