



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

State Endangered Species Act Statutes:

Arkansas



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

State Endangered Species Act Statutes: Arkansas

Endangered, Threatened, and Nongame Species Preservation §§ 15-45-301 – 15-45-306

Current through all legislation of the 2020 First Extraordinary Session and the 2020 Fiscal Session

§ 15-45-301 Policy and Purposes.

(a) The General Assembly declares that it is the public policy of the State of Arkansas to promote sound management, conservation, and public awareness of Arkansas' rich diversity of native plants and nongame animals. Many of these species, subspecies, or populations of animals and plants are rare, threatened, endangered or are of special significance to the state, and it is in the best interest of the state to provide for their conservation both for present and future generations. So, too, it is in the state's interest to provide for the protection of natural areas harboring significance or having unusual importance to the survival of Arkansas' native animals and plants in their natural environments.

(b) It is the purpose of this subchapter and § 26-51-434 [repealed] to provide a means by which the protection of nongame species of animals and native plants may be financed in part through a voluntary checkoff designation on state income tax return forms, whereby an individual taxpayer may designate a portion or all of his income tax refund to be withheld and contributed for the purposes set forth in this subchapter and § 26-51-434 [repealed]. It is the intent of the General Assembly that this program of income tax checkoff is supplemental to any funding and in no way is intended to take the place of funding that would otherwise be appropriated for this purpose.

§ 15-45-302. Nongame Preservation Committee

(a) The Nongame Preservation Committee will consist of five (5) members and will include the following representatives:

- (1) The Director of the Arkansas State Game and Fish Commission;
- (2) The Director of the State Parks Division; and
- (3) The Director of the Arkansas Natural Heritage Commission.

(b) The remaining two (2) members shall:



(1) Be appointed by the Governor subject to confirmation by the Senate after the Governor consults with private conservation organizations from within the state; and

(2) Serve terms of three (3) years.

§ 15-45-303. Funding

(a) All moneys contributed for Nongame Preservation Program purposes pursuant to the state income tax refund check-off system authorized by this subchapter and § 26-51-434 and the interest earned thereon shall be expended for the purpose of protecting, preserving, and restoring the nongame resources of this state, and shall include such activities as the development and implementation of management programs, the acquisition of lands, public education, or other activities appropriate to the furtherance of the purposes of this subchapter upon appropriation therefor by the General Assembly, but for no other purpose.

(b) All state agencies are authorized to make application to the Nongame Preservation Committee for a grant from the fund to effectuate the purposes of this subchapter.

(c) No expenditure shall be made without the approval and authorization of the Governor upon the recommendation of the Nongame Preservation Committee by majority vote.

(d) Funds from this source may be used for restoring and protecting nongame animals and plants, both terrestrial and aquatic, but the highest priority shall be accorded to populations of rare, endangered, or threatened native organisms or organisms of special interest to this state.

§ 15-45-304 Purchase of land.

(a) When the purchase of lands by state agencies is considered as an appropriate strategy for the protection of certain nongame species, the lands considered shall be restricted to:

(1) Natural communities, both terrestrial and aquatic, that exhibit the highest degree of integrity and least evidence of disturbance; and

(2) Habitats of Arkansas' rarest and most severely endangered or threatened native organisms.

(b) Decisions for land purchase under this program will take into account the availability and preservation status of all Arkansas lands known to represent whatever particular value may be under consideration. In accordance with the same system of priorities, funds from this source may be used for restoring and protecting natural communities, both terrestrial and aquatic, and populations of rare, endangered, or threatened native organisms.

§ 15-45-305. Carryover of funds

All balances in the Nongame Preservation Program shall be carried forward each year so that no part thereof shall revert to the General Fund of this state.

§ 15-45-306. Administrative costs



The incremental costs of administration of the contributions, not to exceed five percent (5%) of the fund during the first fiscal year of the program and not to exceed one percent (1%) of the fund for each year after that, shall be transferred out of the fund provided in §§ 15-45-303 and 15-45-304, upon certification by the Chief Fiscal Officer of the State for credit by the Treasurer of State to the Constitutional Officers Fund and State Central Services Fund, before any funds are expended as provided in this section.

