

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 433

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO ABOLISH THE ARKANSAS GEOLOGICAL SURVEY; TO
CREATE THE OFFICE OF THE STATE GEOLOGIST; TO TRANSFER
THE AUTHORITY AND DUTIES OF THE ARKANSAS GEOLOGICAL
SURVEY TO THE OFFICE OF THE STATE GEOLOGIST; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ABOLISH THE ARKANSAS GEOLOGICAL
SURVEY; TO CREATE THE OFFICE OF THE STATE
GEOLOGIST AND TRANSFER THE AUTHORITY AND
DUTIES OF THE ARKANSAS GEOLOGICAL SURVEY
TO THE OFFICE; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Abolition of the Arkansas Geological Survey
- Transfer to the Office of the State Geologist.

(a) The Arkansas Geological Survey is abolished, and its authority,
duties, functions, records, contracts, personnel, property, and unexpended
balances of appropriations, allocations, and other funds, including the
functions of budgeting or purchasing of the Arkansas Geological Survey, are
transferred to the Office of the State Geologist within the Oil and Gas
Commission.

(b) The Arkansas Geological Survey's statutory powers, duties, and
functions, including the functions of budgeting or purchasing, records,
contracts, personnel, property, and unexpended balances of appropriations,



allocations, and other funds are transferred to the Office of the State Geologist within the Oil and Gas Commission.

(c)(1) The abolishment of the Arkansas Geological Survey does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas Geological Survey before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas Geological Survey shall continue to be in effect until they are amended or repealed under authority given by this law.

SECTION 2. Arkansas Code § 8-4-104(b)(2)(G), concerning membership of the Arkansas Pollution Control and Ecology Commission, is amended to read as follows:

(G) The State Geologist, or his or her designee, on behalf of the ~~Arkansas Geological Survey~~ Office of the State Geologist.

SECTION 3. Arkansas Code § 14-229-101(b)(11), concerning membership of the Individual Sewage Disposal Systems Advisory Committee, is amended to read as follows:

(11) The State Geologist with the ~~Arkansas Geological Survey~~ Office of the State Geologist or a designee.

SECTION 4. Arkansas Code § 15-10-304(b)(7), concerning ongoing studies and recommendations related to the presence of special nuclear material and by-product material and from the operation of production facilities or utilization facilities related to natural resources of the state, is amended to read as follows:

(7) The ~~Arkansas Geological Survey~~ Office of the State Geologist, particularly as to the hazards, if any, to the natural resources of the state, including wildlife, and as to the protection, if necessary, of rivers, streams, and airspace from pollution; and

SECTION 5. Arkansas Code § 15-21-602(b)(6), concerning duties of the Arkansas Seismological Observatory, is amended to read as follows:

(6) Provide real-time, immediate data regarding seismic activity to government agencies such as the ~~Arkansas Department~~ Division of Emergency

Management, the ~~Arkansas Geological Survey~~ Office of the State Geologist, and critical facilities that operate in the region such as Arkansas Nuclear One, the National Center for Toxicological Research, and the Army Nerve Gas Facility; and

SECTION 6. Arkansas Code Title 15, Chapter 55, Subchapter 2 is amended to read as follows:

Subchapter 2 – ~~Arkansas Geological Survey~~ Office of the State Geologist

15-55-201. Office of the State Geologist – Creation.

There is created and established at the seat of government of this state within the Oil and Gas Commission the “~~Arkansas Geological Survey~~ Office of the State Geologist”.

15-55-202. ~~Members~~ Office – Staff.

(a) ~~The Arkansas Geological Survey~~ Office of the State Geologist shall consist of ~~seven (7) members, residents and electors of this state, to be appointed by the Governor, by and with the advice and consent of the Senate~~ the State Geologist and his or her staff.

(b) ~~Each congressional district shall be represented by membership on the survey.~~

(c) ~~Terms of office shall commence on January 15 following the expiration date of the prior term and shall end on January 14 of the seventh year following the year in which the term commenced.~~

(d) ~~Any vacancies arising in the membership of the survey for any reason other than expiration of the regular terms for which the members were appointed shall be filled by appointment by the Governor, to be thereafter effective until the expiration of the regular terms, subject, however, to the confirmation of the Senate when it is next in session.~~

(e) ~~Before entering upon his or her duties, each member of the survey shall take and subscribe, and file in the office of the Secretary of State, an oath to support the Constitution of the United States and the Constitution of the State of Arkansas, and to faithfully perform the duties of the office upon which he or she is about to enter.~~

(f) ~~Members of the survey shall receive no pay for their services but may receive expense reimbursement and stipends in accordance with § 25-16-901~~

~~et seq~~ The office shall be under the direct control and supervision of the Director of Production and Conservation.

~~15-55-203. Organization Meetings.~~

~~(a) The Arkansas Geological Survey shall from time to time select from its membership a chair and a vice chair.~~

~~(b) The State Geologist, provided for in § 15-55-204, shall be ex officio secretary of the commission, but shall have no vote on matters coming before it.~~

~~(c)(1) The survey shall adopt, and may modify, rules for the conduct of its business and shall keep a record of its transactions, findings, and determinations, which record shall be public.~~

~~(2) The rules shall provide for regular meetings and for special meetings at the call of the chair, or the vice chair if he or she is, for any reason, the acting chair, either at his or her own instance or upon the written request of at least four (4) members.~~

~~(d) A quorum shall consist of not less than four (4) members present at any regular or special meeting, and the affirmative vote of such number shall be necessary for the disposition of any business.~~

~~(e) The commission shall meet at such times and places as in each instance may suit the survey's convenience, and all such meetings shall be open to the public.~~

15-55-204. State Geologist.

(a)(1) The State Geologist shall be appointed by and serve at the pleasure of the Governor.

(2) The State Geologist shall report to the Director of Production and Conservation and the Secretary of the Department of Energy and Environment.

(b) ~~He or she~~ The State Geologist shall:

(1) Be charged with the duty of administering the provisions of this subchapter ~~and~~, the rules and orders established thereunder under this subchapter, performing services requested by the director, and administering specified provisions of Title 15, Chapter 71, and rules and orders established under Title 15, Chapter 71; and

(2) Be custodian of all property held in the name of the

~~Arkansas Geological Survey Office of the State Geologist, and shall be, ex officio, in consultation with the director and the Secretary of the Department of Energy and Environment secretary, the disbursing agent of all funds available for its use; and.~~

~~(3) Furnish bond to the state, with corporate surety thereon, in the penal sum of ten thousand dollars (\$10,000), conditioned that he or she will faithfully perform his or her duties of employment and properly account for all funds received and disbursed by him or her. An additional disbursing agent's bond shall not be required of the State Geologist. The bond so furnished shall be filed with the Secretary of State, and an executed counterpart thereof shall be filed with the Auditor of State.~~

~~(c) The Arkansas Geological Survey, by resolution duly adopted, may delegate to the State Geologist any of the powers or duties vested in or imposed upon it by this subchapter, and the delegated powers and duties may be exercised by the State Geologist in the name of the Arkansas Geological Survey The State Geologist may delegate his or her functions, powers, and duties as he or she may deem desirable and necessary for the effective and efficient operation of the office.~~

~~(d) In addition to other duties and functions prescribed for the State Geologist, he or she shall advise the director, the secretary, the Governor, and the General Assembly, on all geological matters concerning the state.~~

15-55-205. Geological assistants and engineers.

(a) It shall be the duty of the State Geologist, by and with the approval of the ~~Arkansas Geological Survey~~ Director of Production and Conservation and the Secretary of the Department of Energy and Environment, to appoint trained geological assistants, engineers, and others efficient in the arts and sciences as may be necessary to completely carry on the investigations undertaken.

(b) The State Geologist, assistants, and engineers, are directed to go into any mine or other place, where it is thought necessary by the State Geologist to go, in executing the directions of the ~~Arkansas Geological Survey~~ director or the Department of Energy and Environment.

~~15-55-206. Office — Seal.~~

~~(a) The officer or commission having custody of the public buildings~~

~~shall assign to the Arkansas Geological Survey suitable office space in the State Capitol Building, or other office building located on the State Capitol grounds, with the necessary conveniences for the transaction of its business and the safekeeping of its records.~~

~~(b) The Governor shall procure an official seal for the use of the commission.~~

15-55-207. Powers.

The ~~Arkansas Geological Survey~~ Office of the State Geologist shall also have the authority to:

(1)(A) Enter into cooperative agreements with the United States Geological Survey ~~of the Department of the Interior~~ in relation to programs concerning quality of water, occurrence of ground water, stream gauging, mineral investigations, topographic mapping, and other federal programs relating to the functions performable by the ~~commission~~ office;

(B) Make copies of the reports prepared under those programs available to other state agencies, including, but not limited to, those agencies whose principal functions relate to industrial development and water and soil conservation;

(2)(A) Receive and expend any moneys arising from federal means, grants, contributions, gratuities reimbursements, or loans payable or distributable to the State of Arkansas by the United States, or by any of its agencies or instrumentalities, pursuant to any congressional act or rule or regulation of the agency or instrumentality enacted or promulgated for or on account of any functions performable by the ~~commission~~ office.

(B) ~~It~~ The office shall likewise receive any contributions, grants, or gratuities donated by private persons, associations, or corporations, for or on account of any of the functions aforesaid.

(C) The Chief Fiscal Officer of the State shall prescribe rules for handling the moneys;

(3) Contract and be contracted with; and

(4) Take other action, not inconsistent with law, as ~~it~~ the office deems necessary or desirable to carry out the purposes and intent of this subchapter.

15-55-208. Duties.

(a) It shall be the duty of the ~~commission to direct the~~ Office of the State Geologist, in cooperation with the United States Geological Survey, to:

(1) Investigate, or to have investigated, such of the natural resources of the state, consisting of the available waterpower of the streams, the clays of the state as related to their adaptability to the various purposes for which clays are utilized, the cement materials of the state, the road materials of the state, and such other minerals and economic geologic products, as it may be deemed practicable and advisable by the ~~commission~~ office to have investigated; and

(2) Prepare or have prepared topographic maps deemed advisable.

(b) The ~~Arkansas Geological Survey~~ office may ~~direct the State Geologist to:~~

(1) Make or have made investigations deemed advisable relating to the conservation of exhaustible natural resources;

(2) In cooperation with the United States Geological Survey, make investigations deemed advisable relating to the safety of miners and mine operations; and

(3) Adopt measures deemed practicable to assist mine operators in preventing explosions and give relief in case explosions occur.

15-55-209. Notice to agencies of location and extent of state minerals.

From time to time, the ~~Arkansas Geological Survey~~ Office of the State Geologist shall bring to the attention of the appropriate federal agencies, state and local industrial development agencies, and industrial interests the location and extent of minerals in the state which may be of value to, and beneficial in, any programs of national defense or the development of industry.

15-55-210. Reports of investigations.

(a) It shall be the duty of the Office of the State Geologist to make reports ~~to the Arkansas Geological Survey~~ as necessary to a complete an understanding of the results obtained from investigations undertaken ~~and to perform other duties as usually belong to the Office of State Geologist.~~

(b) The reports shall be accompanied by maps, sections, and other

illustrations as necessary to a complete understanding.

~~(c) The cost of publishing the reports shall be paid out of money appropriated for public printing.~~

~~(d) The number of copies of each report shall be four thousand (4,000). The members of the General Assembly, the survey, and the State Geologist shall each have twenty (20) copies. One (1) copy shall be sent to each of the state universities of the country. One hundred (100) copies shall be sent to the Department of Geology, University of Arkansas at Fayetteville, for exchange with other state geological surveys. The remainder shall be distributed by the State Geologist, without charge, upon application and the receipt of the necessary postage or expressage.~~

15-55-211. State and federal expense sharing.

(a) The State of Arkansas shall pay the portion of the field and traveling expenses, including salaries, as agreed upon between the ~~Arkansas Geological Survey~~ Office of the State Geologist, with approval of the Director of Production and Conservation, and the United States Geological Survey.

(b) The full and complete results of the surveys shall be available for publication in the state reports.

(c) The expense of the office work for the state reports shall be borne by the state.

15-55-212. Deposit of moneys into State Treasury.

The ~~Arkansas Geological Survey~~ Office of the State Geologist shall deposit all moneys received from the sale of its publications and from other sources ~~in~~ into the State Treasury to the credit of the fund from which the commission is operated, unless provisions shall have otherwise been made by law.

15-55-213. Access to information.

The ~~Arkansas Geological Survey~~ Office of the State Geologist and the Division of Information Systems shall grant access to and provide information determined by the Commissioner of State Lands to be necessary to successfully accomplish ~~its~~ the Commissioner of State Lands' mission.

SECTION 7. Arkansas Code § 15-55-302(b), concerning the free access to public records by the geological corp, is amended to read as follows:

(b) The ~~geological corps~~ Office of the State Geologist shall have access at all times to the field notes and maps of the ~~Office of Commissioner of State Lands~~ Commissioner of State Lands' office, and to the records and reports of the State Mine Inspector, the Oil and Gas Commission, the county clerk of any county, or to the public record of any state department or county official without the payment of any fee.

SECTION 8. Arkansas Code § 15-55-402(3), concerning research agreements between academic institutions of higher education or industry partners, or both, and the Arkansas Geological Survey, is amended to read as follows:

(3) The ~~Arkansas Geological Survey, formerly known as the Arkansas Geological Commission,~~ Office of the State Geologist is interested in developing a research agreement with academic institutions of higher education or industry partners, or both, for purposes of pursuing a research program on Arkansas lignite and lignite's commercial and economic contributions to the state;

SECTION 9. Arkansas Code § 15-55-403(b), concerning the development and administration of the Arkansas Lignite Resources Pilot Program, is amended to read as follows:

(b) The program shall be developed and administered by Southern Arkansas University, the ~~Arkansas Geological Survey~~ Office of the State Geologist, and the Arkansas Economic Development Commission.

SECTION 10. Arkansas Code § 15-55-405 is amended to read as follows:
15-55-405. Reporting.

Representatives from Southern Arkansas University, the ~~Arkansas Geological Survey~~ Office of the State Geologist, and the Arkansas Economic Development Commission shall report the status of the Arkansas Lignite Resources Pilot Program periodically to the Legislative Council and the Joint Committee on Energy.

SECTION 11. Arkansas Code § 15-57-315(8)(A), concerning the duties of

an operator of an open-cut mine, is amended to read as follows:

(8)(A) The division’s approval of the operator’s reclamation plan may be based upon the advice and technical assistance of the Arkansas Natural Resources Commission, the Arkansas State Game and Fish Commission, the State Forester, the ~~Arkansas Geological Survey~~ Office of the State Geologist, and other agencies or persons having experience in foresting and reclaiming open-cut mined lands with forest or agronomic or horticultural species, based upon scientific knowledge from research into reclaiming and utilizing forest and agronomic species on open-cut mined lands.

SECTION 12. Arkansas Code § 17-32-201(a)(3), concerning membership of the State Board of Registration for Professional Geologists, is amended to read as follows:

(3) The board shall comprise:

(A) Five (5) members who shall be registered geologists, one (1) of whom shall be an academic geologist, one (1) a governmental geologist, one (1) a salaried company geologist, one (1) an independent or consultant geologist, and one (1) a geologist-at-large;

(B) One (1) additional member who shall be appointed from the public at large and who shall have no connection whatsoever with the practice of geology; and

(C) The ~~Director of the Arkansas Geological Survey~~ State Geologist, or his or her designated agent, as a permanent ex officio member.

SECTION 13. Arkansas Code § 17-32-203(b), concerning temporary assistance to the State Board of Registration for Professional Geologists, is amended to read as follows:

(b) Administrative assistance, clerical work, and supplies will be provided by the ~~Arkansas Geological Survey~~ Office of the State Geologist until such time as the board may assume those responsibilities.

SECTION 14. Arkansas Code § 19-4-906(a)(3)(020), concerning authorizations and restrictions related to passenger motor vehicle limits of certain state entities, is amended to read as follows:

(020) ~~Arkansas Geological Survey~~ Office of the State Geologist 18

SECTION 15. Arkansas Code § 19-4-1804 is amended to read as follows:
19-4-1804. Geological publications income.

Charges, income, receipts, or revenue derived from the sale of publications by the ~~Arkansas Geological Survey~~ Office of the State Geologist shall be deposited into the State Treasury as a refund to expenditures.

SECTION 16. Arkansas Code § 19-5-1067(b), concerning moneys within the Geology Map Resale Revolving Fund Account, is amended to read as follows:

(b) The fund shall consist of moneys received from the resale of publications of maps by the ~~Arkansas Geological Survey~~ Office of the State Geologist, there to be used for personal services and operating expenses relating to the purchase of publications of maps for resale by the ~~Arkansas Geological Survey~~ Office of the State Geologist, as authorized in Acts 1975, No. 80, § 6.

SECTION 17. Arkansas Code § 19-6-410 is amended to read as follows:
19-6-410. Oil and Gas Commission Fund.

The Oil and Gas Commission Fund shall consist of those special revenues as specified in § 19-6-301(62) and (111), there to be used for:

(1) ~~the~~ The maintenance, operation, and improvement required by the Oil and Gas Commission in carrying out the functions, powers, and duties as set out in § 15-72-101 et seq.;

(2) Payment of expenses of the Office of the State Geologist under § 15-71-107(b)(2)(B); or

(3) ~~other~~ Other duties imposed by law upon the commission.

SECTION 18. Arkansas Code § 19-7-405 is amended to read as follows:
19-7-405. Geological and Conservation Federal Fund.

(a) There is created and established in the Treasurer of State's office a fund to be known as the "Geological and Conservation Federal Fund".

(b) Federal funds as may be allotted to the ~~Planning Division of the Arkansas Geological Survey~~ Office of the State Geologist are to be deposited into the fund.

SECTION 19. Arkansas Code § 22-5-807(a), concerning an application for a lease or permit filed with the Commissioner of State Lands, is amended to

read as follows:

(a) When an application for a lease or permit is filed with the Commissioner of State Lands for the taking or production of any sand, gravel, oil, natural gas, casinghead gas, coal, or other minerals or the severance of any timber or logs from state-owned lands, the Commissioner of State Lands shall so notify the ~~Arkansas Geological Survey~~ Office of the State Geologist, the Arkansas Natural Resources Commission, the Oil and Gas Commission, the Arkansas State Game and Fish Commission, the Department of Parks, Heritage, and Tourism, the Division of Environmental Quality, the Arkansas Forestry Commission, and any other appropriate state agency that has or may have a particular interest in the area proposed to be covered by the lease or permit.

SECTION 20. Arkansas Code § 25-16-903(46), concerning the authorization for a stipend for the Arkansas Geological Survey, is repealed.

~~(46) Arkansas Geological Survey;~~

SECTION 21. Arkansas Code § 25-43-602(a)(3), concerning the administrative functions of certain state entities transferred to the Department of Energy and Environment, is amended to read as follows:

(3) The ~~Arkansas Geological Survey~~ Office of the State Geologist, created under § 15-55-201;

SECTION 22. Arkansas Code § 26-58-101(5)(A), concerning the definition of "high-cost gas" related to severance taxes, is amended to read as follows:

(5) "High-cost gas" means natural gas that is:

(A) Produced from any gas well completed within a shale formation, including, but not limited to, the Fayetteville Shale, the Woodford Shale, the Moorefield Shale, and the Chattanooga Shale formations, or their stratigraphic equivalents, as described in published stratigraphic nomenclature recognized by the ~~Arkansas Geological Survey~~ Office of the State Geologist;

SECTION 23. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the state has a critical interest in ensuring the efficient provision of services by state agencies;

that state agencies operate on a fiscal year calendar; and that the effectiveness of this act on July 1, 2023, is essential to the efficient operation of the state agencies subject to this act; and that, in the event of an extension of the legislative session, the delay in effective date of this act beyond July 1, 2023, could cause irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2023.