

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 687 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1847

5 By: Representatives Moore, Reynolds, Abernathy, Allen, T. Baker, T. Bradford, J. Brown, J. Burris,
6 Carnine, Carroll, Cash, Cole, Cook, L. Cowling, Dale, Davenport, J. Dickinson, Dunn, Flowers, George,
7 Glidewell, R. Green, Greenberg, Hall, Hardy, Hawkins, House, Hoyt, Hyde, Ingram, Kidd, King,
8 Lindsey, Lovell, Maxwell, McLean, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland,
9 Rice, T. Rogers, Sample, G. Smith, L. Smith, Stewart, Tyler, Wagner, Webb, Wells, B. Wilkins,
10 Williams, Word, Cheatham, J. Edwards, McCrary, Shelby
11 By: Senator J. Jeffress
12
13

For An Act To Be Entitled

15 AN ACT TO CREATE THE WILDLIFE RECREATION
16 FACILITIES PILOT PROGRAM; TO PROMOTE THE USE AND
17 ENJOYMENT OF WILDLIFE RECREATION THROUGH THE
18 DEVELOPMENT AND CONSTRUCTION OF WILDLIFE
19 RECREATION FACILITIES; AND FOR OTHER PURPOSES.
20

Subtitle

21 THE WILDLIFE RECREATION FACILITIES PILOT
22 PROGRAM.
23
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Title 15, Chapter 47, is amended to add an
29 additional subchapter to read as follows:

30 15-47-101. Title.

31 This subchapter shall be known and may be cited as the "Wildlife
32 Recreation Facilities Pilot Program".
33

34 15-47-102. Findings.

35 The General Assembly finds:



1 (1) The control, management, restoration, conservation, and regulation
 2 of birds, fish, game, and wildlife resources of the State of Arkansas,
 3 including hatcheries, sanctuaries, refuges, and reservations, is vested in
 4 the Arkansas State Game and Fish Commission (“the commission”);

5 (2) The commission seeks opportunities to expand the benefit of its
 6 expertise and resources for the people of Arkansas;

7 (3) Arkansas is an attractive and popular tourist destination for
 8 persons who seek rejuvenation and enjoyment through the sports of wildlife
 9 and nature appreciation, including hunting and fishing;

10 (4) The income generated for the commission on behalf of oil and gas
 11 leases in the Fayetteville Shale has presented an unprecedented opportunity
 12 for the commission to further its wildlife conservation goals for the benefit
 13 of all Arkansans;

14 (5) The Department of Rural Services and the commission are interested
 15 in developing a Wildlife Recreation Facilities Pilot Program to ignite
 16 interest in the wildlife resources of Arkansas and to promote economic
 17 development in the state through the use and enjoyment of the state’s
 18 abundant wildlife resources; and

19 (6) To further carry out the mission of the commission, a Wildlife
 20 Recreation Facilities Pilot Program should be implemented to establish
 21 criteria and construct wildlife recreation facilities, including without
 22 limitation the development of community ponds, shooting ranges, community
 23 fishing, and access areas for fishing.

24
 25 15-47-103. Wildlife Recreation Facilities Pilot Program.

26 (a) There is created a program to be known as the “Wildlife Recreation
 27 Facilities Pilot Program”.

28 (b) The program shall be developed, implemented, and administered by
 29 the Department of Rural Services and the Arkansas Rural Development
 30 Commission with the assistance of the Arkansas State Game and Fish
 31 Commission.

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

33 (1) Create better access to outdoor wildlife recreational
 34 activities for Arkansans;

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

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

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

5 (d) The department and the commission agree to work cooperatively to
6 establish criteria and recommendations for wildlife recreation facilities,
7 including without limitation the development of community ponds, shooting
8 ranges, community fishing, and access areas for fishing for the enjoyment of
9 the wildlife resources of the state by our citizens and visitors to the state
10 who are attracted to Arkansas’s abundant wildlife resources.

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

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

19
20 15-47-104. Funding.

21 (a)(1) The Arkansas State Game and Fish Commission voluntarily agrees
22 to make available one million dollars (\$1,000,000) for the fiscal biennium
23 beginning July 1, 2009 and ending June 30, 2011 for the Wildlife Recreation
24 Facilities Pilot Program for the development of wildlife recreation
25 facilities under this subchapter from moneys that the Arkansas State Game and
26 Fish Commission has received from oil and gas leases in the Fayetteville
27 Shale.

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

30 (A) A mandate by the General Assembly;

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

32 (C) A waiver or relinquishment by the Arkansas State Game
33 and Fish Commission of the authority vested in the Arkansas State Game and
34 Fish Commission under Arkansas Constitution, Amendment 35.

35 (3) Before any moneys are distributed under this section, the
36 commission shall retain the right to approve or disapprove the release of

1 moneys.

2 (4) Future funding for the Wildlife Recreation Facilities Pilot
 3 Program is subject to the review under subdivisions (b)(2) and (3) of this
 4 section and shall be determined by and distributed from the availability of
 5 royalties from oil and gas leases in the Fayetteville Shale that the Arkansas
 6 State Game and Fish Commission receives or from other sources that are not
 7 from the Arkansas State Game and Fish Commission.

8 (b)(1) The Department of Rural Services and the commission agree to
 9 execute a memorandum of understanding to delineate each party's
 10 participation, obligation, and cooperation in the Wildlife Recreation
 11 Facilities Pilot Program sufficient to fulfill the requirements of this
 12 section.

13 (2) The Department of Rural Services and the commission agree to
 14 review the memorandum of understanding every two (2) years to evaluate the
 15 effectiveness and success of the program and to reexamine the need for moneys
 16 to be made available to the department to fund the development of wildlife
 17 recreation facilities.

18 (3) If both the commission and the department agree that the
 19 program meets or exceeds the purpose of the legislation or agree that to
 20 discontinue the program would result in an undue disruption of progress, the
 21 parties shall reexecute a memorandum of understanding under subdivision
 22 (b)(1) of this section.

23 (c) An agreement for funding in a memorandum of understanding under
 24 subdivision (b)(1) of this section and a distribution of money under this
 25 subchapter require the final approval of the commission.

26 (d) The maximum grant amount for a single project funded under the
 27 Wildlife Recreation Facilities Pilot Program is one hundred thousand dollars
 28 (\$100,000) per year.

29

30 15-47-105. Reporting.

31 (a) The Arkansas State Game and Fish Commission and the Department of
 32 Rural Services shall report the status of the Wildlife Recreation Facilities
 33 Pilot Program bi-annually to the Game and Fish/State Police subcommittee of
 34 the Legislative Council.

35 (b) The report shall evaluate whether or not the program has been
 36 successful in creating new wildlife recreation facilities and promoting

1 wildlife conservation and management.

2
3 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
4 to add an additional section to read as follows:

5 19-6-811. Wildlife Recreation Facilities Fund.

6 (a) There is created on the books of the Treasurer of State, the
7 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
8 fund to be known as the "Wildlife Recreation Facilities Fund" administered by
9 the Department of Rural Services.

10 (b) The fund shall consist of:

11 (1) Those special revenues and any other revenues authorized by
12 law;

13 (2) Any moneys appropriated to it by the General Assembly; and

14 (3) Any gifts, contributions, grants, or bequests received from
15 federal, private, or other sources.

16 (c) The fund shall be used by the department to develop criteria to
17 establish and fund the development and maintenance of wildlife recreation
18 facilities.

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20 **APPROVED: 3/27/2009**