

State of Arkansas

76th General Assembly

Regular Session, 1987

SENATE BILL 680

By: Senator Chaffin, et al

"AN ACT TO PRESCRIBE THE MAXIMUM ANNUAL RESIDENT HUNTING AND FISHING LICENSE FEES THAT MAY BE CHARGED BY THE ARKANSAS GAME AND FISH COMMISSION; TO ESTABLISH A MAXIMUM RESIDENT LICENSE FEE FOR THE ISSUANCE OF SPECIAL LIFETIME AND HANDICAPPED RESIDENT HUNTING AND FISHING LICENSES; TO PROHIBIT THE ISSUANCE OF COMPLIMENTARY HUNTING AND FISHING LICENSES; AND FOR OTHER PURPOSES."

WHEREAS, Amendment No. 35 to the Arkansas Constitution 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

WHEREAS, 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"; and

WHEREAS, the General Assembly is 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

WHEREAS, 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;

NOW THEREFORE,

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

SECTION 1. 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 additional 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) of this Section, or in addition to the combination annual resident hunting license as authorized in subsection (B) of this Section, 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.

SECTION 2. 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.

SECTION 3. 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.

SECTION 4. 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. (A) 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 be charged a resident of this State sixty-five years of age or older for such 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.

(B) 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.

SECTION 5. 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 Section shall be null and void.

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

SECTION 6. 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 7. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 8. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that Amendment No. 35 to the Arkansas Constitution requires the General Assembly to establish the maximum annual resident hunting and fishing license fees that may be charged by the Game and Fish Commission; that the immediate passage of this Act is necessary to establish an up-to-date schedule of authorized maximum resident hunting and fishing license fees, in order to enable the Game and Fish Commission to efficiently operate the game and fish program. 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.

