

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 2/22/87

HOUSE BILL 1459

By: Joint Budget Committee AS ENGROSSED 3/3/87 AS ENGROSSED 3/16/87

AS ENGROSSED 3/31/87 AS ENGROSSED 3/18/87 AS ENGROSSED 3/20/87

"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES OF THE ARKANSAS GAME AND FISH COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1989; AND FOR OTHER PURPOSES."

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas Game and Fish Commission for the 1987-89 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act, or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act, or its successor.

Item	Class	No. of	Maximum Annual		
			Maximum	Salary Rate	
No. ___	Code ___	Title _____	Employees_	Fiscal Years	
			1987-88	1988-89	
(1)	9951	G & F DIRECTOR	1	\$55,295	\$55,295
(2)	9950	G & F ATTORNEY	1	\$34,918	\$36,738
(3)	300Z	G & F ASSISTANT DIRECTOR	2		GRADE 26
(4)	318Z	G & F DEPUTY DIRECTOR	1		GRADE 25
(5)	296Z	G & F ADMINISTRATOR	7		GRADE 24
(6)	313Z	G & F REAL ESTATE OFFICER	1		GRADE 23
(7)	R384	COMMUNICATIONS MANAGER	1		GRADE 22
	X344	CONSTRUCTION ENGINEER SUPERVISOR	1		

	299Z G&F ASSISTANT DIVISION CHIEF	9	
	302Z G & F CHIEF COMMUNICATIONS DIV	1	
	304Z G & F CHIEF RIVER BASINS & GOV	1	
(8)	943Z TRAINING ACADEMY STAFF ADMR	1	GRADE 21
(9)	B026 G & F BIOLOGIST III	32	GRADE 20
	P352 WILDLIFE OFFICER SUPERVISOR	12	
	R069 G & F EDITOR	2	
	R464 G&F ASST REAL ESTATE OFFICER	1	
	311Z G & F PERSONNEL MANAGER	1	
(10)	B111 G&F ACRES FOR WILDLIFE PROG MGR	1	GRADE 19
	P353 ASST WILDLIFE OFFICER SUPERVISOR	14	
	R189 G & F PURCHASING/PRINTING MANAGER	1	
	X380 SPECIAL INVESTIGATOR SUPERVISOR	1	
	X432 CONSTRUCTION ENGINEER I	2	
	309Z G & F GAME RESEARCH BIOLOGIST	8	
(11)	B024 G & F BIOLOGIST II	16	GRADE 18
	C006 COMMUNICATIONS SUPERVISOR	1	
	E007 BOATING SAFETY COORDINATOR	1	
	E017 HUNTING SAFETY COORDINATOR	1	
	E074 TRAINING REPRESENTATIVE	1	
	P355 WILDLIFE OFFICER II	86	
	R150 RESEARCH PROJECT ANALYST	1	
	R204 BIOMETRICIAN	1	
(12)	N328 INFORMATION OFFICER II	1	GRADE 17
	X315 CONSTRUCTION INSPECTOR	2	
(13)	B020 FISH HATCHERY MANAGER	4	GRADE 16
	B022 G&F BIOLOGIST I	19	
	C017 TELECOMMUNICATIONS SUPERVISOR	1	
	E001 ASST HUNTER SAFETY COORDINATOR	1	
	J024 G & F FORESTER	4	
	P351 WILDLIFE OFFICER I	55	
	R010 ADMINISTRATIVE ASSISTANT II	3	
	X382 SPECIAL INVESTIGATOR	2	
	Y003 AUTO/DIESEL MECHANIC	1	
	Y039 HEATING & A/C MECHANIC	1	
	Y053 JOURNEYMAN CARPENTER	1	

	Y129 ELECTRONIC TECHNICIAN	4	
(14)	A002 ACCOUNTANT I	3	GRADE 15
	B027 G & F TECHNICIAN	28	
	B095 ASST FISH HATCHERY MANAGER	4	
	D011 DATA CONTROL SUPERVISOR	1	
	E019 HUNTER SAFETY EDUC & TRNG OFFICER	1	
	G027 BUILDING PLANT MAINTENANCE SUPV I	1	
	N311 COMMERCIAL ARTIST I/GRAPHIC ART I	1	
(15)	R009 ADMINISTRATIVE ASSISTANT I	2	GRADE 14
(16)	A017 BOOKKEEPING SUPERVISOR	3	GRADE 13
	C015 TELECOMMUNICATIONS OPERATOR	7	
	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	2	
	K133 MANAGEMENT SUPPORT TECHNICIAN	10	
(17)	B019 FISH CULTURIST III	9	GRADE 12
	E021 HUNTER SAFETY TRNG AREA CARETAKER	1	
	P349 WILDLIFE AREA MANAGER II	30	
(18)	A013 BOOKKEEPER II/ACCOUNTING ASST II	6	GRADE 11
	K153 SECRETARY II	11	
	K161 DATA ENTRY SUPV I/DATA ENTRY OP SUP	1	
(19)	C013 SWITCHBOARD OPERATOR SUPERVISOR	1	GRADE 10
	G073 HEAVY EQUIP OPERATOR	1	
	Y001 APPRENTICE TRADESMAN	1	
(20)	A011 BOOKKEEPER I/ACCOUNTING ASST I	2	GRADE 09
	B017 FISH CULTURIST II	9	
	K103 REPRO EQUIP OPR II/REPRO EQUIP OPR	1	
	K155 SECRETARY I	5	
(21)	K065 MAIL OFFICER	1	GRADE 08
	P347 WILDLIFE AREA MANAGER I	1	
(22)	K017 CLERK STENO	1	GRADE 07
(23)	G175 MAINTENANCE WORKER II	1	GRADE 03
	MAX NO. OF EMPLOYEES	454	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Game and Fish Commission for the 1987-89 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: Ninety (90) tem-

porary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification.

SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the Arkansas Game and Fish Commission, to be payable from the Game Protection Fund, for personal services and operating expenses of the Arkansas Game and Fish Commission for the biennial period ending June 30, 1989, the following:

ITEM	FISCAL YEARS	
NO. _____	1987-88 _____	1988-89 _____
(01) REGULAR SALARIES	\$ 8,655,227	\$ 8,655,227
(02) EXTRA HELP	400,000	400,000
(03) PERSONAL SERV MATCHING	1,565,545	1,548,592
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 1,865,365	\$ 1,865,365
(B) CONF. & TRAVEL	79,815	79,815
(C) PROF. FEES	251,893	251,893
(D) CAPITAL OUTLAY	705,900	674,100
(E) DATA PROCESSING	_____2,000_	_____2,000_
TOTAL MAINT. & GEN. OPER.	2,904,973	2,873,173
(05) POLLUTION CONTROL GRANT	25,000	25,000
(06) REFUND TO DEALERS	38,000	38,000
(07) UNIFORM ALLOWANCE	273,600	273,600
(08) REFUNDS TO COUNTY TREAS	3,000	3,000
(09) CONTRACT RESEARCH FISHERIES	68,000	68,000
(10) CONSTR./MAINT./IMPROV.	___4,927,841___	___4,927,841___
TOTAL AMOUNT APPROPRIATED	\$ 18,861,186	\$ 18,812,433

SECTION 4. APPROPRIATIONS. There is hereby appropriated, to the Arkansas Game and Fish Commission, to be payable from the Game Protection Fund, for acquisition, maintenance and development of the Arkansas Game and Fish Commission for the biennial period ending June 30, 1989, the following:

ITEM	FISCAL YEARS	
NO. _____	1987-88 _____	1988-89 _____
(01) ACQUISITION, MAINTENANCE & DEVELOPMENT	\$ 1,668,292	\$ 1,269,738

SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the Arkansas Game and Fish Commission, to be payable from the Game Protection Fund, for the payment of rewards to individuals providing information leading to the arrest of violators of Game and Fish Commission regulations by the Arkansas Game and Fish Commission for the biennial period ending June 30, 1989, the following:

ITEM	FISCAL YEARS	
NO. _____	1987-88 _____	1988-89 _____
(01) PAYMENT OF REWARDS	\$ 22,500	\$ 22,500

SECTION 6. APPROPRIATIONS. There is hereby appropriated, to the Arkansas Game and Fish Commission, to be payable from the Game Protection Fund, for use in the development and maintenance of a cooperative program between interested citizens and the Arkansas Game and Fish Commission to deter violations of Game and Fish regulations for the biennial period ending June 30, 1989, the following:

ITEM	FISCAL YEARS	
NO. _____	1987-88 _____	1988-89 _____
(01) PERSONAL SERVICES AND OPERATING EXPENSES FOR PROGRAM DEVELOPMENT AND MAINTENANCE	\$ 118,700	\$ 118,700

SECTION 7. Any savings in the amount appropriated in Section 3 for Regular Salaries, Extra Help, or Personal Services Matching may be transferred upon request of the Director of the State Game and Fish Commission to Construction/Maintenance/Improvements. Upon approval of the Chief Fiscal Officer of the State, who has sought the advice of the Arkansas Legislative Council, the Chief Fiscal Officer of the State and the Auditor of the State shall transfer said savings to Construction/Maintenance/Improvements and make it available for such purposes during the then current fiscal year.

SECTION 8. TRANSFER PROVISION. Provided, that any unexpended appropriation balance remaining on June 30, 1988 in the appropriation authorized in Section 3 hereof, for Item (1) Regular Salaries; Item (2) Extra Help; Item (3) Personal Services Matching; Item (4) Maintenance and General

Operation; and Item (10) Construction/Maintenance/Improvements, shall be transferred by the Chief Fiscal Officer and the Auditor of State to Item (10) Construction/Maintenance/Improvements in Section 3 hereof, for the fiscal year beginning July 1, 1988 and ending June 30, 1989 and made available for use in said year, and that any unexpended appropriation balance in the appropriation authorized in Section 4 hereof for Item (1) Acquisition/Maintenance/Development, which is remaining on June 30, 1988 shall be transferred forward by the Chief Fiscal Officer and the Auditor of State to the Fiscal Year beginning July 1, 1988, and ending June 30, 1989, and made available for the same purposes.

SECTION 9. Expenditures for Information and Education functions of the Arkansas Game and Fish Commission, made from funds appropriated by this Act, shall be limited to a total of one million one hundred fifty thousand dollars (\$1,150,000) each fiscal year of the 1987-89 biennium. Such functions shall include but not be limited to the Boater and Hunter Safety Programs. Expenditures above such dollar limit may be made only for costs of new positions authorized for such Information and Education functions and costs of upgrades of positions utilized in Information and Education functions, if any.

SECTION 10. The Arkansas State Game and Fish Commission is hereby authorized to promulgate rules and regulations for the eligibility, amounts and payment of such reward as provided in Section 5 of this Act.

SECTION 11. The appropriation provided in Section 6 herein shall be in addition to any other appropriations made by law to the Arkansas State Game and Fish Commission.

SECTION 12. The Arkansas State Game and Fish Commission is hereby authorized to promulgate rules and regulations for the use of the appropriation provided in Section 6 herein.

SECTION 13. The provisions of this Act are not severable, and if any provision of this Act is declared invalid for any reason then all provisions of this Act shall also be invalid.

SECTION 14. Expenditures for the Arkansas Game and Fish Commission Magazine shall be limited to four hundred fifty thousand dollars (\$450,000) in fiscal year 1988 and one hundred fifty thousand dollars (\$150,000) in fiscal year 1989 from funds generated through the sale of licenses, permits and fees. Additional funds generated through the sale of advertisements may be used to supplement said funds, but in no event shall the Commission's total expenditures for the Game and Fish Commission magazine exceed six hundred thousand dollars (\$600,000) per fiscal year.

SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 16. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this Act shall be in compliance with the stated reasons for which this Act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 17. CONTRACT RESTRICTIONS. The agency, board, commission, department or institution to whom funds are appropriated by this Act shall not enter into any contract for any professional or consultant services which shall extend for more than twenty (20) actual working days or the total compensation exceeds five thousand dollars (\$5,000) during any one fiscal year without first seeking the advice of the Arkansas Legislative Council. Provided further, that all contracts for professional or consultant services

shall be submitted monthly to the Chief Fiscal Officer of the State for reporting to the Legislative Council.

SECTION 18. (A) In the passage of this Section, the General Assembly is cognizant of the provisions of Amendment No. 35 to the Arkansas Constitution, which established the Arkansas Game and Fish Commission and vested in said Commission broad authority over the control, management, restoration, conservation, and regulation of birds, fish, game, and wildlife resources of the State; and that Amendment No. 35 specifically provides that the "resident hunting and fishing license, each, shall be One and 50/100 Dollars annually, and shall not exceed this amount unless a higher license fee is authorized by an Act of the Legislature". The General Assembly is further cognizant of the intent of Amendment No. 35 that the Game and Fish Commission shall have the exclusive power and authority to issue licenses and permits, to regulate bag limits, and the manner of taking game and fish and fur-bearing animals, and shall have the authority to divide the State into zones and regulate seasons and the manner of taking game and fish and fur-bearing animals therein and to fix penalties for violations, but further recognizes the intent of the people of this State that the maximum annual resident hunting and fishing license fees that may be charged by the Commission shall not exceed the amounts therefor authorized by an Act of the Legislature; and it is the intent and purpose of this Act for the General Assembly to carry out its constitutional responsibility to establish the maximum annual resident hunting and fishing license fees or permit fees that may be charged residents of this State by the Game and Fish Commission, pursuant to the authority of Amendment No. 35 to the Arkansas Constitution.

(B) ANNUAL RESIDENT HUNTING LICENSE FEES. (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 annual resident hunting license shall include the taking of not more than two (2) deer by modern weapons (as determined by the bag limit regulations of the 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;
- (vi) for the privilege of hunting in special permit hunts, or in the event the Game and Fish Commission increases the bag limit to more than two (2) deer to be taken during any annual hunting season established by the Commission by the use of a modern weapon, in addition to the regular resident hunting license, or special license fee provided for hereinabove, the Commission may charge a special license fee, not to exceed \$7.25 per permit issued.

(b) In establishing the annual resident hunting license fees that may be charged for each category of special licenses, as authorized in subsections (i) through (vi), inclusive, of subsection (a) above, the aggregate amount that the Game and Fish Commission may charge for any combination of such fees shall not exceed, in addition to the annual resident hunting license, an addi-

tional amount of \$7.25 annually. Provided that, in lieu of the annual resident hunting license fee and the various special resident license fees authorized in subsection (a) above, the Game and Fish Commission may, by regulation, provide for the issuance of a combination annual resident hunting license which authorizes a resident of this State to hunt under any of the above circumstances for which special licenses are required, upon the payment of a combination annual resident hunting license fee of not to exceed \$17.75 per year per person per license.

(c) In addition to the annual resident hunting license fees as established in subsection (a) above, or in addition to the combination annual resident hunting license as authorized in subsection (b) above, the Game and Fish Commission may establish a special annual license fee for the privilege of hunting ducks by a resident in this State, in an amount not to exceed \$5.50 for each license issued.

(C) ANNUAL RESIDENT FISHING LICENSE FEES. The maximum fee for the annual resident fishing 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.

The maximum fee for a three (3) day fishing license for any resident in the State of Arkansas who is sixteen (16) years of age or older, but less than sixty-five (65) years of age, shall not exceed Six Dollars and Fifty Cents (\$6.50) each.

In addition to the annual resident fees required 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 to fish for trout in this State and pay a special annual resident fee therefor of not to exceed \$5.00.

(D) COMBINED ANNUAL RESIDENT HUNTING AND FISHING LICENSE. The Arkansas Game and Fish Commission may provide for a combined annual resident hunting and fishing license for a fee of not to exceed \$28.25.

(E) PERMANENT RESIDENT HUNTING AND FISHING LICENSES FOR RESIDENTS OF THIS STATE WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER, OR ARE DISABLED RESIDENTS OF THIS STATE. (1) In the event the Game and Fish Commission provides for the issuance of a permanent hunting or fishing license for a resident of this

State who is sixty-five (65) years of age or older, the maximum fee that may licenses shall not exceed the following:

- (i) for a permanent resident hunting license, the maximum fee shall not exceed \$17.75;
- (ii) for a permanent resident fishing license, the maximum fee shall not exceed \$10.50; or
- (iii) for a combined permanent resident hunting and fishing license, the fee shall not exceed \$28.25.

(2) In the event the Game and Fish Commission provides for the issuance to any resident of this State who suffers from a permanent disability, as defined by regulations of the Commission, of a permanent resident hunting license or a permanent resident fishing license, the maximum fees that may be charged by the Commission for such permanent resident disabled person's licenses shall not exceed the following:

- (i) for a permanent disabled resident hunting license, the maximum fee shall not exceed \$17.75;
- (ii) for a permanent disabled resident fishing license, the maximum fee shall not exceed \$10.50; or
- (iii) for a combined permanent disabled resident hunting and fishing license, the fee shall not exceed \$28.25.

(F) It shall be unlawful for the Arkansas Game and Fish Commission to issue to any resident or non-resident of this State a complimentary hunting or fishing license without payment of the applicable resident or non-resident license fees therefor, and any complimentary license heretofore or hereafter issued in violation of the provisions of this subsection shall be null and void.

Any person knowingly or willfully violating the provisions of this subsection shall be guilty of a Class 'A' misdemeanor and shall be punished accordingly.

(G) The establishment of the maximum annual fees that may be charged by the Game and Fish Commission for resident hunting and fishing licenses under the provisions of this Act shall not be deemed to modify, repeal or affect the exclusive power and authority granted to the Game and Fish Commission under Amendment No. 35 to the Arkansas Constitution to issue licenses and permits, to regulate bag limits and the manner of taking game, fish, and fur-bearing animals, and the authority to divide the State into zones and to regulate

seasons and the manner of taking game and fish and fur-bearing animals therein, and fix penalties for violations thereof.

The primary purpose of this Act is to establish, by an Act of the Legislature, the maximum annual resident hunting and fishing license fees that may be charged by the Game and Fish Commission, as required by Amendment No. 35 to the Arkansas Constitution. Provided that, the maximum annual resident hunting and fishing license fees as authorized in this Act shall be the only license or permit fees that the Game and Fish Commission may charge a resident for the privilege of hunting and fishing in this State, and the Game and Fish Commission shall have no authority to establish a special permit fee for the privilege of hunting and fishing by a resident of this State other than as provided in this Act. Resident commercial hunting and fishing licenses, each, shall not exceed the amounts that were in effect for each such license or permit under regulations of the Game and Fish Commission in effect on June 30, 1986, unless a higher license fee is authorized by an Act of the Legislature.

SECTION 19. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Sixth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1987 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1987 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1987.

/s/John E. Miller

