

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 637

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS UNPAVED ROADS PROGRAM ACT; TO TRANSFER DUTIES TO THE DEPARTMENT OF AGRICULTURE; TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO PROMULGATE RULES AND AWARD GRANT FUNDS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS UNPAVED ROADS PROGRAM ACT; TO TRANSFER DUTIES TO THE DEPARTMENT OF AGRICULTURE; AND TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO PROMULGATE RULES AND AWARD GRANT FUNDS.

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

SECTION 1. Arkansas Code § 14-305-105 is amended to read as follows:

14-305-105. Application process – Criteria for selection.

(a)(1) After completing training in best management practices, a county may submit an application to receive funding for an unpaved road project to the ~~Arkansas Natural Resources Commission~~ Department of Agriculture.

(2) The ~~Arkansas Natural Resources Commission~~ department shall:
(A) Determine which of the proposed unpaved road projects to fund based on the criteria and requirements stated in this chapter; and
(B) Create an advisory committee to assist the ~~Arkansas Natural Resources Commission~~ department in evaluating applications and



determining which proposed unpaved road projects to fund.

(b) A county applying for funding for an unpaved road project shall submit an application to the ~~Arkansas Natural Resources Commission~~ department that includes the following:

- (1) A brief description of the maintenance needs to be addressed by the unpaved road project;
- (2) A cost estimate for the unpaved road project;
- (3) A proposed work schedule for the unpaved road project;
- (4) The basis for successful completion of the unpaved road project with citation to the relevant feature contained in subsection (c) of this section;
- (5) A plan for using best management practices;
- (6) A description of the unpaved road project site, including without limitation a site map; and
- (7) Any other information requested by the ~~Arkansas Natural Resources Commission~~ department.

(c) The proposed unpaved road project shall be located in a watershed area with at least one (1) of the following features, listed in order of priority:

- (1) An aquatic species that the United States Government has listed as a threatened, endangered, or candidate species;
- (2) A water body that has been determined to be impaired as a result of turbidity or sediment;
- (3) A drinking water source;
- (4) An interstate water body;
- (5) A species that the Arkansas State Game and Fish Commission has declared is of greatest conservation need;
- (6) An agricultural or pasture land use; or
- (7) A forestry land use.

(d) The proposed unpaved road project shall not include the paving or chipping and sealing of a dirt or gravel road.

(e) The ~~Arkansas Natural Resources Commission~~ department shall evaluate and prioritize each proposed unpaved road project based on the characteristics of the road contributing to erosion.

SECTION 2. Arkansas Code § 14-305-106(b) and (c), concerning grant

funding from the Arkansas Unpaved Roads Program Fund, are amended to read as follows:

(b) The ~~Arkansas Natural Resources Commission~~ Department of Agriculture may award a grant to a county using funds available in the Arkansas Unpaved Roads Program Fund for up to fifty percent (50%) of the estimated total costs of a proposed unpaved road project.

(c) At least four percent (4%) of the funding obtained from the ~~commission~~ department under this chapter shall be used to evaluate and assess the unpaved road project.

SECTION 3. Arkansas Code § 14-305-107(b) and (c), concerning the completion of unpaved road projects, are amended to read as follows:

(b)(1) If an unpaved road project that has been approved for a grant is not completed within one (1) year of the award of the grant, the county shall refund the full grant amount to the ~~Arkansas Natural Resources Commission~~ Department of Agriculture.

(2) However, for good cause shown, the ~~Director of the Arkansas Natural Resources Commission~~ department may allow one (1) extension for a county that is unable to complete its unpaved road project within the period stated in subdivision (b)(1) of this section.

(c) A county shall:

(1) Comply with the standards set by the ~~commission~~ department for the completion of an unpaved road project to ensure that the unpaved road project is conducted in a manner that is not harmful to the state or the environment; and

(2) Report on the progress of the unpaved road project in the manner and at the times determined by the ~~commission~~ department.

SECTION 4. Arkansas Code § 14-305-108(3), concerning inspections of records of a county that receives a grant under the Arkansas Unpaved Roads Program, is amended to read as follows:

(3) Allow inspection by the ~~Arkansas Natural Resources Commission~~ Department of Agriculture of the records described in subdivisions (1) and (2) of this section.

SECTION 5. Arkansas Code § 14-305-110 is amended to read as follows:

14-305-110. Rules.

The ~~Arkansas Natural Resources Commission~~ Department of Agriculture shall promulgate rules to implement and administer this chapter, including without limitation rules regarding:

- (1) The application process;
- (2) The creation and administration of an advisory committee to assist the ~~commission~~ department in evaluating applications and making funding determinations;
- (3) The disbursement of grant funds;
- (4) The reporting required by counties that receive grant funds under this chapter;
- (5) The evaluation and assessment of unpaved road projects approved for grants;
- (6) The expenses that are eligible for grant funds; and
- (7) The standards a county is required to meet in completing an unpaved road project.

APPROVED: 4/25/21