

"AN ACT TO REPEAL SECTION 13 OF ACT 939 OF 1987; TO AMEND SUBSECTION (a) OF SUBSECTION (B) OF SECTION 18 OF ACT 939 OF 1987, AND TO AMEND SUBSECTION (A) OF SECTION 1 OF ACT 910 OF 1987, TO CLARIFY THE MAXIMUM FEES THAT MAY BE CHARGED BY THE GAME AND FISH COMMISSION FOR ANNUAL RESIDENT HUNTING LICENSES IN THIS STATE; AND FOR OTHER PURPOSES."

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

SECTION 1. That Section 13 of Act 939 of 1987 is hereby repealed.

SECTION 2. That subsection (a) of Subsection (B) of Section 18 of Act 939 of 1987 is hereby amended to read as follows:

"(a) The maximum fee for the annual resident hunting license for any resident of the State of Arkansas who is sixteen (16) years of age or older, but less than sixty-five (65) years of age, shall be as provided by the Game and Fish Commission, but shall not exceed Ten Dollars and Fifty Cents (\$10.50) each. Provided that the taking of deer by residents of this State by the use of a modern (center fire) weapon as provided by regulations adopted by the Game and Fish Commission, and within the bag limits established by the Commission, shall be covered by the annual resident hunting license without the necessity of paying any additional resident hunting license or permit fee therefor. Nothing contained herein is intended to restrict the authority of the Game and Fish Commission to charge any resident of this State an additional fee solely for the purpose of entering upon and hunting upon any land owned by or leased by the Arkansas Game and Fish Commission. In addition to the annual resident hunting license fees authorized hereinabove, the Game and Fish Commission may, by regulation, provide that any resident of this State sixteen (16) years of age or older be required to obtain a special license and pay a special annual license fee therefor, as follows:

- (i) for the privilege of hunting deer with any form of archery equipment (as defined by regulations of the Commission), a special annual license fee of not to exceed \$7.25;
- (ii) for the privilege of hunting deer with any form of 'primitive weapon' (black powder weapon and other weapon defined to be a 'primitive weapon' by regulation of the Game and Fish Commission), a special annual license fee of not to exceed \$7.25;
- (iii) for the privilege of hunting turkey in this State, a special annual license fee may be required by the Commission, not to exceed \$7.25 for each license issued;
- (iv) for the privilege of hunting bear in this State, a special annual license fee may be required by the Commission, not to exceed \$7.25 for each license issued;
- (v) for the privilege of hunting elk and any other species of large game in this State, as determined by regulation of the Commission, a special annual license fee may be required by the Commission, not to exceed \$7.25 per species, for each license issued."

SECTION 3. That subsection (A) of Section 1 of Act 910 of 1987 is hereby amended to read as follows:

"(A) The maximum fee for the annual resident hunting license for any resident of the State of Arkansas who is sixteen (16) years of age or older, but less than sixty-five (65) years of age, shall be as provided by the Game

and Fish Commission, but shall not exceed Ten Dollars and Fifty Cents (\$10.50) each. Provided that the taking of deer by residents of this State by the use of a modern (center fire) weapon as provided by regulations adopted by the Game and Fish Commission, and within the bag limits established by the Commission, shall be covered by the annual resident hunting license without the necessity of paying any additional resident hunting license or permit fee therefor. Nothing contained herein is intended to restrict the authority of the Game and Fish Commission to charge any resident of this State an additional fee solely for the purpose of entering upon and hunting upon any land owned by or leased by the Arkansas Game and Fish Commission. In addition to the annual resident hunting license fees authorized hereinabove, the Game and Fish Commission may, by regulation, provide that any resident of this State sixteen (16) years of age or older be required to obtain a special license and pay a special annual license fee therefor, as follows:

- (i) for the privilege of hunting deer with any form of archery equipment (as defined by regulations of the Commission), a special annual license fee of not to exceed \$7.25;
- (ii) for the privilege of hunting deer with any form of 'primitive weapon' (black powder weapon and other weapon defined to be a 'primitive weapon' by regulation of the Game and Fish Commission), a special annual license fee of not to exceed \$7.25;
- (iii) for the privilege of hunting turkey in this State, a special annual license fee may be required by the Commission, not to exceed \$7.25 for each license issued;
- (iv) for the privilege of hunting bear in this State, a special annual license fee may be required by the Commission, not to exceed \$7.25 for each license issued;
- (v) for the privilege of hunting elk and any other species of large game in this State, as determined by regulation of the Commission, a special annual license fee may be required by the Commission, not to exceed \$7.25 per species, for each license issued."

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that: (a) Amendment No. 35 to the Constitution of the State of Arkansas provides that the General Assembly shall establish the maximum fees that may be charged by the Game and Fish Commission for a resident of this State to obtain an annual resident hunting or fishing license; that at the time of the adoption of Amendment No. 35 the resident hunting license included the authority of residents of this State to take deer during hunting seasons; that recently the Game and Fish Commission proposed to adopt regulations requiring residents of this State to pay a special fee, in addition to obtaining a regular hunting license, for the privilege of hunting deer in this State; and that it is the consensus of the General Assembly that the people of this State, by the adoption of Amendment No. 35, intended resident hunting licenses to include the taking of deer by residents of this State, within the bag limits established by the Game and Fish Commission, and that the immediate passage of this Act is necessary to clarify such intent; (b) that subsection (A) of Section 1 of Act 910 of 1987 will need clarification to be compatible to the provisions of Section 2 of this Act; and (c) that Section 13 of Act 939 of 1987 provided that the provisions of said Act are not severable, and that if any provision of said Act is declared invalid for any reason that all provisions of such Act shall also be invalid; that Act 939 of 1987 contains the biennial appropriation for the support of the Arkansas Game and Fish Commission and it is essential that said appropriation be provided for the support of said Commission, to be effective with the commencement of the fiscal year beginning July 1, 1987, and that in the event a court of competent jurisdiction were to determine any provision of said Act to be

unconstitutional, said decision would nullify the entire Act, including the biennial appropriation for the support of the Game and Fish Commission, which is hereby declared not to be the intent of the General Assembly; and that the immediate passage of this Act is necessary to repeal such non-severable clause, thereby declaring the provisions of Act 939 of 1987 to be severable in the same manner as provided in Section 1 of Act 92 of 1973 (Ark. Stats. 1-209). Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: 6-10-87
