

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.

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

36 (1) The control, management, restoration, conservation, and regulation



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

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

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

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

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

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

23  
 24 15-47-103. Wildlife Recreation Facilities Pilot Program.

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

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

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

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

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

36 (3) Ignite interest in the wildlife resources and nature

1 appreciation activities of Arkansas; and

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

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

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

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

18  
19 15-47-104. Funding.

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

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

29 (A) A mandate by the General Assembly;

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

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

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

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

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

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

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

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

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

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 29           15-47-105. Reporting.

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

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

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

19-6-811. Wildlife Recreation Facilities Fund.

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

(b) The fund shall consist of:

- (1) Those special revenues and any other revenues authorized by law;
- (2) Any moneys appropriated to it by the General Assembly; and
- (3) Any gifts, contributions, grants, or bequests received from federal, private, or other sources.

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