

Title 15. Natural Resources and Economic Development

Chapter XXI. Arkansas Natural and Cultural Resources Council, Division of Arkansas Heritage, Department of Parks, Heritage, and Tourism

Subchapter A. Generally

Part 310. Bylaws of the Arkansas Natural and Cultural Resources Council

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"November 13, 2002"

Subpart 1. Name, Purpose, and Public Information

15 CAR § 310-101. Name.

The name of this council shall be the Arkansas Natural and Cultural Resources Council, herein referred to as the council.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-102. Purpose.

(a) The purpose of the Arkansas Natural and Cultural Resources Council shall be to:

(1) Administer the Arkansas Natural and Cultural Resources Grants and Trust Fund, established by Acts 1987, No. 729, now codified as Arkansas Code §§ 15-12-101 – 15-12-103; and

(2) Administer and approve all grants payable from the fund, pursuant to Arkansas Code §§ 15-12-101 – 15-12-103.

(b) The Arkansas Natural and Cultural Resources Grants and Trust Fund is to be managed for the acquisition, management, and stewardship of state-owned lands, or the preservation of state-owned historic sites, buildings, structures, or objects that the council determines to be of value for recreation or conservation purposes, said

properties to be used, preserved, and conserved for the benefit of present and future generations.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-103. Public information.

(a) All actions taken by the Arkansas Natural and Cultural Resources Council and all procedures will conform to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., and the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(b) Each regular meeting of the council will include an agenda item for the purpose of public comment.

(c)(1) Information on the council will be provided to interested persons.

(2) The information will include a description of the council's organization, stating the general course and method of its operations and the method by which the public may obtain information or make submissions or requests.

(3) Interested persons may receive information by contacting the council's secretary/disbursing officer, the Secretary of the Department of Parks, Heritage, and Tourism.

Authority. Arkansas Code § 25-15-203.

Subpart 2. Members

15 CAR § 310-201. Members generally.

The Arkansas Natural and Cultural Resources Council shall consist of eleven (11) voting members, as follows:

- (1) The Secretary of the Department of Parks, Heritage, and Tourism;
- (2) The Director of the Division of Arkansas Heritage;

(3) The Chair of the State Parks, Recreation, and Travel Commission or his or her designee;

(4) The Chair of the Arkansas Natural Heritage Commission or his or her designee;

(5) The Commissioner of State Lands;

(6) A resident elector of the State of Arkansas as a public member, to be appointed by the Governor, who is a representative of recreation groups, conservation groups, or other groups interested in the wise use, preservation, and conservation of Arkansas's natural or cultural resources, with the appointment to be made by the Governor, insofar as possible, from names recommended to the Governor by groups representative of such organizations, with the member representing urban areas;

(7) A resident elector of the State of Arkansas as a public member representing rural areas, to be appointed by the Governor, who is a representative of recreation groups, conservation groups, or other groups interested in the wise use, preservation, and conservation of Arkansas's natural or cultural resources, with the appointment to be made by the Governor from a list of names submitted to the Governor by the Arkansas Forestry Association;

(8) One (1) member to represent Arkansas cities and towns, to be named by the Governor from a list of three (3) names recommended to the Governor by the Arkansas Municipal League;

(9) One (1) member to represent Arkansas counties, to be appointed by the Governor from a list of three (3) names submitted to the Governor by the County Judges Association of Arkansas;

(10) A member to be appointed by the Speaker of the House of Representatives; and

(11) A member to be appointed by the President Pro Tempore of the Senate.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-202. Payment for members.

Members of the Arkansas Natural and Cultural Resources Council shall serve without pay, provided that:

(1) The Secretary of the Department of Parks, Heritage, and Tourism, the Director of the Division of Arkansas Heritage, the Chair of the State Parks, Recreation, and Travel Commission or his or her designee, the Chair of the Arkansas Natural Heritage Commission or his or her designee, and the Commissioner of State Lands shall be entitled to reimbursement for reasonable and necessary meals, lodging, and travel for attending meetings of the council, with such allowances to be paid from funds appropriated for the support of their respective agencies; and

(2) The appointees to the council, including the city and county representatives thereon, shall be entitled to reimbursement for reasonable and necessary expenses incurred for meals, lodging, and travel in attending council meetings, to be paid from funds appropriated for the support of the Division of Arkansas Heritage.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-203. Attendance.

(a) Any member appointed by the Governor to serve as an Arkansas Natural and Cultural Resources Council member who shall be absent from two (2) successive regular meetings shall be subject to removal in the event he or she fails to present to the Secretary of the Arkansas Natural and Cultural Resources Council on behalf of the Governor a satisfactory excuse for such absence, and in that event, such unexcused absence shall constitute sufficient cause for removal, pursuant to Arkansas Code § 25-17-211.

(b) Any council member who shall be absent from three (3) successive regular meetings for any reason other than illness of such member, verified by a written sworn statement by his or her attending physician and entered in the minutes of the council, shall thereby forfeit and vacate his or her membership on the council, and such forfeiture and vacancy shall be forthwith certified to the Governor by the Secretary of

the Arkansas Natural and Cultural Resources Council, pursuant to Arkansas Code § 25-17-211.

(c)(1) In the event of an emergency, the Director of the Division of Arkansas Heritage, the Secretary of the Department of Parks, Heritage, and Tourism, and the Commissioner of State Lands each may send a designee to represent him or her.

(2) The Director of the Division of Arkansas Heritage and the Secretary of the Department of Parks, Heritage, and Tourism must have approval from the Governor prior to sending a designee.

(d) No action may be taken by the council if there are more than three (3) designees in attendance.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-204. Code of ethics.

(a) All members of the Arkansas Natural and Cultural Resources Council shall comply with the Arkansas code of ethics law, Arkansas Code §§ 21-8-301 – 21-8-309 [repealed], or any successor act thereto.

(b) No council member shall use his or her position to secure special privileges or exemption for himself or herself, his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship, that are not available to others, except as may be otherwise provided by law, pursuant to the Arkansas code of ethics law, Arkansas Code §§ 21-8-301 – 21-8-309 [repealed], or any successor act thereto.

(c) No council member shall accept employment or engage in any public or professional activity while serving as a public official which he or she might reasonably expect would require or induce him or her to disclose any information acquired by him or her by reason of his or her official position that is declared by law or rule to be confidential, nor shall any member disclose any such information gained by reason of his or her position, nor shall he or she otherwise use such information for his or her personal gain or benefit.

(d) Members shall state any personal or financial past/current or anticipated interest concerning the item to be discussed and then may participate in that discussion.

(e) A member shall abstain from any official action taken by the council concerning any item in which he or she has a conflict of interest, except in instances in which a council member is representing the department, agency, commission, office, or group he or she is designated by legislation to represent on the council.

Authority. Arkansas Code § 25-15-203.

Codification Notes. Arkansas Code §§ 21-8-306 – 21-8-309 were repealed by Acts 1999, No. 553, §§ 31 – 35.

Subpart 3. Officers

15 CAR § 310-301. Officers.

(a) The officers of the Arkansas Natural and Cultural Resources Council shall be:

(1) The Chair of the Arkansas Natural and Cultural Resources Council;

(2) A vice chair; and

(3) The Secretary of the Arkansas Natural and Cultural Resources Council.

(b) These officers shall perform the duties prescribed by this part and by the parliamentary authority adopted by the council.

(c) All officers shall be elected by ballot by the members of the council, except the Secretary of the Arkansas Natural and Cultural Resources Council, who shall be the Secretary of the Department of Parks, Heritage, and Tourism, pursuant to Acts 1987, No. 729, as codified in Arkansas Code § 15-12-101.

(d) Ballots shall be dispensed with by a unanimous vote when there is one (1) candidate for office.

(e) **Chair.** The chair shall:

(1) Be a member of the council;

- (2) Be chosen by the members of the council; and
- (3) Preside at all meetings.

(f) **Vice chair.** The vice chair shall:

- (1) Be a member of the council;
- (2) Be chosen by the members of the council; and
- (3) Preside in the absence of the chair.

(g) **Secretary of the Arkansas Natural and Cultural Resources Council.**

(1) The Secretary of the Arkansas Natural and Cultural Resources Council shall be the Secretary of the Department of Parks, Heritage, and Tourism.

(2) The Secretary of the Arkansas Natural and Cultural Resources Council shall prepare the minutes of the council meetings for approval by the council.

(3) The Secretary of the Department of Parks, Heritage, and Tourism shall serve as disbursing officer of any funds appropriated for or administered by the council.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-302. Duties of the officers.

(a) The officers shall:

- (1) Have general supervision of the affairs of the Arkansas Natural and Cultural Resources Council between its regular meetings;
- (2) Fix the hour, place, and agendas of meetings;
- (3) Make recommendations to the council; and
- (4) Approve emergency grants.

(b) The officers shall be subject to the orders of the council, and none of their acts shall conflict with action taken by the council.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-303. Meetings of the officers.

Meetings of the officers:

(1) May be called by the Chair of the Arkansas Natural and Cultural Resources Council; and

(2) Shall be called upon the written request of two (2) of the officers.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-304. Terms of office.

(a) The officers, except the Secretary of the Arkansas Natural and Cultural Resources Council, shall be elected by ballot to serve for one (1) year or until their successors are elected, and their term of office shall begin at the close of the annual meeting at which they are elected.

(b) No officer shall be eligible to serve for more than two (2) consecutive terms in the same office, other than the secretary.

(c)(1) If there is a vacancy in the chairship, the vice chair shall become Chair of the Arkansas Natural and Cultural Resources Council for the remainder of the term.

(2) If the vice chairship becomes vacant, a new vice chair shall be elected by ballot by the Arkansas Natural and Cultural Resources Council's members.

Authority. Arkansas Code § 25-15-203.

Subpart 4. Meetings

15 CAR § 310-401. Annual meeting.

The Arkansas Natural and Cultural Resources Council will meet annually for the purposes of:

- (1) Assessing the amount of funds available for grant awards;
- (2) Making grants;
- (3) Reviewing reports;
- (4) Reviewing and making needed changes in policies and procedures;
- (5) Electing officers;

- (6) Establishing the next year's meeting dates; and
- (7) Other purposes.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-402. Regular meetings.

- (a) The Arkansas Natural and Cultural Resources Council shall meet:
 - (1) In regular session at least three (3) times per year; and
 - (2) In special session as often as its business may require, pursuant to Arkansas Code § 25-17-208.
- (b) All meetings shall be open to the public except as noted in Arkansas Code § 25-17-208.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-403. Special called meetings.

- (a) The Arkansas Natural and Cultural Resources Council shall meet:
 - (1) On call of the Chair of the Arkansas Natural and Cultural Resources Council; or
 - (2) Upon written request of four (4) or more members.
- (b) The purpose of the meeting shall be stated in the call.
- (c) Action taken by the council at a special called meeting will be limited to the purpose of the meeting.
- (d) Reasonable notice of special called meetings will be given to each council member.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-404. Notice of meetings and agendas.

(a) Each Arkansas Natural and Cultural Resources Council member and each person who shall have requested notice shall receive a written agenda of upcoming regular meetings not later than two (2) weeks prior to the meeting date.

(b) Action may be taken by the council only on items included on the agenda.

(c) Changes to a meeting's agenda may be made by a two-thirds (2/3) vote of the members.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-405. Quorum and action taken.

(a) A majority of voting members of the Arkansas Natural and Cultural Resources Council shall constitute a quorum.

(b) All action taken by the council shall be by affirmative vote of a majority of the members of the council unless otherwise specified in this part and 15 CAR pt. 311, Grant Funding and Application Procedures.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-406. Committee meetings.

(a) Committee meetings may be called by the respective chair of each committee.

(b) Decisions may be made by a majority vote of the committee.

(c) Committee meetings will follow the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

Authority. Arkansas Code § 25-15-203.

Subpart 5. Committees

15 CAR § 310-501. Committee meetings generally.

(a) The Chair of the Arkansas Natural and Cultural Resources Council shall appoint committee members for standing or special committees as the Arkansas Natural and Cultural Resources Council or officers shall from time to time deem necessary to carry on the work of the council.

(b) The chair shall be an ex officio member of all committees, except a nominating committee for council officers.

Authority. Arkansas Code § 25-15-203.

Subpart 6. Parliamentary Authority

15 CAR § 310-601. Parliamentary authority generally.

The rules contained in the most recently published edition of Robert's Rules of Order Newly Revised shall govern the Arkansas Natural and Cultural Resources Council in all cases to which they are applicable and in which they are not inconsistent with this part and any special rules of order the council may adopt.

Authority. Arkansas Code § 25-15-203.

Subpart 7. Amendment of Bylaws

15 CAR § 310-701. Amendment of bylaws generally.

(a) This part may be amended at any regular meeting of the Arkansas Natural and Cultural Resources Council by a two-thirds (2/3) (six (6) votes) vote from the members, provided that the amendment has been submitted in writing at the previous regular meeting.

(b) The council will follow the procedures specified in the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., for the adoption of amended bylaws.

Authority. Arkansas Code § 25-15-203.

Subpart 8. Fiscal Procedures

15 CAR § 310-801. Fiscal year.

The Arkansas Natural and Cultural Resources Council will operate on the State of Arkansas's fiscal year.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-802. Budget.

(a) The Arkansas Natural and Cultural Resources Council may establish an annual budget for administrative expenses funded by the Natural and Cultural Resources Grants and Trust Fund.

(b) The budget will be approved by the full council and administered by the Secretary of the Arkansas Natural and Cultural Resources Council.

(c) All expenditures will be in accordance with the General Accounting and Budgetary Procedures Law, Arkansas Code § 9-4-101 et seq.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-803. Compliance with other laws.

(a) Disbursement of funds shall be limited to the appropriation for the Arkansas Natural and Cultural Resources Council and funds made available by law for the support of the council's appropriation.

(b) The restrictions of the fiscal control laws of the State of Arkansas, where applicable, and rules promulgated by the Department of Finance and Administration as authorized by law shall be strictly complied with in disbursement of funds.

(c) Contracts for any professional or consultant services shall be subject to state contract restrictions.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-804. Auditing.

(a) The financial operations of the Arkansas Natural and Cultural Resources Council shall be subject to auditing by Arkansas Legislative Audit staff.

(b) Each grantee shall be responsible for the retention of records according to state law.

Authority. Arkansas Code § 25-15-203.

Subpart 9. Grant Funding and Application Procedures

15 CAR § 310-901. Grant funding and application procedures generally.

There shall be special rules of procedure followed by the Arkansas Natural and Cultural Resources Council for the:

(1) Administration of the Natural and Cultural Resources Grants and Trust Fund; and

(2) Administration and approval of all grants payable from the fund.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-902. Amendments.

Amendments to the special rules of procedure shall require a:

(1) Notice of two (2) weeks; and

(2) Two-thirds (2/3) vote of the members.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-903. Suspension.

A suspension of the rules of procedure requires a two-thirds (2/3) vote of the members.

Authority. Arkansas Code § 25-15-203.

Subpart 10. Grants, Donations, and Contracts

15 CAR § 310-1001. Grants.

The Arkansas Natural and Cultural Resources Council shall have the power to participate in federal or other grant opportunities obtainable through the use of the Natural and Cultural Resources Grants and Trust Fund.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-1002. Donations.

(a) The Arkansas Natural and Cultural Resources Council shall have the right to:

- (1) Receive gifts, grants, and donations from private and public sources; and
- (2) Sell or dispose of such as the council deems advisable.

(b) Any and all such donations shall be used solely for the purpose of carrying out the provisions of Acts 1987, No. 729, as codified in Arkansas Code §§ 15-12-101 – 15-12-103.

Authority. Arkansas Code § 25-15-203.

15 CAR § 310-1003. Contracts.

The Arkansas Natural and Cultural Resources Council may enter into any contract necessary to accomplish the purposes of Acts 1987, No. 729, as codified in Arkansas Code §§ 15-12-101 – 15-12-103, provided that the contract is secured through State of Arkansas procedures.

Authority. Arkansas Code § 25-15-203.