

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/24/99

A Bill

SENATE BILL 801

5 By: Senator Gordon
6 By: Representatives *Milum, Judy*
7
8

For An Act To Be Entitled

10 "AN ACT TO REPEAL CERTAIN OBSOLETE SECTIONS OF TITLE
11 15 OF THE ARKANSAS CODE THAT HAVE BEEN SUPERSEDED BY
12 REGULATIONS OF THE ARKANSAS STATE GAME AND FISH
13 COMMISSION PURSUANT TO AMENDMENT 35 OF THE
14 CONSTITUTION OF THE STATE OF ARKANSAS; AND FOR OTHER
15 PURPOSES. "

Subtitle

16
17
18 "TO REPEAL CERTAIN OBSOLETE STATUTES THAT
19 HAVE BEEN SUPERSEDED BY REGULATIONS OF
20 THE ARKANSAS STATE GAME AND FISH
21 COMMISSION. "
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code 15-41-101 is repealed:

27 ~~15-41-101. Authority of the director.~~

28 ~~The Director of the Arkansas State Game and Fish Commission shall have~~
29 ~~full authority to act for the commission in the enforcing or administering any~~
30 ~~of the provisions of this section and § 15-42-206.~~

31
32 SECTION 2. Arkansas Code 15-41-103 is repealed:

33 ~~15-41-103. Powers and duties generally.~~

34 ~~(a) The Arkansas State Game and Fish Commission shall:~~

35 ~~(1) Provide itself with a seal;~~

36 ~~(2) Keep a complete record of all acts and things done by the commission~~

1 ~~or under its authority and direction;~~

2 ~~—— (3) Make an annual report to the Governor of the state of the work of~~
3 ~~the commission and may make such recommendations to the Governor and the~~
4 ~~General Assembly as the commission may deem proper.~~

5 ~~—— (b) The commission is authorized to let to the lowest and best bidder~~
6 ~~the contract for all necessary license blanks and other printing necessary for~~
7 ~~the use of the commission and shall pay for the contract out of the Game~~
8 ~~Protection Fund the same as other expenses of the commission are paid.~~

9
10 SECTION 3. Arkansas Code 15-41-104 is repealed:

11 ~~—— 15-41-104. Conservation and propagation of game and fish.~~

12 ~~—— (a) The Arkansas State Game and Fish Commission shall adopt ways and~~
13 ~~means to conserve and propagate the game, fish, fur-bearing animals, and other~~
14 ~~wildlife of this state. The commission may expend any surplus in the hands of~~
15 ~~the State Treasurer from funds derived hereunder, after the payment of~~
16 ~~salaries and expenses incurred by the commission under the terms hereof, in~~
17 ~~importing, raising, and distributing game, fish, and fur-bearing animals for~~
18 ~~propagation in this state.~~

19 ~~—— (b) The commission may establish rules and regulations governing the~~
20 ~~propagation of game, fish, and fur-bearing animals in captivity upon private~~
21 ~~premises and authorize the sale or exportation from the state thereof upon~~
22 ~~permits to be issued by the commission.~~

23 ~~—— (c) The commission may, by appropriate rules and regulations, permit~~
24 ~~game, fish, and fur-bearing animals to be shipped from this state for~~
25 ~~propagation purposes.~~

26
27 SECTION 4. Arkansas Code 15-41-106 is repealed:

28 ~~—— 15-41-106. Permits for scientific and propagative purposes.~~

29 ~~—— The Arkansas State Game and Fish Commission is authorized to issue~~
30 ~~proper permits to responsible persons permitting the collection, possession,~~
31 ~~buying, and selling of migratory birds and other game birds and animals for~~
32 ~~scientific and propagative purposes. No person shall be issued a permit~~
33 ~~pertaining to migratory birds unless a proper permit is first procured from~~
34 ~~the United States Department of Agriculture as required by law.~~

35
36 SECTION 5. Arkansas Code 15-41-107 is repealed:

~~15-41-107. Cooperation with United States in national forests.~~

~~(a) The Arkansas State Game and Fish Commission shall have authority to:~~

~~(1) Enter into cooperative agreements with the United States of America, or any agency thereof, to establish hunting and fishing areas within the national forests and to close the national forests to hunting and fishing for periods of time as may, in the opinion of the commission, be necessary;~~

~~(2) Prescribe from time to time the season for hunting or fishing therein;~~

~~(3) Fix the amount of fees required for special hunting and fishing permits;~~

~~(4) Issue hunting and fishing permits and prescribe the number, size, and sex of game, fish, and birds that shall be taken from the national forests; and~~

~~(5) Prescribe the conditions under which the game, fish, and birds may be taken from the national forests.~~

~~(b) The commission shall promulgate the rules prescribed in and under the cooperative agreements.~~

~~(c) Any person violating any of the rules promulgated by the commission or who shall hunt or fish upon national forest lands at any time other than those times specified in the rules shall upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days nor more than thirty (30) days for each and every offense.~~

SECTION 6. Arkansas Code 15-41-112 is repealed:

~~15-41-112. Free transportation.~~

~~The Arkansas State Game and Fish Commission may make request of any railroad in this state for free transportation of its members and employees, and it shall be lawful for any railroads to furnish, and for the members of the commission and its employees to use, such transportation.~~

SECTION 7. Arkansas Code 15-41-201 is repealed:

~~15-41-201. Game wardens generally.~~

~~(a) It shall be the duty of the Arkansas State Game and Fish Commission to appoint the number of wardens necessary to a proper enforcement of the laws of the state looking to the protection of game, fish, fur-bearing animals, and~~

1 ~~other wildlife.~~

2 ~~_____ (b) The persons so appointed shall meet qualifications as the commission~~
3 ~~deems advisable and shall be more than twenty-one (21) years of age.~~

4 ~~_____ (c) Any person appointed hereunder shall execute bond to the State of~~
5 ~~Arkansas, payable to the Game Protection Fund, in an amount to be fixed by the~~
6 ~~commission not exceeding three thousand dollars (\$3,000) conditioned on a~~
7 ~~proper and faithful performance of his duties as a warden. These bonds shall~~
8 ~~be approved by the chairman and secretary of the commission and filed in the~~
9 ~~office of the commission.~~

10 ~~_____ (d) Wardens shall be commissioned by the commission and, concurrently~~
11 ~~with the sheriffs, constables, and other peace officers throughout the state,~~
12 ~~shall have the right to apprehend persons detected violating any of the laws~~
13 ~~of the state enacted for the protection of game, fish, fur-bearing animals and~~
14 ~~other wildlife and to take offenders before any court having jurisdiction in~~
15 ~~the county where the offense is committed.~~

16 ~~_____ (e) They shall also serve all processes issued by courts of competent~~
17 ~~jurisdiction relating to the enforcement of all laws pertaining to game, fish,~~
18 ~~fur-bearing animals, and other wildlife of the state.~~

19 ~~_____ (f) It shall also be the duty of each warden to make monthly reports to~~
20 ~~the Arkansas State Game and Fish Commission showing the name and character of~~
21 ~~the offense reported to various peace officers of the state and giving the~~
22 ~~name of the violator and the officer to whom the violation was reported.~~

23
24 SECTION 8. Arkansas Code 15-41-202 is repealed:

25 ~~_____ 15-41-202. Deputy game wardens.~~

26 ~~_____ (a) The Arkansas State Game and Fish Commission may deputize any number~~
27 ~~of citizens who are interested in wildlife conservation as deputy wardens who~~
28 ~~shall possess the authority granted to and held by regular wardens and who~~
29 ~~shall execute a proper bond in an amount not less than five hundred dollars~~
30 ~~(\$500). These bonds are to be approved in the same manner as bonds of regular~~
31 ~~wardens.~~

32 ~~_____ (b) The deputies shall serve without pay other than the regular fees~~
33 ~~allowed sheriffs and other police officers except when doing special work~~
34 ~~under the direction or supervision of the commission.~~

35 ~~_____ (c) Regular and deputy wardens and all other employees of the department~~
36 ~~shall be paid by the commission out of no fund other than the Game Protection~~

1 Fund.

2
3 SECTION 9. Arkansas Code 15-41-204 is repealed:

4 ~~15-41-204. Arrest and prosecution.~~

5 ~~(a) It shall be the duty of any justice of the peace of any county in~~
6 ~~this state upon information received that any of the provisions of this act~~
7 ~~have been or are being violated in the county to issue a warrant of arrest~~
8 ~~directed to any sheriff, constable, game warden, or other peace officers~~
9 ~~commanding that the offender be at once arrested and held for trial.~~

10 ~~(b) If the prosecuting attorney or his deputy is present and assists in~~
11 ~~the prosecution for any violation of this act, he shall receive a fee of~~
12 ~~dollars (\$10.00) for each conviction. This fee is to be taxed as other costs~~
13 ~~in the case.~~

14 ~~(1) The prosecuting attorney or his deputy shall not receive a fee in~~
15 ~~cases where pleas of guilty are entered, nor unless the prosecuting attorney~~
16 ~~or his deputy or other attorney shall actually participate in the prosecution~~
17 ~~of the case.~~

18 ~~(2) The Arkansas State Game and Fish Commission may employ assistant~~
19 ~~counsel to assist the prosecuting attorney in prosecutions under this act in~~
20 ~~the justice court, circuit court, or in any court to which the cause may be~~
21 ~~appealed.~~

22 ~~(c) No bond for costs shall be required in any of the courts of this~~
23 ~~state for prosecutions for violations of the provisions of this act.~~

24 ~~(d) In all such prosecutions in the justice courts of this state, the~~
25 ~~State of Arkansas shall have the same right of appeal to the circuit courts of~~
26 ~~this state and upon the same terms as the defendant now has under the law in~~
27 ~~misdemeanor cases, and, when so appealed, such cases shall be tried de novo in~~
28 ~~the circuit court.~~

29
30 SECTION 10. Arkansas Code 15-41-205 is repealed:

31 ~~15-41-205. Officer's failure to arrest.~~

32 ~~Any peace officer or warden who fails or refuses to arrest and bring~~
33 ~~before a court of competent jurisdiction for trial any person known by him to~~
34 ~~have violated any provision of the laws of this state looking to the~~
35 ~~protection of game, fish, fur-bearing animals, fresh water mussels, and other~~
36 ~~wildlife, or where authentic reports are made to him of such violations, shall~~

1 ~~be deemed guilty of a misdemeanor and on conviction fined in any sum not less~~
2 ~~than one hundred dollars (\$100) and shall be removed or suspended from office~~
3 ~~as now provided by law.~~

4
5 SECTION 11. Arkansas Code 15-41-206 is repealed:

6 ~~15-41-206. Confiscation of game and fish.~~

7 ~~(a) It shall be the duty of the game wardens herein provided for to~~
8 ~~confiscate all unlawful shipments of game and fish and all game and fish~~
9 ~~unlawfully caught or killed in this state and use the same for charitable~~
10 ~~purposes.~~

11 ~~(b) Any warden failing to comply with the provisions of this section~~
12 ~~shall be summarily dismissed.~~

13
14 SECTION 12. Arkansas Code 15-41-207 is repealed:

15 ~~15-41-207. Sale of confiscated game and fish.~~

16 ~~(a) Any game, fish, fresh water mussel shells, fur-bearing animals or~~
17 ~~the pelts thereof confiscated under the laws of this state enacted for the~~
18 ~~protection of game, fish, fur-bearing animals, fresh water mussels, and other~~
19 ~~wildlife shall be by the confiscating officer disposed of to the best~~
20 ~~advantage and the proceeds therefrom paid into the Game Protection Fund.~~
21 ~~However, fur-bearing animals confiscated shall be liberated in the community~~
22 ~~where confiscated.~~

23 ~~(b) Pelts confiscated during the closed season shall be held until the~~
24 ~~open season unless conditions demand immediate sale, and confiscated game or~~
25 ~~fish, the sale of which is prohibited by law, shall be by the confiscating~~
26 ~~officer donated to some charitable organization or institution.~~

27
28 SECTION 13. Arkansas Code 15-41-208 is repealed:

29 ~~15-41-208. Seizure and disposal of equipment.~~

30 ~~(a) All guns, tackle, nets, boats, motors of every kind whatsoever, and~~
31 ~~equipment that are being used in willful violation by any persons taking,~~
32 ~~transporting, or selling game birds, game or fur-bearing animals, or fish, are~~
33 ~~declared to be contraband goods and the title to them forfeited to the state.~~
34 ~~It shall be the duty of the Arkansas State Game and Fish Commission or its~~
35 ~~authorized agents to seize the items deemed contraband.~~

36 ~~(b) The commission or agent making an arrest for the violation and~~

1 ~~seizure of the property in pursuance of the arrest shall deliver the seized~~
2 ~~goods to the court, or clerk of the court, in which the offender shall be~~
3 ~~tried.~~

4 ~~_____ (c) The offender shall have the right to the possession of the~~
5 ~~contraband goods, except articles as are now expressly prohibited to be used~~
6 ~~in the taking of game birds, game or fur-bearing animals, or fish in the State~~
7 ~~of Arkansas, upon the filing with the court or clerk thereof a good and~~
8 ~~sufficient bond to be executed by the offender as principal and by at least~~
9 ~~two (2) owners of real estate as surety. The amount of this bond is to be~~
10 ~~fixed and approved by the judge of the court.~~

11 ~~_____ (d) The offender shall be entitled to the possession of the contraband~~
12 ~~property pending his conviction or acquittal.~~

13 ~~_____ (e) Upon final hearing of the case, should the defendant be acquitted,~~
14 ~~he shall then be entitled to the property so seized, and the court shall issue~~
15 ~~an order dissolving his bond. However, if the defendant should be convicted,~~
16 ~~it shall be the duty of the court to issue an order directing the sheriff of~~
17 ~~the county to sell the property seized, within twenty (20) days from the date~~
18 ~~of judgment, at public auction to the highest bidder.~~

19 ~~_____ (f) The sheriff shall advertise such goods for sale for a period of two~~
20 ~~(2) weeks prior to the date of sale by at least one (1) insertion per week in~~
21 ~~some newspaper having a bona fide circulation in the county.~~

22 ~~_____ (g) Such notice shall include a brief description of the property to be~~
23 ~~sold and the time, place, and terms of sale.~~

24 ~~_____ (h) The proceeds of the sale of seized property shall be deposited with~~
25 ~~the State Treasurer after deducting the cost of the advertisement, and the~~
26 ~~treasurer shall credit these amounts to the Game Protection Fund.~~

27 ~~_____ (i) After the sheriff has made the sale provided for above and has~~
28 ~~turned over the proceeds of the sale to the State Treasurer, he shall report~~
29 ~~his actions to the court in which the defendant was tried, the report to be~~
30 ~~filed with the court within sixty (60) days from the date of judgment.~~

31
32 SECTION 14. Arkansas Code 15-41-210 is repealed:

33 ~~_____ 15-41-210. Consequences of unpaid fines and costs.~~

34
35 ~~_____ In all convictions for violations of the provisions of this act where~~
36 ~~the fine and costs are not paid, the person convicted shall be dealt with in~~

1 ~~the same manner as persons convicted of violations of any other criminal law~~
2 ~~of this state.~~

3
4 SECTION 15. Arkansas Code 15-41-211 is repealed:

5 ~~15-41-211. Penalty for violations not specifically named in 1917 law.~~
6 ~~Any violations of this act, when not otherwise provided herein, shall be~~
7 ~~a misdemeanor and shall be punished by fine in any sum not less than five~~
8 ~~dollars (\$5.00) nor more than three hundred dollars (\$300).~~

9
10 SECTION 16. Arkansas Code 15-42-102 is repealed:

11 ~~15-42-102. Disclosures relating to violations.~~
12 ~~(a) Each person licensed under the provisions of 15-42-104 and 15-42-~~
13 ~~110, upon request of any game warden, member of the commission, constable, or~~
14 ~~sheriff, shall disclose all information or knowledge he may have relating to~~
15 ~~violations of game and fish laws.~~
16 ~~(b) Any person licensed, as provided in 15-42-104 and 15-42-110, who~~
17 ~~fails or refuses to comply with subsection (a) of this section shall, in~~
18 ~~addition to the penalty otherwise provided, forfeit his license. He shall not~~
19 ~~be allowed to hunt or fish for a period of one (1) year thereafter.~~

20
21 SECTION 17. Arkansas Code 15-42-103 is repealed:

22 ~~15-42-103. Effect of license during closed season.~~
23 ~~No license issued under the provisions of this chapter shall authorize~~
24 ~~the holder of the license to kill, take, or catch any game, fish, or fur-~~
25 ~~bearing animal during the closed seasons named herein, or in violation of any~~
26 ~~provision of this chapter.~~

27
28 SECTION 18. Arkansas Code 15-42-109 is repealed:

29 ~~15-42-109. Resident hunting licenses - Requirement.~~
30 ~~(a) It shall be unlawful for any resident of this state who is sixteen~~
31 ~~(16) or more years of age to hunt in this state without first procuring an~~
32 ~~annual license to do so, provided resident persons of any age shall be~~
33 ~~authorized to hunt and take rabbits, squirrels, and predatory animals without~~
34 ~~the necessity of procuring a license. Persons who have resided in Arkansas for~~
35 ~~a continuous period of six (6) months prior to applying for a license and who~~
36 ~~declare their intentions of becoming a citizen of the state shall be~~

1 ~~classified as residents for the purpose of this chapter, while all others are~~
2 ~~nonresidents.~~

3 ~~_____ (b) Any person violating the provisions of subsection (a) of this~~
4 ~~section shall be guilty of a misdemeanor and on conviction shall be fined in~~
5 ~~any sum not less than twenty-five dollars (\$25.00) nor more than two hundred~~
6 ~~dollars (\$200).~~

7
8 SECTION 19. Arkansas Code 15-42-111 is repealed:

9 ~~_____ 15-42-111. Nonresident hunting license - Fee.~~

10 ~~_____ (a) The annual nonresident license fee for nonresident persons of any~~
11 ~~age who hunt any species of game bird, game, or fur-bearing animal except~~
12 ~~deer, bear, elk, or turkey shall be fifteen dollars (\$15.00). The annual~~
13 ~~nonresident license fee for nonresident persons of any age who hunt any~~
14 ~~species of game bird, game, or fur-bearing animal, including deer, bear, elk,~~
15 ~~or turkey, shall be twenty-five dollars (\$25.00).~~

16 ~~_____ (b) Any person violating the provisions of subsection (a) of this~~
17 ~~section shall be guilty of a misdemeanor and on conviction shall be fined in~~
18 ~~any sum not less than fifty dollars (\$50.00) nor more than two hundred fifty~~
19 ~~dollars (\$250).~~

20
21 SECTION 20. Arkansas Code 15-42-112 is repealed:

22 ~~_____ 15-42-112. Club licenses.~~

23 ~~_____ (a)(1) Any person, firm, corporation, club, association, or organization~~
24 ~~who owns, leases, rents, or controls any tract of land or body of water and~~
25 ~~who operates that land or water as a hunting or fishing place and charges fees~~
26 ~~either for daily permits or for memberships for privileges to hunt or fish~~
27 ~~thereon in this state shall first procure a license to do so.~~

28 ~~_____ (2) The license shall be prepared in suitable form by the Arkansas State~~
29 ~~Game and Fish Commission.~~

30 ~~_____ (3) The fee for the club license shall be fixed by the commission, after~~
31 ~~thorough investigation. It shall be not less than ten dollars (\$10.00) nor~~
32 ~~more than fifty dollars (\$50.00), specific amounts to be based on revenues~~
33 ~~received from daily permit charges or membership fees collected by applicant~~
34 ~~for license during the year prior to the date of application.~~

35 ~~_____ (4) The books, records, and premises of the hunting or fishing places~~
36 ~~shall be subject to inspection by any authorized representative of the~~

1 ~~commission at any reasonable time.~~

2 ~~—— (5) The commission shall be authorized to revoke the license or refuse~~
3 ~~to issue the license to aforesaid operators if, after thorough investigation,~~
4 ~~the commission finds that aforesaid operators aid, assist, or knowingly allow~~
5 ~~any person to violate any of the statutes of this state enacted in the~~
6 ~~interest of protecting, conserving, or increasing any of the wildlife~~
7 ~~resources of this state.~~

8 ~~—— (b) Any person who violates the provisions of subsection (a) of this~~
9 ~~section shall upon conviction be fined any sum not less than two hundred fifty~~
10 ~~dollars (\$250) nor more than five hundred dollars (\$500). In the case of~~
11 ~~violation of this section by a firm, corporation, club, association, or~~
12 ~~organization, the agent or representative of that firm, corporation, club,~~
13 ~~association, or organization who is the executive officer in charge of~~
14 ~~operations of aforesaid hunting or fishing places shall be subject to the fine~~
15 ~~as representatives of the organization under the provisions of this section.~~

16
17 SECTION 21. Arkansas Code 15-42-113 is repealed:

18 ~~—— 15-42-113. Fishing and hunting guides' licenses.~~

19 ~~—— (a)(1) Any person who shall engage in the business of guiding for~~
20 ~~hunting and fishing parties in this state shall first procure an annual~~
21 ~~license to do so.~~

22 ~~—— (2) The license shall be in the form approved by the Arkansas State Game~~
23 ~~and Fish Commission, shall expire one (1) year from date of issuance, and~~
24 ~~shall be issued only to persons who are qualified as provided in this~~
25 ~~subchapter.~~

26 ~~—— (3) The annual fee for guiding hunting and fishing parties shall be ten~~
27 ~~dollars (\$10.00), and the annual fee for guiding fishing parties shall be five~~
28 ~~dollars (\$5.00).~~

29 ~~—— (4) Any person who is of good moral character shall be entitled to a~~
30 ~~guide's license; the application of any person for the license shall be~~
31 ~~verified by the applicant and shall state his race, age, and place of~~
32 ~~residence.~~

33 ~~—— (b) Any person violating any provision of subsection (a) of this section~~
34 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be fined in~~
35 ~~any sum not less than twenty-five dollars (\$25.00). Any person who through any~~
36 ~~false statement procures or assists in the procuring of any guide's license~~

1 ~~shall be guilty of a misdemeanor and upon conviction shall be fined in any sum~~
2 ~~not less than two hundred dollars (\$200). Provided, the provisions of~~
3 ~~subsection (a) of this section shall not apply to cooks accompanying hunting~~
4 ~~parties who do not assist in taking game.~~

5
6 SECTION 22. Arkansas Code 15-42-114 is repealed:

7 ~~15-42-114. Application for licenses.~~

8 ~~(a) All persons required by the laws of this state to have hunting,~~
9 ~~trapping, fishing, or any other license authorized by statute for issuance by~~
10 ~~the Arkansas State Game and Fish Commission shall apply for the license by~~
11 ~~making written application on an application form prepared by the commission~~
12 ~~for those purposes and supplied by the commission at no charge to all persons~~
13 ~~who desire to apply for licenses.~~

14 ~~(b) Application forms shall clearly set out the description of the~~
15 ~~person applying for license by stating the age, sex, race, weight, color of~~
16 ~~hair and eyes, complexion and any and all marks, scars, or physical~~
17 ~~peculiarities, and the exact place of residence of the applicant.~~

18 ~~(c) The application for any kind of license authorized for issuance by~~
19 ~~the commission shall be subscribed and sworn to by the applicant before an~~
20 ~~officer authorized to administer oaths in this state. For this purpose, the~~
21 ~~members of the Arkansas State Game and Fish Commission, the secretary of the~~
22 ~~commission, any and all employees of the commission, circuit clerks, and all~~
23 ~~bonded hunting or fishing license agents or their employees are authorized to~~
24 ~~administer the oaths. No charge shall be made by any officer employed by the~~
25 ~~Arkansas State Game and Fish Commission, circuit clerks, or bonded hunting or~~
26 ~~fishing license agents or their employees for the administration of the oaths.~~

27 ~~(d) Any person who swears or affirms any false answers in the license~~
28 ~~application is guilty of a perjury and shall be fined not less than one~~
29 ~~hundred dollars (\$100) nor more than five hundred dollars (\$500).~~

30
31 SECTION 23. Arkansas Code 15-42-115 is repealed:

32 ~~15-42-115. Issuance of licenses.~~

33 ~~(a) The Arkansas State Game and Fish Commission is authorized to provide~~
34 ~~for the issuing of licenses required by statute through public officials,~~
35 ~~individuals, or concerns and to allow a reasonable and uniform fee to be~~
36 ~~deducted from the price of the license for such service.~~

1 ~~_____ (b) The commission is authorized to issue reasonable rules governing the~~
2 ~~sale of all licenses.~~

3
4 SECTION 24. Arkansas Code 15-42-116 is repealed:

5 ~~_____ 15-42-116. Hunting and fishing licenses - Form.~~

6 ~~_____ The license to hunt or fish in this state shall be upon a form provided~~
7 ~~by the Arkansas State Game and Fish Commission, and the holder of a license~~
8 ~~shall comply with all reasonable rules and regulations of the commission~~
9 ~~relative to its issuance and enjoyment.~~

10
11 SECTION 25. Arkansas Code 15-42-117 is repealed:

12 ~~_____ 15-42-117. Display of hunting or fishing license.~~

13 ~~_____ (a) All persons required by the laws of this state to have fishing or~~
14 ~~hunting licenses, whether resident or nonresident, are required to have~~
15 ~~evidence of their license to hunt or fish plainly exhibited upon their person,~~
16 ~~and so carried or worn that the evidence may be seen at all times while they~~
17 ~~are fishing or hunting. The Arkansas State Game and Fish Commission shall~~
18 ~~furnish the licensee at the time a license is issued a suitable identification~~
19 ~~card, button, or tag which the licensee shall exhibit.~~

20 ~~_____ (b) Any person violating the provisions of subsection (a) of this~~
21 ~~section shall be guilty of a misdemeanor and on conviction shall be fined in~~
22 ~~any sum not less than ten dollars (\$10.00) nor more than two hundred dollars~~
23 ~~(\$200). However, any person to whom a license has been issued, who shall fail~~
24 ~~or refuse to exhibit the evidence thereof as herein provided, shall be fined~~
25 ~~in the sum of one dollar (\$1.00).~~

26
27 SECTION 26. Arkansas Code 15-42-118 is repealed:

28 ~~_____ 15-42-118. Hunting license - Signature.~~

29 ~~_____ (a) Before exercising the privileges granted by a resident or~~
30 ~~nonresident hunting license, the holder of the license shall sign the license~~
31 ~~in ink on the line provided for the signature of the holder, which signature~~
32 ~~shall be the true signature of the person to whom the license was issued.~~

33 ~~_____ (b) Any person violating the provisions of this section by failing or~~
34 ~~refusing to sign the license or wrongfully signing the license shall forfeit~~
35 ~~the license and be guilty of misdemeanor and upon conviction be fined in any~~
36 ~~sum not less than ten dollars (\$10.00) nor more than two hundred dollars~~

1 ~~(\$200). A second offense shall be finable in any sum not less than one hundred~~
2 ~~dollars (\$100).~~

3
4 SECTION 27. Arkansas Code 15-42-119 is repealed:

5 ~~15-42-119. Prohibition on license alterations.~~

6 ~~The counterfeiting or altering or attempting to counterfeit, change, or~~
7 ~~alter any license, permit, tag, or stamp issued under the laws of this state~~
8 ~~by the commission and the collection of funds for any license, permit, tag, or~~
9 ~~stamp by persons unauthorized by the Arkansas State Game and Fish Commission~~
10 ~~shall be deemed a misdemeanor. Any person convicted of such violation, unless~~
11 ~~otherwise specifically fixed by statute, shall be subject to a fine in any~~
12 ~~amount not less than fifty dollars (\$50.00).~~

13
14 SECTION 28. Arkansas Code 15-42-120 is repealed:

15 ~~15-42-120. Expiration dates of certain licenses.~~

16 ~~(a) All trapping and hunting licenses shall expire on the June 30~~
17 ~~following their issuance.~~

18 ~~(b) All licenses to fish with artificial bait shall expire on the~~
19 ~~December 31 following their issuance.~~

20
21 SECTION 29. Arkansas Code 15-42-121 is repealed:

22 ~~15-42-121. Persons ineligible for hunting licenses - Investigation and~~
23 ~~prosecution.~~

24 ~~(a) No person shall be licensed to hunt who:~~

25 ~~(1) Has been twice convicted of violations of this section;~~

26 ~~(2) Is an habitual drunkard; or~~

27 ~~(3) Has been convicted of grand larceny.~~

28 ~~(b)(1) It is made the duty of the prosecuting attorneys throughout the~~
29 ~~state to file information against any and all persons violating any of the~~
30 ~~provisions of this section.~~

31 ~~(2) The prosecuting attorney shall be allowed for each conviction or~~
32 ~~plea of guilty to violation of this section in the justice of the peace courts~~
33 ~~a fee of twenty-five dollars (\$25.00), to be taxed as costs in each case. If,~~
34 ~~upon appeal from any justice of the peace court to the circuit court, the~~
35 ~~conviction is sustained, the prosecuting attorney shall receive an additional~~
36 ~~fee of ten dollars (\$10.00), which shall be taxed as costs in the case.~~

1 ~~_____ (3) The prosecuting attorney shall receive upon all pleas of guilty and~~
2 ~~convictions for violations of this section upon indictment a fee of twenty-~~
3 ~~five dollars (\$25.00) to be taxed as costs.~~

4 ~~_____ (4) The prosecuting attorney of each judicial circuit shall make~~
5 ~~semiannual reports to the commission.~~

6 ~~_____ (5) The reports shall show the names of all persons prosecuted under~~
7 ~~this section, giving the names of all who have been convicted and those who~~
8 ~~have been acquitted and the names of all persons who are prosecuted whose~~
9 ~~cases have not been disposed of.~~

10 ~~_____ (6) If any prosecuting attorney fails to make the report herein provided~~
11 ~~for, after having been requested to do so by the commission, he shall forfeit~~
12 ~~and pay to the State of Arkansas the sum of one hundred dollars (\$100) for the~~
13 ~~use and benefit of the Game Protection Fund, to be recovered in a civil action~~
14 ~~at the instance of the commission.~~

15 ~~_____ (7) The foregoing report shall be made on October 30 and April 30 of~~
16 ~~each year and shall embrace all matters required in this section not covered~~
17 ~~by a former report up to the date of making the report. It shall be filed with~~
18 ~~the commission not later than fifteen (15) days thereafter.~~

19
20 SECTION 30. Arkansas Code 15-42-201 is repealed:

21 ~~_____ 15-42-201. Definitions.~~

22 ~~_____ As used in this subchapter, "a buyer or dealer in pelts of fur-bearing~~
23 ~~animals," such pelts hereafter referred to as "raw furs," means any person,~~
24 ~~firm, or corporation who buys, bargains, or trades for raw furs in this state~~
25 ~~for the purpose of selling, trading, or shipping. Buyers or dealers, hereafter~~
26 ~~referred to as "dealers," shall be classed as residents and nonresidents.~~

27 ~~_____ (1) "Resident dealer" means any person or concern that has resided in or~~
28 ~~had an established place of business in this state for a period of twelve (12)~~
29 ~~months immediately prior to applying for a license, or a domestic corporation~~
30 ~~organized not less than twelve (12) months immediately prior to applying for a~~
31 ~~license.~~

32 ~~_____ (2) All others are nonresidents.~~

33
34 SECTION 31. Arkansas Code 15-42-202 is repealed:

35 ~~_____ 15-42-202. Construction.~~

36 ~~_____ Nothing in this act is to be construed as affecting permits issued for~~

1 ~~the purpose of preventing the forcing of fur pelts on unfavorable markets now~~
2 ~~issued by the Arkansas State Game and Fish Commission as provided for by 15-~~
3 ~~42-210(a) and 15-43-231.~~

4
5 SECTION 32. Arkansas Code 15-42-203 is repealed:

6 ~~15-42-203. Penalty.~~

7 ~~Any person violating any provisions of this act shall be deemed guilty~~
8 ~~of a misdemeanor. Upon conviction, a resident dealer shall be fined in any sum~~
9 ~~not less than twenty-five dollars (\$25.00) nor more than one hundred dollars~~
10 ~~(\$100) and a nonresident dealer shall be fined in any sum not less than one~~
11 ~~hundred dollars (\$100) nor more than five hundred dollars (\$500). Each day~~
12 ~~that any person, firm, or corporation bargains for or buys raw furs shall~~
13 ~~constitute a separate offense.~~

14
15 SECTION 33. Arkansas Code 15-42-204 is repealed:

16 ~~15-42-204. Resident trapper's license.~~

17 ~~(a) It shall be unlawful for any resident person to take, with snare,~~
18 ~~traps, or dead-falls, any fur-bearing animals in this state where more than~~
19 ~~twelve (12) traps or dead-falls are used without first procuring an annual~~
20 ~~license 50 to do, for which the annual fee shall be twenty dollars (\$20.00).~~

21 ~~(b) Any person violating any provision of subsection (a) of this section~~
22 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be fined in~~
23 ~~any sum not less than ten dollars (\$10.00) nor more than two hundred dollars~~
24 ~~(\$200) for each offense.~~

25
26 SECTION 34. Arkansas Code 15-42-205 is repealed:

27 ~~15-42-205. Nonresident fur-taker's license.~~

28 ~~(a) Any nonresident who hunts or takes fur-bearing animals in this state~~
29 ~~for commercial purposes, or who sells or offers for sale the pelts of any fur-~~
30 ~~bearing animals so hunted or taken, shall pay an annual nonresident fur-~~
31 ~~taker's license so to do. The fee for such license shall be fifty dollars~~
32 ~~(\$50.00), and the license shall be in approved form and handled in like manner~~
33 ~~as hunting and fishing licenses.~~

34 ~~(b) Any person who violates any provisions of subsection (a) of this~~
35 ~~section by hunting or taking fur-bearing animals or selling or offering their~~
36 ~~pelts for sale without first procuring a license as provided in this~~

1 ~~subchapter shall be guilty of a misdemeanor and upon conviction shall be fined~~
2 ~~in any sum not less than one hundred dollars (\$100).~~

3
4 SECTION 35. Arkansas Code 15-42-206 is repealed:

5 ~~15-42-206. Dealer's license requirement - Fees.~~

6 ~~No person shall engage in such buying, selling, trading, or shipping of~~
7 ~~raw furs without first procuring an annual license as provided in this~~
8 ~~section.~~

9 ~~(1) The annual license for a resident fur dealer shall be five dollars~~
10 ~~(\$5.00). A separate annual license shall be required of each person~~
11 ~~representing a resident firm or corporation who buys, trades, bargains, or~~
12 ~~sells raw furs away from the established place of business of such firm or~~
13 ~~corporation.~~

14 ~~(2) The annual license fee for nonresident fur dealers shall be fifty~~
15 ~~dollars (\$50.00) for each person, firm, or corporation operating within this~~
16 ~~state. A separate annual license shall be required of each person representing~~
17 ~~any such firm or corporation.~~

18
19 SECTION 36. Arkansas Code 15-42-207 is repealed:

20 ~~15-42-207. Conditions for dealer's license.~~

21 ~~(a) Holders of a pelt dealer's license may only secure the license upon~~
22 ~~the express condition that the officials of the Arkansas State Game and Fish~~
23 ~~Commission shall have free and untrammelled access to inspect the supply of fur~~
24 ~~animals or their pelts in the possession of the licensee, during usual~~
25 ~~business hours.~~

26 ~~(b) All licenses must be signed by the holder of the license.~~

27 ~~(c) Holders of licenses must exhibit the license to any person~~
28 ~~authorized to enforce the game and fish laws, also to any person, firm, or~~
29 ~~corporation, United States postal authority, or agent, servant, or employee~~
30 ~~connected with transportation of the pelts.~~

31
32 SECTION 37. Arkansas Code 15-42-208 is repealed:

33 ~~15-42-208. Form and term of dealer's license.~~

34 ~~(a) The Arkansas State Game and Fish Commission is charged with the~~
35 ~~responsibility of issuing the licenses provided in 15-42-206 and enforcing the~~
36 ~~provisions of this act.~~

1 ~~_____ (b) Licenses shall expire June 30 after date of issuance and shall be in~~
2 ~~the form and substance as approved by the commission, and all revenues arising~~
3 ~~therefrom shall be paid into the Game Protection Fund.~~

4
5 SECTION 38. Arkansas Code 15-42-209 is repealed:

6 ~~_____ 15-42-209. Shipment of pelts - Licenses for fur dealers' agents,~~
7 ~~employees, etc.~~

8 ~~_____ (a) Shipments originating in Arkansas must be clearly and plainly marked~~
9 ~~with the name and address of the shipper, his license number, the date of~~
10 ~~shipment, and also the words "fur pelts." Shipment must be made only during~~
11 ~~the legal period for Arkansas fur pelts if the pelts are in undry, or "green,"~~
12 ~~condition. The person, firm, or corporation to whom the shipment is offered~~
13 ~~for transportation must sign his name, or the name of the firm or corporation~~
14 ~~he represents, upon the package offered for shipment before accepting~~
15 ~~shipments made from any point within Arkansas. Shipments may be sent to any~~
16 ~~place within or without the state. Nothing in this section shall be construed~~
17 ~~to prevent shipments into Arkansas of pelts legally obtained from without this~~
18 ~~state and consigned direct to a licensed dealer.~~

19 ~~_____ (b) Each and every member of any firm or corporation or any agent or~~
20 ~~employee, or any traveling representative of any firm or corporation as fur~~
21 ~~buyer or shipper, must be provided with a dealer's license in the same manner~~
22 ~~as an individual dealer or shipper is required to possess a license, but firms~~
23 ~~and corporations may secure one (1) or more licenses in the name of the firm~~
24 ~~or corporation which are valid when used by an employee, agent, or~~
25 ~~representative if in his personal possession at the time and place where~~
26 ~~demand is made to see the license.~~

27 ~~_____ (c) Any person violating any provision of subsections (a) and (b) of~~
28 ~~this section shall be deemed guilty of a misdemeanor. Upon conviction, a~~
29 ~~resident dealer shall be fined in any sum not less than twenty-five dollars~~
30 ~~(\$25.00) nor more than one hundred dollars (\$100), and a nonresident dealer~~
31 ~~shall be fined in any sum not less than one hundred dollars (\$100) nor more~~
32 ~~than five hundred dollars (\$500).~~

33
34 SECTION 39. Arkansas Code 15-42-210 is repealed:

35 ~~_____ 15-42-210. Dealer's permit to hold furs and pelts.~~

36 ~~_____ (a) Upon application of any dealer having an established place of~~

1 ~~business in this state who handles raw furs or the pelts of fur-bearing~~
2 ~~animals, the Arkansas State Game and Fish Commission shall issue to such~~
3 ~~dealer a permit authorizing the dealer to hold in his possession or sell or~~
4 ~~offer for sale Arkansas pelts after February 10 of each year, with this~~
5 ~~application to be made on or prior to February 10 and on or before February 12~~
6 ~~thereafter. The dealer shall file with the commission a verified inventory~~
7 ~~showing the number and kind of pelt held on February 10 and the location~~
8 ~~thereof. In the event that such pelts are sold to another dealer within this~~
9 ~~state or shipped to any points outside this state, such facts must be~~
10 ~~reported, in writing, to the commission. The purpose of this section is to~~
11 ~~prevent the forcing of Arkansas pelts on the market under unfavorable~~
12 ~~conditions and to provide a system for the supervised handling thereof.~~

13 ~~_____ (b) Any person violating the provisions of subsection (a) of this~~
14 ~~section shall be guilty of a misdemeanor and on conviction fined in any sum~~
15 ~~not less than twenty-five dollars (\$25.00) nor more than two hundred fifty~~
16 ~~dollars (\$250).~~

17
18 SECTION 40. Arkansas Code 15-42-301 is repealed:

19 ~~_____ 15-42-301. Dog licenses - Form.~~

20 ~~_____ (a) All licenses upon dogs shall be taken out in the name of the owner~~
21 ~~or in the name of any hunting club being the owner.~~

22 ~~_____ (b) All applications for license for dogs shall be made to the Arkansas~~
23 ~~State Game and Fish Commission provided for in this act or to the circuit~~
24 ~~clerk of any county in this state. The application shall contain the name and~~
25 ~~age of the dog, if known, whether male or female, and an accurate and detailed~~
26 ~~description of the animal. If the dog has previously been licensed in the name~~
27 ~~of a former owner, that fact shall be stated and the name of the former owner~~
28 ~~given. It shall give the residence of the owner and the place where the dog is~~
29 ~~kept.~~

30 ~~_____ (c) All licenses shall be numbered consecutively, beginning with number~~
31 ~~one (1), and with each license shall be delivered a metal tag bearing the~~
32 ~~initials of the commission, the year in figures when issued, and the number of~~
33 ~~the license. The tag shall be attached to a collar which shall be placed~~
34 ~~around the dog's neck before using such dog to hunt under the provisions of~~
35 ~~this act.~~

36

1 SECTION 41. Arkansas Code 15-42-302 is repealed:

2 ~~15-42-302. Bird dog licenses.~~

3 ~~(a) It shall be unlawful to hunt, pursue, chase, or take any deer, wild~~
4 ~~turkey, wild duck, quail, snipe, woodcock, or other wild fowl or game bird in~~
5 ~~this state with a dog without first procuring a license for each dog so used,~~
6 ~~for which license the sum of one dollar and fifty cents (\$1.50) shall be paid.~~
7 ~~The form of these licenses shall be that prescribed by 15-42-301.~~

8 ~~(b) Any person violating the provisions of subsection (a) of this~~
9 ~~section shall upon conviction be fined not less than ten dollars (\$10.00) nor~~
10 ~~more than two hundred dollars (\$200).~~

11

12 SECTION 42. Arkansas Code 15-43-106 is repealed:

13 ~~15-43-106. Lawful possession of game.~~

14 ~~(a) When any person kills any game bird or animal during the open season~~
15 ~~thereon, it shall be lawful to possess any game bird or animal:~~

16 ~~(1) During the open season;~~

17 ~~(2) During a period of ten (10) days immediately succeeding the open~~
18 ~~season;~~

19 ~~(3) For a thirty-day period following the close of the regular open~~
20 ~~season when the animal is properly placed in a recognized cold storage or~~
21 ~~freezing plant and is properly tagged, showing the owner's name, the date when~~
22 ~~stored, and the hunting license number of the owner.~~

23 ~~(b) Nothing herein shall be construed as authorizing the killing,~~
24 ~~taking, chasing, or hunting of any game bird or animal except during the open~~
25 ~~season provided on that game bird or animal.~~

26

27 SECTION 43. Arkansas Code 15-43-201 is repealed:

28 ~~15-43-201. Buck deer season - Camping.~~

29 ~~(a) It shall be unlawful for any person to, or attempt to, shoot, maim,~~
30 ~~wound, chase, take, or possess in this state any buck deer, except during the~~
31 ~~specified periods from the second Monday in November to the following Saturday~~
32 ~~and the second Monday in December to the following Saturday. Opening and~~
33 ~~closing day of each of these periods shall be included in the open period,~~
34 ~~each year.~~

35 ~~(b) It shall be unlawful for any person to establish camp for the~~
36 ~~purpose of hunting any buck deer more than forty-eight (48) hours prior to the~~

1 ~~beginning of the hunting periods as named in subsection (a) and they shall~~
2 ~~break camp within twenty-four (24) hours after the close of each period.~~

3 ~~_____ (c) Any person violating any of the provisions of subsections (a) or (b)~~
4 ~~of this section shall be guilty of a misdemeanor and on conviction fined in~~
5 ~~any sum not less than fifty dollars (\$50.00) and not more than three hundred~~
6 ~~dollars (\$300).~~

7
8 SECTION 44. Arkansas Code 15-43-202 is repealed:

9 ~~_____ 15-43-202. Legal bucks - Possession and transportation of carcasses.~~

10 ~~_____ (a) It shall be unlawful for any person to kill, shoot, maim, wound,~~
11 ~~chase, take, or possess in this state any buck deer that does not have antlers~~
12 ~~of a length greater than two and one-half inches (2 1/2").~~

13 ~~_____ (b) It shall also be unlawful for any person to possess or transport~~
14 ~~the carcass, or any considerable portion thereof, of any deer unless the deer~~
15 ~~has thereon the natural evidences of its sex sufficient to enable such sex to~~
16 ~~be readily determined.~~

17 ~~_____ (c) Any person violating the provisions of subsections (a) or (b) of~~
18 ~~this section shall be guilty of a misdemeanor and on conviction shall be fined~~
19 ~~in any sum not less than twenty-five dollars (\$25.00) nor more than two~~
20 ~~hundred dollars (\$200).~~

21
22 SECTION 45. Arkansas Code 15-43-203 is repealed:

23 ~~_____ 15-43-203. Bag limit on buck deer - Protection of doe deer.~~

24 ~~_____ (a) During the time or season when this act permits the killing,~~
25 ~~shooting, chasing, taking, or possessing of buck deer within the State of~~
26 ~~Arkansas, it shall be unlawful for any person to kill, take, or have in his~~
27 ~~possession during any one (1) season more than one (1) buck deer.~~

28 ~~_____ (b) It shall be unlawful to shoot at, kill, chase, maim, wound, or~~
29 ~~possess at any time any doe deer.~~

30 ~~_____ (c) Any person violating any of the provisions of subsections (a) or (b)~~
31 ~~of this section shall be guilty of a misdemeanor and on conviction fined in~~
32 ~~any sum not less than fifty dollars (\$50.00) and not more than three hundred~~
33 ~~dollars (\$300).~~

34
35 SECTION 46. Arkansas Code 15-43-207 is repealed:

36 ~~_____ 15-43-207. Dogs chasing deer in closed season.~~

1 ~~_____ (a) It shall be unlawful for any person owning or having in his~~
2 ~~possession any dog to knowingly permit or suffer the dog to pursue or run any~~
3 ~~deer in this state between January 15 and November 1, or at any other season~~
4 ~~of the year, unless accompanied by the owner of the dog or the person having~~
5 ~~the dog in possession.~~

6 ~~_____ (b) Any person violating the provisions of this section shall be guilty~~
7 ~~of a misdemeanor and fined not less than fifteen dollars (\$15.00) nor more~~
8 ~~than twenty-five dollars (\$25.00).~~

9
10
11 SECTION 47. Arkansas Code 15-43-208 is repealed:

12 ~~_____ 15-43-208. Turkey season - Camping - Prohibition on baiting.~~

13 ~~_____ (a) It shall be unlawful for any person to hunt, maim, wound, take, or~~
14 ~~possess in this state any wild turkey gobbler, except during the specified~~
15 ~~periods from April 1 to April 15, inclusive, of each year, when only turkey~~
16 ~~gobblers may be killed.~~

17 ~~_____ (b) Any person desiring to hunt wild turkey gobblers may establish camp~~
18 ~~not more than forty-eight (48) hours before the beginning of any hunting~~
19 ~~period as herein named and shall break camp within twenty-four (24) hours~~
20 ~~after the close of the hunting period.~~

21 ~~_____ (c) The practice of feeding or baiting for the purpose of luring wild~~
22 ~~turkeys and the construction of blinds to assist in hunting or taking wild~~
23 ~~turkeys is expressly prohibited.~~

24 ~~_____ (d) Any person violating any of the provisions of subsections (a), (b),~~
25 ~~or (c) of this section shall be guilty of a misdemeanor and on conviction~~
26 ~~fined in any sum not less than fifty dollars (\$50.00) and not more than three~~
27 ~~hundred dollars (\$300).~~

28
29 SECTION 48. Arkansas Code 15-43-209 is repealed:

30 ~~_____ 15-43-209. Bag limit on turkey gobblers.~~

31 ~~_____ (a) During the time or seasons when this act permits the killing,~~
32 ~~possessing, or taking of wild turkey gobblers in this state, it shall be~~
33 ~~unlawful for any person to kill, take, or have in possession during any one~~
34 ~~(1) season more than two (2) wild turkey gobblers.~~

35 ~~_____ (b) Any person violating the provisions of subsection (a) of this~~
36 ~~section shall be guilty of a misdemeanor and on conviction fined in any sum~~

1 ~~not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200).~~

3 SECTION 49. Arkansas Code 15-43-210 is repealed:

4 ~~15-43-210. Protection of hens.~~

5 ~~(a) It shall be unlawful to hunt, shoot, wound, kill, or possess in this~~
6 ~~state, at any time, a wild turkey hen.~~

7 ~~(b) Any person violating any of the provisions of subsection (a) of this~~
8 ~~section shall be guilty of a misdemeanor and on conviction fined in any sum~~
9 ~~not less than one hundred dollars (\$100) nor more than three hundred dollars~~
10 ~~(\$300).~~

12 SECTION 50. Arkansas Code 15-43-211 is repealed:

13 ~~15-43-211. Reward for information.~~

14 ~~Upon the conviction of any person for violation of the terms of 15-43-~~
15 ~~208 - 15-43-210, the officer collecting the fine is authorized to pay to the~~
16 ~~party furnishing the information responsible for the conviction under these~~
17 ~~sections the sum of twenty-five dollars (\$25.00) out of each fine collected.~~

19 SECTION 51. Arkansas Code 15-43-212 is repealed:

20 ~~15-43-212. Legal turkeys - Possession and transportation of carcasses.~~

21 ~~(a) It shall also be unlawful for any person to possess or transport the~~
22 ~~carcass, or any considerable portion thereof, of any wild turkey unless the~~
23 ~~wild turkey has thereon the natural evidences of its sex sufficient to enable~~
24 ~~the sex to be readily determined.~~

25 ~~(b) Any person violating the provisions of subsection (a) of this~~
26 ~~section shall be guilty of a misdemeanor and upon conviction shall be fined in~~
27 ~~any sum not less than twenty-five dollars (\$25.00) nor more than two hundred~~
28 ~~dollars (\$200).~~

30 SECTION 52. Arkansas Code 15-43-213 is repealed:

31 ~~15-43-213. Bow and arrow season generally.~~

32 ~~(a) It is the intent of this act to create a special season for taking~~
33 ~~buck deer and turkey gobblers by means of bow and arrow, consisting of the~~
34 ~~seven-day period beginning two (2) weeks preceding the regular open season on~~
35 ~~such game. During this open season sportsmen and hunters shall use the bow and~~
36 ~~arrow exclusively in hunting, killing, shooting, catching, or otherwise taking~~

1 ~~any buck deer or turkey gobbler in this state.~~

2 ~~_____ (b) The use of dogs in hunting, chasing, or disturbing deer during the~~
3 ~~special bow and arrow period is expressly prohibited.~~

4
5 SECTION 53. Arkansas Code 15-43-214 is repealed:

6 ~~_____ 15-43-214. Bow and arrow season - Use of hunting license and special~~
7 ~~tags.~~

8 ~~_____ (a) Any person qualified to hunt, kill, shoot, catch, or otherwise take~~
9 ~~any buck deer or wild turkey gobbler in this state by and with the use of~~
10 ~~firearms shall:~~

11 ~~_____ (1) By virtue of the hunting license, be likewise authorized to hunt,~~
12 ~~kill, shoot, catch, or otherwise take the aforesaid game in this state by or~~
13 ~~with the use of a bow and arrow. Licensees desiring to hunt such game by or~~
14 ~~with the exclusive use of bow and arrow are annually granted the privilege of~~
15 ~~doing so for a period of seven (7) days beginning two (2) weeks in advance of~~
16 ~~the regular firearm season, that is now or may hereafter be provided by law~~
17 ~~relating to such game; and~~

18 ~~_____ (2) In addition thereto, shall be authorized by license to hunt, kill,~~
19 ~~shoot, catch, or otherwise take any buck deer or turkey gobbler during the~~
20 ~~regular open season for firearms.~~

21 ~~_____ (b) However, if any person shall take one (1) buck deer or two (2)~~
22 ~~turkey gobblers in the special bow and arrow open season, he shall not be~~
23 ~~authorized to take or attempt to take additional deer or turkey by any means~~
24 ~~whatsoever until the next annual open season.~~

25 ~~_____ (c) It shall be unlawful for any person authorized to hunt deer or~~
26 ~~turkey in this state by bow and arrow to have in his possession or in his~~
27 ~~automobile or other means of conveyance any firearms of any kind during the~~
28 ~~designated open season for bow and arrow, while actually hunting aforesaid~~
29 ~~game with bow and arrow.~~

30 ~~_____ (d) All persons who take or attempt to take aforesaid game by means of~~
31 ~~bow and arrow within the special open season herein provided for exclusive use~~
32 ~~of bow and arrow shall first obtain from the Arkansas State Game and Fish~~
33 ~~Commission a tag that shall be immediately fixed, at the place where taken, to~~
34 ~~any game so taken. The tags shall be of a form and substance approved by the~~
35 ~~commission, and shall constitute a sworn statement that the game to which the~~
36 ~~tags are attached was taken by means of bow and arrow. Tags shall be furnished~~

1 ~~by the commission upon application at no cost to the licensee. Possession of~~
2 ~~any game within this special open season to which a tag has not been affixed~~
3 ~~shall be deemed a misdemeanor, and persons found guilty thereof shall be fined~~
4 ~~in any amount fixed by law for illegal possession of the game.~~

5
6 SECTION 54. Arkansas Code 15-43-215 is repealed:

7 ~~15-43-215. Bow and arrow season - Camping.~~

8 ~~It shall be unlawful for any person to establish and move into camp for~~
9 ~~the purpose of hunting any buck deer or turkey more than forty-eight (48)~~
10 ~~hours prior to the beginning of the special bow and arrow period herein named.~~
11 ~~And they shall break camp within twenty-four (24) hours after the closing of~~
12 ~~the bow and arrow period.~~

13
14 SECTION 55. Arkansas Code 15-43-216 is repealed:

15 ~~15-43-216. Bow and arrow specifications.~~

16 ~~The blade of all arrows used for hunting deer and turkey, as provided~~
17 ~~under this act must have a minimum width of seven-eighths of one inch (7/8"),~~
18 ~~and the weight or pull of any bow used for hunting deer or turkey shall not be~~
19 ~~less than forty pounds (40 lbs.).~~

20
21 SECTION 56. Arkansas Code 15-43-217 is repealed:

22 ~~15-43-217. Beaver, otter, bear, elk, buffalo - Prairie chickens,~~
23 ~~pheasants, Hungarian or chukar partridges, etc.~~

24 ~~(a)(1) The season for taking, killing, and possessing beaver, otter,~~
25 ~~bear, elk, and buffalo shall be the same as is provided by law for taking~~
26 ~~deer.~~

27 ~~(2) The season for taking, killing, or possessing prairie chickens,~~
28 ~~pheasants, Hungarian partridges, chukar partridges, or any other introduced~~
29 ~~game bird shall be December 1 to December 15, both days inclusive, of each~~
30 ~~year.~~

31 ~~(3) During open season, a person may take only:~~

32 ~~(A) One (1) bear, two (2) beaver, one (1) otter, one (1) elk, and one~~

33 ~~(1) buffalo each year; and~~

34 ~~(B) Three (3) prairie chickens, pheasants, Hungarian partridges,~~
35 ~~chukar partridges, or any other introduced game bird each day;~~

36 ~~(b) Any person violating any provision of subsection (a) of this section~~

1 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be fined in~~
2 ~~any sum not less than twenty-five dollars (\$25.00).~~

3
4 SECTION 57. Arkansas Code 15-43-218 is repealed:

5 ~~15-43-218. Quail season - Dog training - Field trial permit.~~

6 ~~(a) It shall be unlawful for any person to hunt, chase, shoot, wound,~~
7 ~~kill, or possess in this state any quail, partridge, or bob-white quail except~~
8 ~~from December 1 to January 31, both dates inclusive, of the following year.~~

9 ~~(b) However, bird dogs may be taken into the field without a gun, for~~
10 ~~the purpose of training them, forty-five (45) days prior to the opening of the~~
11 ~~bird season.~~

12 ~~(c) The Arkansas State Game and Fish Commission may issue a special~~
13 ~~permit permitting the running of field trial events, where no birds are shot,~~
14 ~~in this state except during the breeding season on bob-white quail.~~

15 ~~(d) The commission may also issue a permit permitting reputable~~
16 ~~professional bird dog handlers to train dogs in this state and may charge a~~
17 ~~reasonable fee for the permit. In no event shall the commission issue a permit~~
18 ~~authorizing the shooting or killing of bob-white quail out of season.~~

19 ~~(e) Any person violating the provisions of subsections (a), (b), (c), or~~
20 ~~(d) of this section shall be guilty of a misdemeanor and on conviction fined~~
21 ~~in any sum not less than twenty-five dollars (\$25.00) nor more than five~~
22 ~~hundred dollars (\$500). Any person violating the terms of any permit issued by~~
23 ~~the commission, under the provisions of this section, shall be fined in any~~
24 ~~sum not less than twenty-five dollars (\$25.00), and the commission shall~~
25 ~~cancel the permit.~~

26
27 SECTION 58. Arkansas Code 15-43-219 is repealed:

28 ~~15-43-219. Bag and possession limits on quail.~~

29 ~~(a) It shall also be unlawful for any person to kill, take, or possess~~
30 ~~in any one (1) day more than twelve (12) quail or bob-white quail.~~

31 ~~(b) Two (2) days' kill of quail may be possessed, except while in the~~
32 ~~field hunting or while returning from a hunt of one (1) day's duration.~~

33 ~~(c) Any person violating the provisions of subsections (a) and (b) of~~
34 ~~this section shall be guilty of a misdemeanor and upon conviction fined in any~~
35 ~~sum not less than ten dollars (\$10.00) nor more than two hundred dollars~~
36 ~~(\$200).~~

1 _____
2 SECTION 59. Arkansas Code 15-43-220 is repealed:

3 ~~15-43-220. Geese, ducks, brant, coot, gallinule, Wilson snipe, or jack~~
4 ~~snipe.~~

5 ~~(a) It shall be unlawful for any person to hunt, chase, shoot, wound,~~
6 ~~kill, or possess in this state:~~

7 ~~(1) Any wild goose, wild duck, brant, coot, gallinule, Wilson snipe, or~~
8 ~~jack snipe except from November 1 to January 31, both dates inclusive, of the~~
9 ~~following year;~~

10 ~~(2) Any rail except from September 1 to November 30, both dates~~
11 ~~inclusive, of the same year;~~

12 ~~(3) Any black-bellied and golden plover and greater and lesser yellow-~~
13 ~~legs except from September 1 to December 15, both dates inclusive, of the same~~
14 ~~year;~~

15 ~~(4) Any woodcock except from November 1 to December 31, both dates~~
16 ~~inclusive, of the same year;~~

17 ~~(5) Any mourning or turtle dove except from September 1 to December 15,~~
18 ~~both dates inclusive, of the same year.~~

19 ~~(b) Any person violating any provision of this section shall be guilty~~
20 ~~of a misdemeanor and upon conviction fined in any sum not less than twenty-~~
21 ~~five dollars (\$25.00) nor more than two hundred dollars (\$200).~~

22
23 SECTION 60. Arkansas Code 15-43-221 is repealed:

24 ~~15-43-221. Bag limits on certain birds.~~

25 ~~(a) It is unlawful for any person to kill, take, or possess in any one~~
26 ~~(1) day more than six (6) woodcocks, twenty-five (25) doves, fifteen (15) in~~
27 ~~the aggregate of rails, coot and gallinule, fifteen (15) ducks, eight (8)~~
28 ~~geese, eight (8) brant, fifteen (15) in the aggregate of black-bellied and~~
29 ~~golden plover and greater and lesser yellow-legs, and twelve (12) Wilson snipe~~
30 ~~or jack snipe, provided two (2) days' kill of ducks may be possessed, except~~
31 ~~while in the field hunting or while returning from a hunt of one (1) day's~~
32 ~~duration.~~

33 ~~(b) Any person violating the provisions of this section shall be guilty~~
34 ~~of a misdemeanor and upon conviction fined in any sum not less than ten~~
35 ~~dollars (\$10.00) nor more than two hundred dollars (\$200).~~

SECTION 61. Arkansas Code 15-43-222 is repealed:

~~15-43-222. Decoys.~~

~~(a) It shall be unlawful for any person or party of persons to use or display more than twelve (12) live, dead, or artificial duck decoys at any one (1) stand, blind, or shooting place in this state.~~

~~(b) Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars (\$25.00).~~

~~(c) This section shall be cumulative to existing statutes.~~

SECTION 62. Arkansas Code 15-43-223 is repealed:

~~15-43-223. Wild turkey, etc. - Legal guns.~~

~~(a) It shall be unlawful for any person to take, or attempt to take, any wild turkey or other species of game birds in the State of Arkansas with or by means of any automatic-loading or hand-operated repeating shotgun which was originally designed to hold more than three (3) shells unless the magazine of the shotgun has been plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof.~~

~~(b) Any person who violates any of the provisions of subsection (a) of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100).~~

SECTION 63. Arkansas Code 15-43-224 is repealed:

~~15-43-224. Quail, etc. - Legal guns.~~

~~(a) It shall be unlawful for any person to take, or attempt to take, any quail or other specie of game birds in the State of Arkansas, with or by means of any automatic loading or hand-operated repeating shotgun which is capable of holding more than three (3) shells. However, it shall be lawful to take, or attempt to take, such game birds with or by means of an automatic-loading or hand-operated repeating shotgun which was originally designed to hold more than three (3) shells after the magazine of such shotgun has been plugged with a one (1) piece metal or wooden filler incapable of removal through the loading end thereof.~~

~~(b) Any person who violates any of the provisions of subsection (a) of this section shall be deemed guilty of a misdemeanor and upon conviction shall~~

1 ~~be fined in any sum not less than twenty-five dollars (\$25.00) nor more than~~
2 ~~one hundred dollars (\$100).~~

3
4 SECTION 64. Arkansas Code 15-43-225 is repealed:

5 ~~15-43-225. Migratory birds - Prohibition on guides carrying guns.~~

6 ~~(a) It shall be unlawful for any guide who accompanies any person~~
7 ~~hunting migratory birds to carry a gun or for any person accompanied by any~~
8 ~~guide to carry an extra gun. If any guide shall kill any migratory birds with~~
9 ~~the person's gun whom he accompanies, such birds shall count on the bag limit~~
10 ~~of the person accompanied.~~

11 ~~(b) Any person violating any provision of subsection (a) of this section~~
12 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be fined in~~
13 ~~any sum not less than fifty dollars (\$50.00).~~

14
15 SECTION 65. Arkansas Code 15-43-226 is repealed:

16 ~~15-43-226. Migratory birds - Baiting.~~

17 ~~(a) It shall be unlawful for any person, firm, organization, or~~
18 ~~corporation who operates a hunting camp, hunting club, hunting lodge, club~~
19 ~~boat, or other place where migratory birds are shot, to place therein food of~~
20 ~~any kind for attracting ducks or other migratory birds to shooting places or~~
21 ~~to do what is commonly known as "baiting."~~

22 ~~(b) Any person violating any provision of this section shall be deemed~~
23 ~~guilty of a misdemeanor and upon conviction shall be fined in any sum not less~~
24 ~~than fifty dollars (\$50.00).~~

25
26 SECTION 66. Arkansas Code 15-43-227 is repealed:

27 ~~15-43-227. Antwerp, messenger, or homing pigeons.~~

28 ~~(a) It shall be unlawful for any person in this state, other than the~~
29 ~~owner thereof, to shoot, kill, molest, capture, take, or detain, or to attempt~~
30 ~~to shoot, kill, molest, capture, take, or detain any Antwerp, messenger, or~~
31 ~~homing pigeon.~~

32 ~~(b) Any person violating the provisions of this section shall be guilty~~
33 ~~of a misdemeanor and upon conviction shall be fined in any sum not to exceed~~
34 ~~ten dollars (\$10.00) or shall be given a jail sentence of not to exceed sixty~~
35 ~~(60) days.~~

36 ~~(c) It shall be the duty of all law enforcement officers to enforce the~~

1 ~~provisions of this section.~~

2
3 SECTION 67. Arkansas Code 15-43-228 is repealed:

4 ~~15-43-228. Squirrels.~~

5 ~~(a) It shall be unlawful for any person to hunt, chase, shoot, wound,~~
6 ~~kill, or possess in this state any squirrel except during the open seasons~~
7 ~~herein provided. The open seasons for taking or killing squirrels shall be May~~
8 ~~15 to June 15, both dates inclusive, of each year and October 1 to January 1~~
9 ~~of the following year, both dates inclusive.~~

10 ~~(b) It shall also be unlawful for any person to kill, take, or possess~~
11 ~~in any one (1) day more than eight (8) squirrels.~~

12 ~~(c) Two (2) days' kill of squirrels may be possessed, except while in~~
13 ~~the field hunting or while returning from a hunt of one (1) day's duration.~~

14 ~~(d) Any person violating the provisions of subsections (a), (b), and (c)~~
15 ~~of this section shall be guilty of a misdemeanor and upon conviction fined in~~
16 ~~any sum not less than ten dollars (\$10.00) nor more than two hundred dollars~~
17 ~~(\$200).~~

18
19 SECTION 68. Arkansas Code 15-43-229 is repealed:

20 ~~15-43-229. Shooting before sunrise or after sunset - Use of boats~~
21 ~~and airplanes.~~

22 ~~(a) It shall be unlawful for any person to shoot upon or over the waters~~
23 ~~of this state more than thirty (30) minutes before sunrise or any time after~~
24 ~~sunset, or to shoot or kill any wild duck or goose more than thirty (30)~~
25 ~~minutes before sunrise or after sunset.~~

26 ~~(b) It shall also be unlawful for any person to hunt, capture, or kill~~
27 ~~any migratory game bird by or with the use of an airplane, machine gun,~~
28 ~~powerboat, sailboat, or any floating device towed by a powerboat or sailboat.~~

29 ~~(c) The use of any powerboat or sailboat for flushing birds and driving~~
30 ~~them toward any blind or battery is prohibited.~~

31 ~~(d) The shooting of any squirrel from a boat is also prohibited.~~

32 ~~(e) Any person violating any provision of this section shall be guilty~~
33 ~~of a misdemeanor and upon conviction shall be fined in any sum not less than~~
34 ~~twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250).~~

35
36 SECTION 69. Arkansas Code 15-43-230 is repealed:

1 ~~15-43-230. Prohibition on trapping or capturing certain game or~~
2 ~~birds.~~

3 ~~(a) It shall be unlawful for any person to net, trap, snare, or in any~~
4 ~~manner catch any wild bear, deer, wild turkey, wild pheasant, grouse, prairie~~
5 ~~chicken, partridge or quail, turtle dove, or robin redbreast in this state, at~~
6 ~~any season of the year.~~

7 ~~(b) Any person violating any provision of this section shall be deemed~~
8 ~~guilty of a misdemeanor and upon conviction shall be fined in any sum not less~~
9 ~~than ten dollars (\$10.00) nor more than two hundred dollars (\$200) for each~~
10 ~~offense.~~

11
12 SECTION 70. Arkansas Code 15-43-231 is repealed:

13 ~~15-43-231. Open season on fur-bearing animals - Legal possession.~~

14 ~~(a) It shall be unlawful to hunt, kill, possess, or otherwise take or~~
15 ~~destroy any fur-bearing animal in this state except from December 1 to January~~
16 ~~31 of the following year, both dates inclusive.~~

17 ~~(b) It shall also be unlawful for any person to sell or offer for sale~~
18 ~~or to have in possession in this state the pelt of any fur-bearing animal~~
19 ~~caught or taken in this state except from December 1 to February 10 of the~~
20 ~~following year, both dates inclusive. The purpose of this provision is to give~~
21 ~~persons taking fur-bearing animals ten (10) days after the close of the season~~
22 ~~for the disposing of pelts legally taken. Wolves, bobcats, coyotes, and~~
23 ~~rabbits are excluded from the provisions of this section.~~

24 ~~(c) Any person violating the provisions of subsections (a) and (b) of~~
25 ~~this section shall be guilty of a misdemeanor and on conviction fined in any~~
26 ~~sum not less than twenty-five dollars (\$25.00) nor more than two hundred fifty~~
27 ~~dollars (\$250), provided nothing in this section shall prevent the killing of~~
28 ~~fur-bearing animals actually found destroying crops, poultry, or livestock.~~
29 ~~This section shall not interfere with persons holding a legal permit to raise~~
30 ~~fur-bearing animals in captivity on private premises.~~

31
32 SECTION 71. Arkansas Code 15-43-232 is repealed:

33 ~~15-43-232. Fur-bearing animals - Prohibition on poison, explosives,~~
34 ~~or chemicals.~~

35 ~~(a) It shall be unlawful for any person to take or kill any fur-bearing~~
36 ~~animal in this state by the use of poisons, explosives, or chemicals and it~~

1 ~~shall be unlawful for any person to cut or destroy any den tree on the land of~~
2 ~~another without first procuring a written permit from the owner of the land or~~
3 ~~his qualified agent.~~

4 ~~_____ (b) Any person violating any provision of subsection (a) of this section~~
5 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be fined in~~
6 ~~any sum not less than ten dollars (\$10.00).~~

7
8 SECTION 72. Arkansas Code 15-43-233 is repealed:

9 ~~_____ 15-43-233. Fur-bearing animals - Traps.~~

10 ~~_____ (a) It shall be unlawful for any person to use, set, construct, possess,~~
11 ~~or tend any snare, trap, or dead-fall in this state, except smooth-jawed steel~~
12 ~~traps not larger than number one and one-half (1/2) in size, and no trap so~~
13 ~~used shall be set in any path, trail, or runway commonly used by persons,~~
14 ~~domestic animals, poultry, or dogs. Any steel trap set for the purposes of~~
15 ~~catching any fur-bearing animals shall be visited at least once each day,~~
16 ~~Sunday excepted, and any catch therein removed therefrom. Provided nothing in~~
17 ~~this subsection shall prevent persons authorized in writing by the government~~
18 ~~from possessing and using the traps ordinarily used in taking or catching~~
19 ~~wolves, bobcats, and other predatory animals.~~

20 ~~_____ (b) Any person violating any provision of subsection (a) of this section~~
21 ~~shall be guilty of a misdemeanor and upon conviction shall be fined in any sum~~
22 ~~not less than twenty-five dollars (\$25.00).~~

23
24 SECTION 73. Arkansas Code 15-43-234 is repealed:

25 ~~_____ 15-43-234. Foxes.~~

26 ~~_____ (a) All foxes in this state shall be classified as fur-bearing animals~~
27 ~~and they and their pelts may be taken, possessed, sold, or traded in the open~~
28 ~~season now provided or that may hereafter be provided by law for taking,~~
29 ~~possessing, and selling all other fur-bearing animals and their pelts in this~~
30 ~~state.~~

31 ~~_____ (b) Foxes may be chased at any time for pleasure and they may be~~
32 ~~destroyed at any time when found destroying poultry or livestock, provided~~
33 ~~however that the pelts of all foxes destroyed during closed season for other~~
34 ~~fur-bearing animals cannot be possessed or sold but must be immediately and~~
35 ~~carefully removed from the animal and surrendered to the Arkansas State Game~~
36 ~~and Fish Commission or its agent.~~

1 ~~_____ (c) All license requirements and other regulations provided by the laws~~
2 ~~of this state relating to the taking, possessing, and sale of all other fur-~~
3 ~~bearing animals and the penalties provided for violations of these laws~~
4 ~~relating to fur-bearing animals shall apply to the taking, possessing, and~~
5 ~~selling of foxes or their pelts.~~

6
7 SECTION 74. Arkansas Code 15-43-235 is repealed:

8 ~~_____ 15-43-235. Muskrat.~~

9 ~~_____ (a) It shall be unlawful to trap, kill, or take in any manner a muskrat~~
10 ~~within ten feet (10') of a muskrat house.~~

11 ~~_____ (b) Whenever the word "house" is used in this section, it shall be~~
12 ~~construed to include any structure built by muskrat as a place in or on which~~
13 ~~to live, rest, sleep, feed, or play.~~

14 ~~_____ (c) Any person, firm, or corporation violating any of the provisions of~~
15 ~~this section shall be deemed guilty of a misdemeanor and upon conviction~~
16 ~~thereof fined in any sum not less than twenty-five dollars (\$25.00).~~

17
18 SECTION 75. Arkansas Code 15-43-236 is repealed:

19 ~~_____ 15-43-236. Federal regulations governing migratory birds, game~~
20 ~~birds and animals, and fur-bearing animals.~~

21 ~~_____ (a) At any time that federal regulations governing the hunting, taking,~~
22 ~~and possessing of migratory birds in this state or the hunting and taking of~~
23 ~~any game birds, game, or fur-bearing animals within the boundaries of any~~
24 ~~federally owned areas in this state are changed by authorized federal~~
25 ~~authorities, the Arkansas State Game and Fish Commission may promulgate and~~
26 ~~have published a regulation making the time, manner, bag limits, or possession~~
27 ~~limits of all hunting, taking, possession, or shipment of aforesaid migratory~~
28 ~~birds in this state, and game birds, game, or fur-bearing animals within the~~
29 ~~boundaries of federally owned areas in this state conform to any regulations~~
30 ~~promulgated and adopted by the department of the United States Government~~
31 ~~having jurisdiction over migratory birds and game and fur-bearing animals, and~~
32 ~~game birds within the boundaries of federally owned areas in this state.~~

33 ~~_____ (b) Any regulation promulgated pursuant to this section shall be the law~~
34 ~~of this state pertaining to hunting and taking of migratory birds, and a~~
35 ~~violation of the regulation shall be deemed a misdemeanor, and any person~~
36 ~~convicted for a violation thereof shall be fined in any sum not less than~~

1 ~~twenty-five dollars (\$25.00).~~

3 SECTION 76. Arkansas Code 15-43-237 is repealed:

4 ~~15-43-237. Waste of game - Protection of birds' nests, songbirds,~~
5 ~~and young animals.~~

6 ~~(a) It shall be unlawful for any person to abandon or to permit to go to~~
7 ~~waste the edible portion of any game or fish in this state at any season of~~
8 ~~the year.~~

9 ~~(b) It shall be unlawful for any person to destroy, rob, or disturb the~~
10 ~~nest or eggs of any game bird or to chase, take, or molest the young of any~~
11 ~~game or fur-bearing animal except during the open season thereon and in the~~
12 ~~manner prescribed by law.~~

13 ~~(c) It shall also be unlawful for any person to shoot, kill, or harm any~~
14 ~~songbird or insectivorous bird that is not classified as a game bird or~~
15 ~~vermin. However, English sparrows, crows, hawks, and owls are excluded from~~
16 ~~the provisions of this section.~~

17 ~~(d) Any person violating any provision of subsections (a), (b), or (c)~~
18 ~~of this section shall be guilty of a misdemeanor and fined in any sum not less~~
19 ~~than ten dollars (\$10.00) nor more than two hundred dollars (\$200).~~

21 SECTION 77. Arkansas Code 15-43-302 is repealed:

22 ~~15-43-302. Closed season for fishing with artificial bait.~~

23 ~~(a) It shall be unlawful for any person to fish with any artificial bait~~
24 ~~in this state from March 15 to May 15, both dates inclusive, of each year.~~

25 ~~(b) Any person violating the provisions of subsection (a) of this~~
26 ~~section shall be guilty of a misdemeanor and upon conviction fined in any sum~~
27 ~~not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200).~~

29 SECTION 78. Arkansas Code 15-43-303 is repealed:

30 ~~15-43-303. Lawful bait.~~

31 ~~(a) It shall be unlawful to fish in any waters in this state with any~~
32 ~~artificial bait or to possess or sell or offer for sale any artificial bait~~
33 ~~having more than nine (9) hooks or points thereon. Provided new, unused baits~~
34 ~~having more than nine (9) hooks or points thereon may be possessed and sold by~~
35 ~~retailers, jobbers, and wholesale dealers.~~

36 ~~(b) Any person violating any provision of subsection (a) of this section~~

1 ~~shall be deemed guilty of a misdemeanor and on conviction shall be fined in~~
2 ~~any sum not less than ten dollars (\$10.00).~~

3
4 SECTION 79. Arkansas Code 15-43-304 is repealed:

5 ~~15-43-304. Minimum fish length generally.~~

6 ~~(a)(1) It shall be unlawful for any person to possess, in this state:~~

7 ~~(A) Any small or large black bass that is less than ten inches (10")~~
8 ~~in length;~~

9 ~~(B) Any white, striped, or bar bass less than eight inches (8");~~

10 ~~(C) Any crappie, white perch, or calico bass that is less than eight~~
11 ~~inches (8");~~

12 ~~(D) Any walleyed pike, jack, or jack salmon that is less than~~
13 ~~fourteen inches (14") in length.~~

14 ~~(2) Fish shall be measured by the shortest distance from end of nose to~~
15 ~~tip of tail.~~

16 ~~(3) Any fish that are less in length than herein provided, caught in~~
17 ~~this state, shall be immediately and carefully returned to the waters from~~
18 ~~which they are taken.~~

19 ~~(b) Any person violating any provision of subsection (a) of this section~~
20 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be fined in~~
21 ~~any sum not less than ten dollars (\$10.00).~~

22
23 SECTION 80. Arkansas Code 15-43-305 is repealed:

24 ~~15-43-305. String limit generally.~~

25 ~~(a)(1) It shall be unlawful for any person to take or possess in this~~
26 ~~state, in any one (1) day, more than:~~

27 ~~(A) Fifteen (15) large or small-mouth black bass;~~

28 ~~(B) Fifteen (15) striped, white, or calico bass, crappie, or white~~
29 ~~perch;~~

30 ~~(C) Twenty-five (25) bream, black, goggle-eyed, sun, or other perch;~~

31 ~~(D) Six (6) trout, pike, jack, or jack salmon.~~

32 ~~(2) A combined total of the above species of fish, not exceeding twenty-~~
33 ~~five (25) in the aggregate, may be taken by any person during one (1) day.~~

34 ~~This does not authorize the taking of any species or kind of fish in excess of~~
35 ~~the daily limit on such species or kind.~~

36 ~~(3) Any person may possess two (2) days' legal catch of fish, except~~

1 ~~when fishing or returning from a fishing trip of one (1) day's duration.~~

2 ~~_____ (b) Any person violating any provision of subsection (a) of this section~~
3 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be fined in~~
4 ~~any sum not less than fifteen dollars (\$15.00).~~

5
6 SECTION 81. Arkansas Code 15-43-306 is repealed:

7 ~~_____ 15-43-306. Trout season - Length and string limit.~~

8 ~~_____ (a) It shall be unlawful for any person to take any brown, rainbow, or~~
9 ~~brook trout from any of the waters of this state from November 1 to April 30,~~
10 ~~both dates inclusive, of the following year.~~

11 ~~_____ (b) It shall also be unlawful for any person to possess in this state~~
12 ~~any trout that is less than twelve inches (12") in length or to take more than~~
13 ~~six (6) trout in any one (1) day during the open season thereon.~~

14
15 SECTION 82. Arkansas Code 15-43-307 is repealed:

16 ~~_____ 15-43-307. Closed season on black bass.~~

17 ~~_____ (a) It shall be unlawful for any person to possess, capture, attempt to~~
18 ~~capture, or take from any streams or other waters of this state in any manner~~
19 ~~whatsoever any large or small-mouth black bass from March 16 to May 16, both~~
20 ~~dates inclusive. Black bass caught during the period shall be immediately and~~
21 ~~carefully returned to the waters from which they are taken. If black bass~~
22 ~~caught in another state are brought into this state during the period, the~~
23 ~~burden of proving the source from which the fish came shall be upon the person~~
24 ~~possessing them.~~

25 ~~_____ (b) A violation of subsection (a) of this section shall be a misdemeanor~~
26 ~~and, if convicted, violators shall be fined any sum not less than ten dollars~~
27 ~~(\$10.00).~~

28
29 SECTION 83. Arkansas Code 15-43-308 is repealed:

30 ~~_____ 15-43-308. Closed season on minnows.~~

31 ~~(a) It shall be unlawful for any person to capture, attempt to capture,~~
32 ~~or take from any~~
33 ~~stream or other waters of this state in any manner whatever any minnow from~~
34 ~~March 16 to May 1 for any purpose. It shall also be unlawful to take fish or~~
35 ~~minnows, in any manner, for a distance of one hundred (100) yards below any~~
36 ~~dam across any stream in this state at any time except navigable streams that~~

1 ~~have government dams supplied with locks for the aiding of navigation, which~~
2 ~~dams shall have a closed season from March 1 to May 15, both dates inclusive.~~

3 ~~_____ (b) A violation of subsection (a) of this section shall be a misdemeanor~~
4 ~~and, if convicted, violators shall be fined any sum not less than ten dollars~~
5 ~~(\$10.00).~~

6
7 SECTION 84. Arkansas Code 15-43-309 is repealed:

8 ~~_____ 15-43-309. Prohibition on exportation of minnows.~~

9 ~~_____ It shall be unlawful to export from the State of Arkansas any of the~~
10 ~~true species of minnows for any purpose whatever. This section does not~~
11 ~~prohibit the importation of minnows or the exporting of goldfish. A violation~~
12 ~~of this section shall be deemed a misdemeanor and, if convicted, violators~~
13 ~~shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more~~
14 ~~than fifty dollars (\$50.00).~~

15
16 SECTION 85. Arkansas Code 15-43-310 is repealed:

17 ~~_____ 15-43-310. Minnow seines.~~

18 ~~_____ (a) Minnow seines not exceeding twenty feet (20') in length and four~~
19 ~~feet (4') deep may be used in taking true species of minnows except during the~~
20 ~~closed season and in waters closed to taking of minnows. Any fish except gar~~
21 ~~or grinnel caught in minnow seines must be immediately and carefully returned~~
22 ~~to the waters.~~

23 ~~_____ (b) Any person violating any provision of subsection (a) of this~~
24 ~~section shall be deemed guilty of a misdemeanor and upon conviction shall be~~
25 ~~fined in any sum not less than fifty dollars (\$50.00).~~

26
27 SECTION 86. Arkansas Code 15-43-311 is repealed:

28 ~~_____ 15-43-311. Minnow dealer's license - Closing water to minnow taking.~~

29 ~~_____ (a) Each and every person engaged in the taking, transporting,~~
30 ~~possessing, or selling of true species of minnows, as an established business,~~
31 ~~for use as bait, shall be required first to procure an annual license to do~~
32 ~~so. The license shall be of form and substance prescribed by the commission~~
33 ~~and shall be issued upon payment of five dollars (\$5.00) annually. The~~
34 ~~commission shall be authorized to inspect places of business of minnow dealers~~
35 ~~and to revoke or refuse to issue a minnow dealer's license to persons who fail~~
36 ~~or refuse to provide facilities necessary to insure holding or possessing of~~

1 ~~minnows without undue loss or waste.~~

2 ~~—— (b) If it develops that, after due investigation, the commission shall~~
3 ~~determine that taking of minnows for commercial purposes in any stream, river,~~
4 ~~lake, or other body of water, or from any particular section of any stream,~~
5 ~~river, lake, or other body of water in this state, is detrimental to the~~
6 ~~supply of game fish, commercial fish, or minnows therein, the Arkansas State~~
7 ~~Game and Fish Commission is authorized to close the body of water to the~~
8 ~~taking of minnows therefrom in any manner or season for commercial purposes.~~
9 ~~Notice must be given through a newspaper having general circulation in the~~
10 ~~county where the water is located and by posting notices around the water.~~

11 ~~—— (c) Any person violating any provision of subsections (a) or (b) of this~~
12 ~~section shall be deemed guilty of a misdemeanor and upon conviction shall be~~
13 ~~fined in any sum not less than twenty-five dollars (\$25.00) nor more than one~~
14 ~~hundred dollars (\$100).~~

15
16 SECTION 87. Arkansas Code 15-43-312 is repealed:

17 ~~—— 15-43-312. Hooks and lines.~~

18 ~~(a) —— It shall be unlawful for any person to use more than six (6) hooks~~
19 ~~or points on any one (1) line and providing that no person shall use more than~~
20 ~~four (4) lines at a time in fishing for buffalo, carp, drum, and red or black~~
21 ~~horse fish.~~

22 ~~—— (b) Any person violating any provisions of this section shall be deemed~~
23 ~~guilty of a misdemeanor and upon conviction shall be fined in any sum of not~~
24 ~~less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).~~

25
26 SECTION 88. Arkansas Code 15-43-313 is repealed:

27 ~~—— 15-43-313. Trapping fish.~~

28 ~~—— (a) It shall be unlawful for any person to possess, use, build, erect,~~
29 ~~maintain, or control, in this state, any wire net, wire basket, fish trap,~~
30 ~~fish basket, or any other contraption or device of a similar kind with or by~~
31 ~~means of which any fish may be caught or trapped.~~

32 ~~—— (b) Any person violating any provision of this section shall be guilty~~
33 ~~of a misdemeanor and upon conviction shall be fined in any sum not less than~~
34 ~~ten dollars (\$10.00) nor more than five hundred dollars (\$500).~~

35 ~~—— (c) This section shall be cumulative to existing statutes.~~

36

SECTION 89. Arkansas Code 15-43-314 is repealed:

~~15-43-314. Grabbling and hogging fish.~~

~~(a) The open season to grabble by use of hands and by hogging for personal use rough fish, buffalo, carp, catfish, drum, or suckers shall be from June 1 to November 1 of each year.~~

~~(b) Fish cannot be grabbed or hogged at any other season of the year.~~

~~(c) Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).~~

SECTION 90. Arkansas Code 15-43-315 is repealed:

~~15-43-315. Giggling and spearing fish.~~

~~(a) It shall be unlawful for any person to take or attempt to take any species or kind of fish by use of gig or spear in this state, except from July 1 to August 31, both dates inclusive.~~

~~(b) A violation of this section shall be a misdemeanor, and, if convicted, violators shall be fined in any sum not less than ten dollars (\$10.00).~~

SECTION 91. Arkansas Code 15-43-317 is repealed:

~~15-43-317. Use of intoxicating or stupefying substances, guns, or explosives.~~

~~(a)(1) It shall be unlawful for any person to:~~

~~(A) Shoot any fish with a gun or other instrument in this state;~~

~~(B) Throw, drop, or explode any dynamite or other explosive in any of the waters of this state; provided, nothing in this subsection shall be construed to prevent the use of dynamite or other explosives in the prosecution of any work under lawful authority or its use in trying to raise bodies of drowned persons.~~

~~(2) Persons violating this subsection shall be guilty of a misdemeanor and on conviction fined in any sum not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). They may be confined in the county jail for any period not less than five (5) nor more than sixty (60) days.~~

~~(b)(1) It shall be unlawful for any person to deposit, throw, drop, or discharge in any manner in any of the waters of this state any substance,~~

1 ~~liquid, or gas or anything else that will or does intoxicate or stupefy or in~~
2 ~~any manner injure any fish therein, whether done for the purpose of catching~~
3 ~~or taking fish or not.~~

4 ~~—— (2) Any person violating this section shall be deemed guilty of a~~
5 ~~felony. Upon conviction, he shall be confined in the state penitentiary for a~~
6 ~~term of not less than one (1) month nor more than twelve (12) months.~~

7
8 SECTION 92. Arkansas Code 15-43-318 is repealed:

9 ~~—— 15-43-318. General commercial regulations for seine, trammel, and gill~~
10 ~~nets.~~

11 ~~—— (a) Seine, trammel, and gill nets may be used in taking fish for~~
12 ~~commercial purposes in this state during the period October 1 to March 15,~~
13 ~~both dates inclusive, of the following year and at no other time. This act~~
14 ~~shall in no manner affect the size or type of tackle that may be used or the~~
15 ~~existing provisions of the laws relating to the use thereof. Existing license~~
16 ~~fees for the use of seine, trammel, and gill nets for commercial purposes~~
17 ~~shall remain unchanged from such fees now fixed by law, but all licenses shall~~
18 ~~be issued on or after July 1 of each year and shall expire on or before June~~
19 ~~30 of each year.~~

20 ~~—— (b) It shall be unlawful to use or possess in this state any seine with~~
21 ~~meshes less than two and one-half inches (2 1/2") square, or any trammel or~~
22 ~~gill net with meshes less than three inches (3") square.~~

23 ~~—— (c)(1) The license for possessing and using such tackle during the~~
24 ~~period provided in subsection (a) of this section shall be twelve dollars and~~
25 ~~fifty cents (\$12.50) per year for each seine, trammel, or gill net possessed,~~
26 ~~provided the seine or net does not exceed one hundred (100) yards in length.~~
27 ~~For seines or nets that exceed one hundred (100) yards in length, the license~~
28 ~~shall be twelve dollars and fifty cents (\$12.50) for the first one hundred~~
29 ~~(100) yards and twelve dollars and fifty cents (\$12.50) additional for each~~
30 ~~additional one hundred (100) yards in length or fractional part thereof per~~
31 ~~year for each tackle.~~

32 ~~—— (2) With each license there shall be issued a metal tag, and the tag~~
33 ~~shall be securely attached at all times to the tackle authorized by the~~
34 ~~license.~~

35 ~~—— (3) The license and accompanying tag shall be in a form and substance as~~
36 ~~approved by the Arkansas State Game and Fish Commission, and revenues arising~~

1 ~~therefrom shall be credited to the Game Protection Fund.~~

2 ~~—— (4) No seining, trammeling, or gill netting shall be done in any body of~~
3 ~~water that is not meandered upon which taxes are paid, unless permission in~~
4 ~~writing is first secured from the owner of the land upon which seining or~~
5 ~~netting is to be done.~~

6 ~~—— (d) Provided that any person who buys a seine, trammel, or gill net from~~
7 ~~a licensed person may apply to the commission and have the license of that~~
8 ~~person transferred to him along with the tackle so purchased.~~

9 ~~—— (e) Any person who has resided in this state for a continuous period of~~
10 ~~six (6) months immediately prior to applying for a license for using a seine,~~
11 ~~trammel, or gill net, and who has no other home, shall be entitled thereto.~~

12 ~~—— (f)(1) The transportation of any used commercial fishing tackle or gear~~
13 ~~any time except within the ten-day period immediately preceding the open~~
14 ~~season provided by law for use of the tackle, and for a ten-day period after~~
15 ~~that open season, shall be unlawful, unless written permission to haul,~~
16 ~~transport, or move the tackle has been obtained from the commission or its~~
17 ~~representatives or employees. The written permission must accompany the tackle~~
18 ~~while it is being moved or transported.~~

19 ~~—— (2) Tackle being moved or transported in violation of this provision~~
20 ~~shall be, by statute, subject to confiscation and sale in the manner provided~~
21 ~~for confiscation and sale of illegally used tackle. The proceeds from the~~
22 ~~sales shall be credited to the Game Protection Fund.~~

23 ~~—— (g) No seine, trammel, or gill net shall be used at night.~~

24 ~~—— (h) Any person violating any of the provisions of subsections (a)~~
25 ~~through (g) of this section shall be deemed guilty of a misdemeanor and upon~~
26 ~~conviction shall be fined in any sum not less than fifty dollars (\$50.00),~~
27 ~~shall forfeit his license and tackle, and shall not be again granted a license~~
28 ~~for a period of not less than two (2) years.~~

29
30 SECTION 93. Arkansas Code 15-43-319 is repealed:

31 ~~—— 15-43-319. Closing water to the use of seine, trammel, or gill nets.~~

32 ~~—— (a) If it develops that the use of seines or trammel or gill nets in any~~
33 ~~body of water is detrimental to the supply of fish therein, the Arkansas State~~
34 ~~Game and Fish Commission is authorized to close the body of water to the~~
35 ~~taking of fish with such tackle.~~

36 ~~—— (b) Notice must be given through a newspaper having general circulation~~

1 ~~in the county where the water is located and by posting notices around the~~
2 ~~water.~~

3 ~~_____ (c) It shall be the duty of the commission to thoroughly investigate the~~
4 ~~effect of the use of commercial tackle on the supply of fish in any body of~~
5 ~~water before closing the body of water to the use of commercial tackle as~~
6 ~~provided in this section.~~

7 ~~_____ (d) It shall also be the duty of the commission to incorporate into the~~
8 ~~investigations the holding of public hearings.~~

9 ~~_____ (e) Notice of public hearings must be published one (1) time in a~~
10 ~~newspaper having general circulation in the county in which the body of water~~
11 ~~is located. The notice must be given ten (10) days prior to the date of the~~
12 ~~public hearing.~~

13
14 SECTION 94. Arkansas Code 15-43-320 is repealed:

15 ~~_____ 15-43-320. Picnic seines.~~

16 ~~_____ (a)(1) Seines not exceeding one hundred feet (100') in length and with~~
17 ~~meshes not less than two inches (2") square, and trammel nets not exceeding~~
18 ~~one hundred feet (100') in length containing meshes not less than two and one-~~
19 ~~half inches (2 1/2") square, may be used from June 1 to September 30 of each~~
20 ~~year, by two (2) or more families in catching fish for their own use on~~
21 ~~picnics or fish fries.~~

22 ~~_____ (2) Each family using picnic seines, of legal make-up and in open season~~
23 ~~for use of the seines, as heretofore provided by law, shall be entitled to~~
24 ~~carry or transport to their homes the quantities and kinds of fish hereinafter~~
25 ~~specified that may be caught and are surplus to the quantities that are to be~~
26 ~~prepared, cooked, and eaten at the place where caught. Each family present at~~
27 ~~such picnic seining party shall be entitled to possess and transport home~~
28 ~~rough fish, not exceeding a total gross weight of twenty-five pounds (25~~
29 ~~lbs.), or a mixed string of game and rough fish not exceeding fifteen pounds~~
30 ~~(15 lbs.), or a string of all game fish not exceeding daily string limits~~
31 ~~heretofore provided by law for one (1) person. Size limits provided by law for~~
32 ~~game fish must be observed in all cases.~~

33 ~~_____ (3) All fish caught other than quantities specified in this paragraph~~
34 ~~must be prepared, cooked, and eaten at the place where caught or immediately~~
35 ~~released in the water where caught.~~

36 ~~_____ (b)(1) Any person who owns or possesses such seine or trammel net for~~

1 ~~use in catching fish for picnic purposes shall apply to the circuit clerk of~~
2 ~~his county or to the Arkansas State Game and Fish Commission and procure,~~
3 ~~without cost or charge, a metal tag in the form approved by the commission.~~
4 ~~This tag shall at all times be attached to the tackle owned or possessed.~~

5 ~~_____ (2) The commission is required to furnish without cost to the circuit~~
6 ~~clerks of the state the number of tags needed.~~

7 ~~_____ (3) The daily string limits of game fish for each person using the seine~~
8 ~~or net for above purposes shall not be exceeded.~~

9 ~~_____ (c) A violation of subsections (a) and (b) as to length, mesh, season,~~
10 ~~and illegal use carries the penalty for violation as the use of commercial~~
11 ~~seine, trammel, and gill nets, which is in any sum not less than fifty dollars~~
12 ~~(\$50.00) and forfeiture of his license and tackle. A conviction of violation~~
13 ~~of game fish string and size limit of this section carries the penalty of ten~~
14 ~~dollars (\$10.00) and up.~~

15 ~~_____ (d) Only the owner or operator of a picnic seine or net shall be~~
16 ~~required to possess a resident fishing license.~~

17 ~~_____ (1) One (1) license shall be required for each seine or net used;~~

18 ~~_____ (2) Helpers of the owner or operators need not have a license in order~~
19 ~~to participate in the operation of a picnic seine or net.~~

20
21 SECTION 95. Arkansas Code 15-43-321 is repealed:

22 ~~_____ 15-43-321. Minimum length of commercial fish.~~

23 ~~_____ (a) It shall be unlawful to sell or offer for sale in this state any~~
24 ~~species of catfish except that species known as *Ameiurdae*, commonly known as~~
25 ~~brown, yellow, and black bullhead, or buffalo fish, less than sixteen inches~~
26 ~~(16") in length; there shall be no size limit on other commercial species.~~
27 ~~Fish shall be measured by the shortest distance from end of nose to tip of~~
28 ~~tail.~~

29 ~~_____ (b) Any person violating any provision of subsection (a) of this section~~
30 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be fined in~~
31 ~~any sum not less than fifteen dollars (\$15.00).~~

32
33 SECTION 96. Arkansas Code 15-43-322 is repealed:

34 ~~_____ 15-43-322. Catching or displaying certain fish by commercial fishermen.~~

35 ~~_____ (a) Any person fishing for commercial purposes in the waters of this~~
36 ~~state shall immediately and carefully return to the waters from which the same~~

1 ~~are taken any game fish commonly known as trout, bass, crappie, bream, or~~
2 ~~perch, goggle-eye, jack salmon, pike, or any other fish, the sale of which is~~
3 ~~prohibited, which fish is caught or captured with any type of tackle being~~
4 ~~used by that person.~~

5 ~~_____ (b) Persons fishing for or dealing in commercial or rough, salable fish,~~
6 ~~such as catfish, buffalo, drum, and carp are prohibited from displaying at~~
7 ~~their fish docks or places of business, or holding in their live boxes, fish~~
8 ~~that cannot be sold in this state. Commercial fishermen and fish dealers are~~
9 ~~prohibited from giving away undersized commercial fish or game fish species.~~

10 ~~_____ (c) Any person violating any provision of this section shall be deemed~~
11 ~~guilty of a misdemeanor and upon conviction shall be fined in any sum not less~~
12 ~~than twenty-five dollars (\$25.00).~~

13 ~~_____ (d) This section shall be cumulative to existing statutes.~~

14
15 SECTION 97. Arkansas Code 15-43-323 is repealed:

16 ~~15-43-323. Licenses - Commercial trotlines, snag lines, set hooks, hooks~~
17 ~~and lines, gigs, and spears.~~

18 ~~_____ (a) The license for fishing for commercial purposes with trotlines, snag~~
19 ~~lines, set hooks, or hooks and lines shall be:~~

20 ~~_____ (1) Two dollars and fifty cents (\$2.50) per year for each line of any~~
21 ~~length up to, but not exceeding, one thousand feet (1,000') in length;~~

22 ~~_____ (2) Two dollars and fifty cents (\$2.50) per year for the first one~~
23 ~~thousand feet (1,000') and one dollar and twenty-five cents (\$1.25) for each~~
24 ~~additional one thousand feet (1,000') or fractional part thereof for lines~~
25 ~~longer than one thousand feet (1,000').~~

26 ~~_____ (b) The license for fishing for commercial purposes with gigs or spears,~~
27 ~~if not hereafter expressly prohibited by the statute, shall be two dollars and~~
28 ~~fifty cents (\$2.50) per year.~~

29 ~~_____ (c) The commission is expressly prohibited from issuing either of the~~
30 ~~above licenses for periods other than for each calendar year.~~

31 ~~_____ (d) Nonresidents shall procure a nonresident annual fishing license~~
32 ~~before being entitled to either license herein provided. It shall be unlawful~~
33 ~~for any person to sell, or offer for sale, any commercial fish caught on gigs,~~
34 ~~spears, trotlines, set hooks, snag lines, or hooks and lines without first~~
35 ~~procuring a license as provided in this section.~~

36 ~~_____ (e) Any person violating the provisions of this section shall be deemed~~

1 ~~guilty of a misdemeanor and on conviction shall be fined in any sum not less~~
2 ~~than ten dollars (\$10.00).~~

3
4 SECTION 98. Arkansas Code 15-43-325 is repealed:

5 ~~15-43-325. Prohibitions on use of hoop nets - Exceptions.~~

6 ~~(a) It shall be unlawful for any person to use a hoop net in this state~~
7 ~~except in the following waters: Arkansas River; St. Francis River; Little~~
8 ~~River; Little Red River; L'Anguille River; Mississippi River; the Big and~~
9 ~~Little Missouri Rivers; Red River; Big Piney Creek; Cache River; Black River;~~
10 ~~Current River; Bayou Bartholomew; Bayou Moto; Big Lagrue Bayou; Little Black~~
11 ~~River; Scrub Grass Bayou; Post Bayou; Clay Bayou; Walnut Bayou; Tyronza River;~~
12 ~~Illinois River; Big Creek; Cadron Creek; joint Remove Creek; Bois d'Arc Creek;~~
13 ~~Sulphur River; Big Island Chute; Mill Bayou; Bills Bayou; Cypress Bayou;~~
14 ~~Fourche Rivers; Petit Jean River; Indian Bay; Oak Bayou; Little Island Chute;~~
15 ~~Raft Creek; Sibley Chute; Maddox Bay; Chute of LaGrue; Prairie Bayou; Bayou~~
16 ~~Des Arc; Cypress Creek; White River below Government Dam No. 1, near~~
17 ~~Batesville; Ouachita River below Arkadelphia; and Saline River below the mouth~~
18 ~~of Hurricane Creek.~~

19 ~~(b) Hoop nets containing meshes less than two and one-half inches (2~~
20 ~~1/2") square shall not be used or possessed in this state and persons using~~
21 ~~hoop nets for commercial purposes shall first procure an annual license as now~~
22 ~~provided by law.~~

23 ~~(c) For the better protection of fish, the Arkansas State Game and Fish~~
24 ~~Commission upon recommendation of all members of the General Assembly from the~~
25 ~~counties affected, may close any stream named in this section for a period not~~
26 ~~exceeding three (3) years at a time against the taking of fish with hoop nets,~~
27 ~~or, in case of an emergency, upon such recommendation, the commission may open~~
28 ~~to the taking of fish with hoop nets any stream lying wholly or partly within~~
29 ~~this state. Notice of the closing or opening of waters as herein provided~~
30 ~~shall be given by one (1) publication in at least one (1) newspaper published~~
31 ~~in each county affected.~~

32 ~~(d) Any person violating any provision of this section or any regulation~~
33 ~~promulgated by the commission hereunder shall be guilty of a misdemeanor and~~
34 ~~upon conviction shall be fined in any sum not less than twenty-five dollars~~
35 ~~(\$25.00).~~

36

1 SECTION 99. Arkansas Code 15-43-326 is repealed:

2 ~~15-43-326. Control of gar, turtles, etc.~~

3 ~~The Arkansas State Game and Fish Commission is authorized to:~~

4 ~~(1) Enter into contracts with manufacturers and commercial fishermen for~~
5 ~~the purpose of supplying manufacturers with gar fish, turtles, and other~~
6 ~~uneatable fish;~~

7 ~~(2) Designate and control the type, size, etc. of all tackle to be used~~
8 ~~in the taking of gar fish, turtles, and other uneatable fish;~~

9 ~~(3) Designate the season of taking and the waters from which gar fish,~~
10 ~~turtles, and other uneatable fish are to be taken. All work shall be done~~
11 ~~under the direct supervision of the Arkansas State Game and Fish Commission.~~

12
13 SECTION 100. Arkansas Code 15-43-327 is repealed:

14 ~~15-43-327. Removal of predators from state waters.~~

15 ~~(a) The Arkansas State Game and Fish Commission, under necessary rules~~
16 ~~and regulations, shall provide for the removal of predatory species such as~~
17 ~~gar, turtles, carp, buffalo, drum, and other nongame fish from the waters in~~
18 ~~this state.~~

19 ~~(b) The work shall be done on a percentage basis by persons designated~~
20 ~~by the Arkansas State Game and Fish Commission and under the immediate~~
21 ~~supervision of a representative of the department, who shall see that all game~~
22 ~~fish such as trout, bass, crappie, and perch are immediately and carefully~~
23 ~~returned to the waters from which they are taken and that all gar, grinnel,~~
24 ~~and turtles are destroyed.~~

25 ~~(c) No seining shall be done during the months of March, April, and May~~
26 ~~of each year and no running or live stream shall be seined in this state at~~
27 ~~any season of the year.~~

28 ~~(d) Any person convicted of a violation of the provisions of this~~
29 ~~section or any rule or regulation promulgated by the commission pertaining to~~
30 ~~the subject matter hereof shall be fined in any sum not less than fifty~~
31 ~~dollars (\$50.00) nor more than five hundred dollars (\$500).~~

32
33 SECTION 101. Arkansas Code 15-43-328 is repealed:

34 ~~15-43-328. Commercial entry on private lake - Owner's permission.~~

35 ~~No agreement shall be made by the Arkansas State Game and Fish~~
36 ~~Commission with any person or firm, under the provisions of 15-43-327, whereby~~

1 ~~a person or firm is authorized to enter upon any lake, that is not meandered~~
2 ~~by the United States Government Surveys and upon which taxes are paid, for the~~
3 ~~purpose of removing fish therefrom for commercial purposes unless permission~~
4 ~~in writing is first procured from the party owning the lands around and under~~
5 ~~the lake.~~

6
7
8 SECTION 102. Arkansas Code 15-43-401 is repealed:

9 ~~15-43-401. Definitions.~~

10 ~~As used in this subchapter, unless the context otherwise requires:~~

11 ~~(1) "Mussel" means the pearly fresh water mussel or clam, or naiad, and~~
12 ~~the shell thereof;~~

13 ~~(2) "Crowfoot bar" means a bar of any material bearing a series of hooks~~
14 ~~designed to catch or adapted for catching mussels by the insertion of the~~
15 ~~hooks between the shell of the mussels;~~

16 ~~(3) "Dredge" means any mechanism of capture which is adapted for~~
17 ~~dragging the bottom of the river and is operated with or without the aid of~~
18 ~~mechanical power except the crowfoot bar. The points of such crowfoot bar~~
19 ~~shall be rounded at the ends;~~

20 ~~(4) "Commercial purposes" means and shall be presumed to include the~~
21 ~~taking, catching, and killing of any mussel or having possession of the~~
22 ~~mussels unless the contrary is proven;~~

23 ~~(5) "Rig" means:~~

24 ~~(A) One (1) boat equipped with not more than four (4) crowfoot bars; or~~

25 ~~(B) One (1) boat equipped with power and one (1) barge.~~

26
27 SECTION 103. Arkansas Code 15-43-402 is repealed:

28 ~~15-43-402. Enforcement.~~

29 ~~(a) The Arkansas State Game and Fish Commission shall enforce the law~~
30 ~~relating to mussels and, for the purpose of carrying into effect the law, the~~
31 ~~commission, its executive agent, and game wardens are authorized and empowered~~
32 ~~without warrant, to arrest anyone violating any of the provisions of this~~
33 ~~subchapter. They may also seize mussels and devices adapted to taking,~~
34 ~~catching, or killing mussels, and inspect and examine mussels in any~~
35 ~~warehouse, boat, store, car, conveyance, or other receptacle, when they have~~
36 ~~good cause to believe that any of the provisions of the law relating to~~

1 ~~mussels has been violated except when it is necessary to forcibly enter a~~
2 ~~dwelling house.~~

3 ~~(b) Any court having jurisdiction of the offense, upon receiving~~
4 ~~proof of probable cause for believing that mussels were illegally taken,~~
5 ~~caught, killed, or had in possession or concealed shall issue a search warrant~~
6 ~~and cause a search of the alleged place of concealment to be made.~~

7 ~~(c) The confiscation and sale of mussels by the Arkansas State Game and~~
8 ~~Fish Commission or by any game warden shall proceed in the manner provided by~~
9 ~~law for the sale of confiscated fish or game.~~

10
11 SECTION 104. Arkansas Code 15-43-403 is repealed:

12 ~~15-43-403. Annual shell-taker's license.~~

13 ~~_____ (a)(1) All persons who engage in the taking, catching, or killing of~~
14 ~~mussels in this state, for commercial purposes, shall first procure a license~~
15 ~~to do so.~~

16 ~~_____ (2) Residents of this state shall procure an annual shell-taker's~~
17 ~~license, the fee for which shall be one dollar (\$1.00).~~

18 ~~_____ (3) Nonresidents shall first procure an annual nonresident shell-taker's~~
19 ~~license, the fee for which shall be twenty-five dollars (\$25.00).~~

20 ~~_____ (4) All such licenses shall expire on December 31 following their~~
21 ~~issuance.~~

22 ~~_____ (5) Every person while taking, catching, or killing mussels for~~
23 ~~commercial purposes shall have his license with him ready for exhibition and~~
24 ~~shall exhibit the license when requested to do so by authorized officers.~~

25 ~~_____ (b) Any person violating the provisions of subsection (a) of this~~
26 ~~section shall be deemed guilty of a misdemeanor and, upon conviction thereof,~~
27 ~~shall be punished by a fine of twenty-five dollars (\$25.00) or by imprisonment~~
28 ~~in the county jail of not less than fifteen (15) nor more than thirty (30)~~
29 ~~days.~~

30
31 SECTION 105. Arkansas Code 15-43-404 is repealed:

32 ~~_____ 15-43-404. Buyer's license - Boat license - Report.~~

33 ~~_____ (a) Every person buying mussel shells in this state shall pay a license~~
34 ~~fee of fifty dollars (\$50.00) to the Arkansas State Game and Fish Commission.~~
35 ~~A separate license shall be required of each buyer representing any firm,~~
36 ~~corporation, syndicate, joint-stock company, or association who buys mussel~~

1 ~~shells in this state.~~

2 ~~_____ (b) Every person, firm, corporation, syndicate, joint-stock company, or~~
3 ~~association running boats upon the waters of this state for the purpose of~~
4 ~~dealing in fresh water mussel shells shall pay, for each boat operated, a~~
5 ~~license fee of fifty dollars (\$50.00) each year. The license fee is to be paid~~
6 ~~to the commission, and the license shall expire December 31 of each year.~~

7 ~~_____ (c)(1) On or before December 31 of the year in which any shell buyer's~~
8 ~~license was issued, the holder thereof shall make a written report to the~~
9 ~~Arkansas State Game and Fish Commission on blanks furnished by them, stating~~
10 ~~the total weight of mussels bought under the license, names of shell-takers~~
11 ~~from whom each purchase was made and the serial number of shell-taker's~~
12 ~~license held by persons from whom each purchase was made, names and locations~~
13 ~~of waters from which the mussels were taken, and the amount paid for shells~~
14 ~~bought.~~

15 ~~_____ (2) It shall be unlawful for shell buyers to buy shells from any person~~
16 ~~who fails or refuses to exhibit his shell-taker's license.~~

17 ~~_____ (3) The commission shall be authorized to refuse to sell a buyer's~~
18 ~~license to any person, or agent of a firm, corporation, syndicate, joint-stock~~
19 ~~company, or association who has failed or refused to file a report for the~~
20 ~~previous year.~~

21 ~~_____ (d) Any person, agent, or representative of any firm, corporation,~~
22 ~~syndicate, joint-stock company, or association who violates any of the~~
23 ~~provisions of subsections (a), (b), and (c) of this section shall be deemed~~
24 ~~guilty of a misdemeanor and upon conviction shall be fined not less than fifty~~
25 ~~dollars (\$50.00) nor more than two hundred fifty dollars (\$250).~~

26
27 SECTION 106. Arkansas Code 15-43-405 is repealed:

28 ~~15-43-405. Rigs and equipment.~~

29 ~~_____ (a)(1) Any person, firm, or corporation to whom a license under the~~
30 ~~provisions of this act has been issued, under such license so issued, may~~
31 ~~operate not more than one (1) boat or one (1) rig in taking, catching, or~~
32 ~~killing mussels for commercial purposes.~~

33 ~~_____ (2) Any person, firm, or corporation may use one (1) additional boat for~~
34 ~~purposes of towing only when no apparatus for taking, catching, or killing~~
35 ~~mussels is used or kept thereon.~~

36 ~~_____ (3) It shall be unlawful to have in possession on the waters while~~

1 engaged in taking, catching, or killing mussels for commercial purposes more
 2 than four (4) crowfoot bars, not more than two (2) of the bars to be in the
 3 water at one (1) time, nor more than one (1) dredging mechanism; to use or
 4 have in possession a crowfoot bar of greater length than twenty feet (20'), or
 5 a dredge the length of the opening of which is more than three feet (3'), and
 6 which has prong forks more than four inches (4") in length; or to have in
 7 possession on the waters while engaged in taking, catching, or killing clams,
 8 a dredge without licensed authority. However, it shall not be unlawful to use
 9 a pitchfork in gathering clam shells.

10 _____ (b) Any person, firm, or corporation violating any of the provisions of
 11 this section shall be deemed guilty of a misdemeanor and upon conviction shall
 12 be punished by a fine of twenty-five dollars (\$25.00) or by imprisonment in
 13 the county jail for not more than twenty (20) days.

14
 15 SECTION 107. Arkansas Code 15-43-406 is repealed:

16 _____ 15-43-406. Minimum shell size.

17 _____ (a)(1) Taking, catching, killing, selling, offering for sale, buying,
 18 and possessing any mussels or shells smaller than the following shall be
 19 prohibited:

20 _____ (A) Grass muckets, two and one-half inches (2 1/2") in length;

21 _____ (B) Creepers, three and one-half inches (3 1/2") in length;

22 _____ (C) Sand shells, three and one-fourth inches (3 1/4") in length;

23 _____ (D) Muckets, grandmas, pocketbooks, buckhorns, and washboards, three
 24 inches (3") in length;

25 _____ (E) Niggerheads, pimple backs, pig toes, sheep nose, and egg shells, one
 26 and one-half inches (1 1/2") in width;

27 _____ (F) Maple leaf, hackle backs, monkey face, and three ridges, one and
 28 three-fourths inches (1 3/4") in width;

29 _____ (G) Saline river muckets, two and one-half inches (2 1/2") in length.

30 _____ (2) Undersize mussels taken in the ordinary course of clamming or taking
 31 larger mussels shall be immediately culled and returned to the water where
 32 taken without injury.

33 _____ (3) Any person having more than two percent (2%) of undersized shells
 34 shall forfeit his license.

35 _____ (b) Any person violating any of the provisions of subsection (a) of this
 36 section shall be deemed guilty of a misdemeanor and upon conviction shall be

1 ~~punished by a fine of fifty dollars (\$50.00) or by imprisonment in the county~~
2 ~~jail for not less than thirty (30) days.~~

3
4 SECTION 108. Arkansas Code 15-43-407 is repealed:

5 ~~15-43-407. Closing waters to mussel fishing.~~

6 ~~(a) The Arkansas State Game and Fish Commission, from time to time as~~
7 ~~may be required for the conservation of the mussels resources of the state,~~
8 ~~may prescribe areas in any part of the state from which mussels shall not be~~
9 ~~taken for such period as may be specified by the commission. No such period~~
10 ~~shall exceed five (5) years, nor shall more than one-half (1/2) of the mussel-~~
11 ~~producing waters of the state be closed at the same time. It shall be unlawful~~
12 ~~to take, catch, or kill mussels for commercial purposes in waters so closed.~~

13 ~~(b) All orders of the commission affecting mussels shall be published~~
14 ~~once in a newspaper of general circulation, published in each county~~
15 ~~containing or having, on its boundary, waters affected by the order.~~

16 ~~(c) All such orders shall take effect at the time fixed therein,~~
17 ~~but not less than thirty (30) days after the publication thereof. The~~
18 ~~commission may extend the time within which the order shall take effect.~~

19 ~~(d) Any person, firm, or corporation who shall violate the provisions of~~
20 ~~this section in taking or catching mussels for commercial purposes in any~~
21 ~~waters of this state which have been declared closed areas by the commission~~
22 ~~shall be deemed guilty of a misdemeanor and upon conviction shall be punished~~
23 ~~by a fine of one hundred dollars (\$100) or by imprisonment in the county jail~~
24 ~~for not less than sixty (60) days.~~

25
26 SECTION 109. Arkansas Code 15-44-101 is repealed:

27 ~~15-44-101. Prohibition on game buying, selling, bartering, etc.~~

28 ~~Permits~~

29 ~~for authorized captivity.~~

30 ~~(a)(1) It shall be unlawful for any person at any season of the year to~~
31 ~~buy, sell, barter, trade, or exchange, or offer for sale, barter, trade, or~~
32 ~~exchange, or to possess after buying in this state any game animal or game~~
33 ~~bird or part thereof protected under the laws of this state. This section~~
34 ~~shall apply to game or game birds raised in captivity on private premises~~
35 ~~unless the owner thereof shall first obtain, as provided by law, a permit for~~
36 ~~the raising in captivity and sale thereof.~~

1 ~~_____ (2) The commission shall be authorized to issue the following permits to~~
2 ~~persons, firms, or corporations:~~

3 ~~_____ (A) Game, or game bird breeder's permit, at a fee of twenty-five dollars~~
4 ~~(\$25.00) per annum, and holders thereof shall be permitted to raise game~~
5 ~~birds, game fish, or animals for sale, within or without the state. All~~
6 ~~shipments must be plainly tagged so as to show the contents, consignor,~~
7 ~~consignee, and the serial number of shipper's permit. Tags shall be of a form~~
8 ~~prescribed by the commission and shall be furnished to authorized shippers by~~
9 ~~the commission upon receipt of written request for each shipment, at no~~
10 ~~charge. All permittees shall mail or deliver to the commission, on the first~~
11 ~~day of each month an itemized inventory of all game animals, game birds, or~~
12 ~~fur-bearing animals held under the terms of the permit;~~

13 ~~_____ (B) Scientific or propagative permits, at a fee of two dollars and fifty~~
14 ~~cents (\$2.50) per annum. Holders thereof shall be permitted to hold, possess,~~
15 ~~and raise protected species of game birds, game, and fur-bearing animals for~~
16 ~~scientific investigation or propagation, but they shall not be sold. The sale~~
17 ~~of deer, bob-white quail, black bass, and crappie, for any purpose other than~~
18 ~~restocking or propagation is expressly prohibited. No permit can be issued~~
19 ~~whereby deer, bob-white quail, black bass, and crappie can be sold in this~~
20 ~~state for use as food.~~

21 ~~_____ (b) Any person convicted for a violation of any provision of subsection~~
22 ~~(a) of this section shall be fined in any sum not less than twenty-five~~
23 ~~dollars (\$25.00) nor more than three hundred dollars (\$300) and a second~~
24 ~~offense shall be finable in any sum not less than five hundred dollars (\$500).~~

25
26 SECTION 110. Arkansas Code 15-44-102 is repealed:

27 15-44-102. Prohibition on sale of game fish - Exception.

28 ~~_____ (a)(1) It shall be unlawful to sell, offer for sale, or possess for sale~~
29 ~~in this state any game fish commonly known as black, striped, or white bass,~~
30 ~~or rock, war-mouth, or calico bass, crappie, bream, perch, pike, or jack~~
31 ~~salmon.~~

32 ~~_____ (2) Provided, the Arkansas State Game and Fish Commission may, under~~
33 ~~such rules and regulations as are necessary, issue a permit, in writing,~~
34 ~~authorizing the sale of game fish raised in a private hatchery or private~~
35 ~~water. The fee for such permit shall be five dollars (\$5.00) per year.~~

36 ~~_____ (b) A violation of any provisions of this section or of any rule or~~

1 ~~regulation promulgated hereunder shall constitute a misdemeanor and persons~~
2 ~~convicted shall be fined in any sum not less than twenty-five dollars (\$25.00)~~
3 ~~nor more than three hundred dollars (\$300) and shall forfeit any permit the~~
4 ~~terms of which are violated.~~

5
6 SECTION 111. Arkansas Code 15-44-103 is repealed:

7 ~~15-44-103. Possession of game lawfully taken in another state.~~

8 ~~It shall be lawful at all times for persons to bring into and possess in~~
9 ~~this state game, animals or birds, and fish lawfully taken in another state.~~

10
11 SECTION 112. Arkansas Code 15-44-104 is repealed:

12 ~~15-44-104. Nonresident carrying or shipping of game.~~

13 ~~(a)(1) Any nonresident holding a proper hunting license may carry or~~
14 ~~ship out of this state game animals or birds not exceeding one (1) day's legal~~
15 ~~kill at a time.~~

16 ~~(A) Game animals or birds carried out of this state shall be accompanied~~
17 ~~by the holder of the license, which game and license shall be subject to~~
18 ~~inspection by a qualified officer at all times, and game animals or birds~~
19 ~~shipped out of this state shall bear a tag giving the name of the killer, the~~
20 ~~number and year of his license, and the contents and destination of the~~
21 ~~package. The package shall be subject to complete inspection by a qualified~~
22 ~~officer at all times.~~

23 ~~(B) Not more than three (3) days' legal kill of game animals or birds~~
24 ~~shall be shipped out of this state during the period covered by a nonresident~~
25 ~~hunting license, and not more than two (2) days' legal kill shall be carried~~
26 ~~out during any one (1) calendar week.~~

27 ~~(2) The tag provided for in this section shall be in the form approved~~
28 ~~by the commission, and three (3) tags shall be issued with each nonresident~~
29 ~~hunting license.~~

30 ~~(3) It shall be unlawful to carry or ship or to accept for carriage or~~
31 ~~shipment out of this state any game birds or animals except as herein~~
32 ~~provided. Each package shipped must bear a separate tag and each licensee's~~
33 ~~shipment must be in a separate package.~~

34 ~~(b) A violation of any of the provisions of subsection (a) of this~~
35 ~~section shall constitute a misdemeanor. Any person, firm, or corporation~~
36 ~~convicted hereunder shall be fined in any sum not less than fifty dollars~~

1 ~~(\$50.00) nor more than five hundred dollars (\$500).~~

3 SECTION 113. Arkansas Code 15-44-105 is repealed:

4 ~~15-44-105. Shipping specimens out of state for mounting, tanning, etc.~~

5 ~~_____ (a) Any person desiring to ship any specimen of game or fish or any part~~
6 ~~thereof, legally taken, to any point outside of this state for the purpose of~~
7 ~~having it mounted, tanned, or converted into some wearing apparel may apply to~~
8 ~~any regular or deputy game warden or to any justice of the peace or sheriff in~~
9 ~~this state or to the Arkansas State Game and Fish Commission for a permit~~
10 ~~authorizing the specimen to be shipped to points outside of this state for any~~
11 ~~purpose named in this section. The permit so issued shall state the kind of~~
12 ~~fish or animal, or part thereof, that is to be shipped and shall contain the~~
13 ~~name of the person shipping it and to whom it is shipped.~~

14 ~~_____ (b) Any person shipping any specimen of game or fish, which is~~
15 ~~prohibited by law from being transported outside of the state, without first~~
16 ~~procuring a permit in writing as provided in this section, shall be guilty of~~
17 ~~a misdemeanor and upon conviction fined in any sum not less than twenty-five~~
18 ~~dollars (\$25.00). Any person or common carrier who accepts such specimen for~~
19 ~~shipment or transportation outside the state shall be guilty of a like offense~~
20 ~~and fined accordingly.~~

22 SECTION 114. Arkansas Code 15-44-106 is repealed:

23 ~~_____ 15-44-106. Refusal of package by carrier.~~

24 ~~_____ All such common carriers may refuse to receive any package which they~~
25 ~~may suppose contains fish or game designed for export and may cause the~~
26 ~~package to be opened or may satisfy themselves in any other way that the~~
27 ~~package does not contain game or fish.~~

28 SECTION 115. Arkansas Code 15-44-107 is repealed:

29 ~~_____ 15-44-107. Prohibition on exportation of certain game and fish.~~

30 ~~_____ (a) It shall be unlawful for any person to ship, export, or in any~~
31 ~~manner carry or accept for shipment, export, or carriage, or permit or suffer~~
32 ~~to be shipped or carried, in any vehicle or carriage or transportation under~~
33 ~~his control, out of the boundaries of this state, any wild bear or deer or~~
34 ~~part thereof, wild turkey or part thereof, wild pheasant, grouse, prairie~~
35 ~~chicken, partridge or quail, wild duck or other wild fowl, squirrel, or game~~
36 ~~of any description whatever, either dead or alive, or any game fish of the~~

1 ~~varieties called or known as trout, black bass, striped bass, rock bass, and~~
2 ~~crappie or white perch, except as provided in this act.~~

3 ~~_____ (b) Any person violating any provisions of this section shall be deemed~~
4 ~~guilty of a misdemeanor and upon conviction shall be fined in any sum not less~~
5 ~~than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) for each~~
6 ~~offense. Each shipment shall constitute a separate offense.~~

7
8 SECTION 116. Arkansas Code 15-44-109 is repealed:

9 ~~_____ 15-44-109. Serving quail or other game at cafes, banquets, etc.~~

10 ~~_____ (a) It shall be unlawful for any person, firm, or corporation to serve~~
11 ~~or permit the serving of quail or other game animals or birds protected under~~
12 ~~the laws of this state in any public dining room, dining room, dining car, or~~
13 ~~cafe in this state.~~

14 ~~_____ (b) The serving of any bob-white quail at any banquet or social~~
15 ~~gathering is expressly prohibited.~~

16 ~~_____ (c) Provided, any person may have his or their own game cooked and~~
17 ~~served at hotels or cafes or other public dining rooms.~~

18 ~~_____ (d) Any person violating any provision of subsections (a), (b), and (c)~~
19 ~~of this section shall be guilty of a misdemeanor and upon conviction shall be~~
20 ~~fined in any sum not less than twenty-five dollars (\$25.00) nor more than two~~
21 ~~hundred fifty dollars (\$250), and a second offense shall be finable in any sum~~
22 ~~not less than five hundred dollars (\$500).~~

23
24 SECTION 117. Arkansas Code 15-44-112 is repealed:

25 ~~_____ 15-44-112. Prohibition on bullfrog exportation.~~

26 ~~_____ (a) It shall be unlawful to ship, take, transport, or export out of the~~
27 ~~State of Arkansas any bullfrogs (*Rana Catesbeiana*) or parts thereof in any~~
28 ~~manner whatsoever. This section shall not apply to persons, firms, or~~
29 ~~corporations engaged in the commercial production of bullfrogs on privately~~
30 ~~owned property.~~

31 ~~_____ (b) Any person, firm, or corporation violating any of the provisions of~~
32 ~~this section shall be deemed guilty of a misdemeanor and upon conviction~~
33 ~~thereof fined in any sum not less than twenty-five dollars (\$25.00).~~

34
35 SECTION 118. Arkansas Code 15-44-113 is repealed:

36 ~~_____ 15-44-113. Fur dealers' reports.~~

1 ~~_____ (a) It shall be the duty of each fur dealer to furnish the~~
2 ~~Arkansas State Game and Fish Commission with an itemized list giving number~~
3 ~~and kind of all furs purchased by them during each season and from whom each~~
4 ~~pelt or fur was purchased.~~

5 ~~_____ (b) The lists shall be mailed or carried to the office of the commission~~
6 ~~in Little Rock on or before the tenth day after the close of each season.~~

7
8 SECTION 119. Arkansas Code 15-45-201 is repealed:

9 ~~_____ 15-45-201. Penalty.~~

10 ~~_____ All violations of any rules and regulations formulated and posted by the~~
11 ~~Arkansas State Game and Fish Commission, in compliance with the provisions of~~
12 ~~15-45-202, 15-45-203, 15-45-205 - 15-45-207, and 15-45-212, shall be deemed~~
13 ~~misdemeanors and shall be punishable by a fine of not less than twenty-five~~
14 ~~dollars (\$25.00) or by imprisonment in the county jail for not more than~~
15 ~~thirty (30) days, or by both fine and imprisonment.~~

16
17 SECTION 120. Arkansas Code 15-45-202 is repealed:

18 ~~_____ 15-45-202. Petition for creation.~~

19 ~~_____ (a) Whenever the owners of suitable lands of a total of not less than~~
20 ~~six hundred forty (640) acres shall desire to have lands set apart as a refuge~~
21 ~~for game and wild birds, or other wildlife, they shall petition the Arkansas~~
22 ~~State Game and Fish Commission declaring their desires and set forth in the~~
23 ~~petition the location and description of the lands.~~

24 ~~_____ (b) The petition of those desiring to have created a state game~~
25 ~~refuge in any part of this state shall clearly set out in the petition that:~~

26 ~~_____ (1) The owners of the lands are willing to vest in the state all rights~~
27 ~~to prohibit hunting upon the lands;~~

28 ~~_____ (2) They, the contracting parties, agree that neither they, their~~
29 ~~families, their agents, their tenants, nor any other persons shall hunt upon~~
30 ~~the lands by and with their authority; and~~

31 ~~_____ (3) They will make every effort to help protect the refuge from hunting~~
32 ~~and from violations of any nature.~~

33 ~~_____ (c) The petition shall set forth that all agreements therein shall~~
34 ~~continue in force for such uninterrupted period, not less than five (5) years,~~
35 ~~as may be desired by the petitioners and shall be presented to the commission~~
36 ~~for consideration and approval.~~

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SECTION 121. Arkansas Code 15-45-203 is repealed:

~~15-45-203. Establishment by commission - Notice.~~

~~_____ (a) If, upon investigation, the Arkansas State Game and Fish Commission is satisfied that the lands are suitable for the purpose mentioned and shall decide that the establishment of the game refuge is advisable, it shall enter into an agreement with those persons owning the property and shall declare the lands a state game refuge.~~

~~_____ (b) The commission shall then cause to be posted notices, not more than two hundred twenty (220) yards apart, on the border of the game refuge.~~

~~_____ (c) The notices shall bear at the head the words, "State Game Refuge," followed by a plain statement that it is unlawful to trespass upon the lands at any time, or to hunt thereon, except under and by written permission of the commission and then only for vermin.~~

~~_____ (d) The commission may also designate any refuge with additional markers or posters as are necessary and may furnish and place upon the game refuge such brood stock and game as it may deem advisable.~~

~~_____ (e) No state game refuge shall be established within a radius of two (2) miles from any other game refuge.~~

~~_____ (f) The commission shall cause notice of its action declaring land to be a state game refuge to be published at least one (1) time each week for three (3) consecutive weeks, in at least one (1) newspaper of general circulation in the county where the state game refuge may be located.~~

~~_____ (g) The game refuge shall thereupon be deemed to be a public state game refuge.~~

SECTION 122. Arkansas Code 15-45-204 is repealed:

~~15-45-204. Establishment by Governor.~~

~~_____ (a)(1) The Governor of the State of Arkansas is authorized and directed to set aside and designate as game, fowl, and fish refuges such lands belonging to the State of Arkansas which should, in his discretion, be set aside for the protection of game animals, birds, and fish.~~

~~_____ (2) No refuge shall be created containing less than five thousand (5,000) contiguous acres, and only such lands as are unfit for agricultural and are nonmineral-bearing shall be included in the refuges.~~

~~_____ (b) Whoever shall hunt, catch, trap, willfully destroy, willfully~~

1 ~~disturb, or kill any game animal, game or nongame bird, or fish, or take the~~
2 ~~eggs of any such animal, or destroy the spawn of any such fish on any lands so~~
3 ~~set aside or in or on the waters thereof, except under such general laws,~~
4 ~~rules, and regulations as the General Assembly and the Arkansas State Game and~~
5 ~~Fish Commission may authorize and prescribe from time to time, shall be fined~~
6 ~~in any sum not exceeding one hundred dollars (\$100) or imprisoned not more~~
7 ~~than thirty (30) days, or both.~~

8
9 SECTION 123. Arkansas Code 15-45-205 is repealed:

10 ~~15-45-205. Acceptance or acquisition of lands generally.~~

11 ~~(a) The Arkansas State Game and Fish Commission is authorized to accept~~
12 ~~or acquire through gift or purchase, on behalf of the state, suitable lands~~
13 ~~for the creation of game refuges.~~

14 ~~(b) The refuges shall be designated and regulated as prescribed in this~~
15 ~~subchapter.~~

16 ~~(c) Title in fee, including timber and mineral rights, shall vest in the~~
17 ~~state free of encumbrances.~~

18 ~~(d) Nothing in this subchapter shall operate to relieve any lands of any~~
19 ~~state, county, district, or other tax, unless title in fee thereto is vested~~
20 ~~in the state.~~

21
22 SECTION 124. Arkansas Code 15-45-206 is repealed:

23 ~~15-45-206. Acquisition of adjacent lands for fish refuges.~~

24 ~~The commission is authorized to acquire or accept watered areas and the~~
25 ~~lands adjacent to them for fish refuges in the manner and subject to the same~~
26 ~~regulations as herein prescribed for game refuges, provided the areas need not~~
27 ~~amount to six hundred forty (640) acres if suited to the propagation and~~
28 ~~protection of fish.~~

29
30 SECTION 125. Arkansas Code 15-45-207 is repealed:

31 ~~15-45-207. Rules and regulations.~~

32 ~~(a) The Arkansas State Game and Fish Commission is empowered and~~
33 ~~authorized to formulate and have posted rules and regulations regarding the~~
34 ~~protection and preservation of game birds and game animals, songbirds and~~
35 ~~insectivorous birds, and other wildlife on the game refuge it determines best~~
36 ~~suited to secure the desired results.~~

1 ~~_____ (b) The rules and regulations so formulated and published by posters, by~~
2 ~~the Arkansas State Game and Fish Commission, as herein provided for, shall be~~
3 ~~the law of this state controlling the state game refuge.~~

4
5 SECTION 126. Arkansas Code 15-45-208 is repealed:

6 ~~15-45-208. Prohibition on state disposal of refuge lands.~~

7 ~~_____ Lands set apart and designated by the Governor of the State of Arkansas~~
8 ~~as a game refuge shall not thereafter be subject to redemption, sale,~~
9 ~~donation, homestead, or disposal under any of the laws of the State of~~
10 ~~Arkansas until such time as the General Assembly of the State of Arkansas may~~
11 ~~by proper act abolish the game refuge.~~

12
13 SECTION 127. Arkansas Code 15-45-212 is repealed:

14 ~~15-45-212. Expenses.~~

15 ~~_____ Any money spent by the Arkansas State Game and Fish Commission in~~
16 ~~procuring, improving, or policing any state game or fish refuge shall be paid~~
17 ~~out of no fund other than the Game Protection Fund.~~

18
19 SECTION 128. Arkansas Code 15-46-101 is repealed:

20 ~~_____ 15-46-101. Commission powers and duties.~~

21 ~~_____ The Arkansas State Game and Fish Commission:~~

22 ~~_____ (1) Shall be authorized to devise ways and means for the reduction and~~
23 ~~control of predatory types of birds, animals, and fish;~~

24 ~~_____ (2) Shall be authorized to capture, propagate, transport, buy, sell, or~~
25 ~~exchange any species of game, bird, fish, or fur-bearing animal needed for~~
26 ~~propagation or stocking purposes, or to remove and dispose of undesirable~~
27 ~~species at any time and in any manner;~~

28 ~~_____ (3) Shall take the steps it deems advisable for the control of predatory~~
29 ~~species such as hawks, owls, wolves, and bobcats in this state;~~

30 ~~_____ (4) May cooperate with the Department of Predatory Animal Control of the~~
31 ~~United States Department of Agriculture; and~~

32 ~~_____ (5) May expend any money appropriated from the Game Protection~~
33 ~~Fund in paying bounties or otherwise carrying on such work.~~

34
35 SECTION 129. Arkansas Code 15-46-103 is repealed:

36 ~~_____ 15-46-103. Extermination of bobcats, gophers, and wolves.~~

1 ~~_____ (a) Any county in this state desiring to exterminate bobcats, commonly~~
2 ~~known as wildcats, and gophers and wolves shall, through the quorum court,~~
3 ~~provide in a general levy for current expense a fund to be designated "Bobcat~~
4 ~~Fund" to be used as hereinafter provided for the extermination of bobcats or~~
5 ~~wildcats, gophers, and wolves in the jurisdiction of the quorum courts.~~

6 ~~_____ (b) The fund shall be placed in the custody of the county judge, to be~~
7 ~~paid out by him to any person who shall catch and destroy or who shall kill~~
8 ~~bobcats or wildcats, gophers, and wolves, and, upon presenting to the county~~
9 ~~judge as evidence of destruction the scalp of each bobcat destroyed or killed,~~
10 ~~the evidence shall be sufficient proof of extermination.~~

11 ~~_____ (c) The bounty paid out to a person for destroying bobcats or wildcats,~~
12 ~~gophers, or wolves shall be three dollars (\$3.00) per animal killed.~~

13 ~~_____ (d) The evidence showing the number of bobcats or wildcats, gophers, or~~
14 ~~wolves destroyed shall be kept by the county judge from the time of receiving~~
15 ~~and the payment of the bounty therefor, and two (2) times each year, on or~~
16 ~~about July 1 and January 1, the county clerk shall make an audit of the~~
17 ~~account kept by the county judge and check the evidence of the number of~~
18 ~~bobcats or wildcats, gophers, and wolves on which a bounty has been paid. The~~
19 ~~clerk shall receive the sum of one dollar (\$1.00) for each audit and shall~~
20 ~~receive no other or further fee for any service, filing, docketing, or~~
21 ~~otherwise in connection with this section.~~

22
23 SECTION 130. Arkansas Code 15-46-104 is repealed:

24 ~~15-46-104. Extermination of hawks and crows.~~

25 ~~_____ (a) Any county in this state desiring to exterminate hawks or crows~~
26 ~~shall, through a quorum court, provide in a general levy for current expenses~~
27 ~~a fund to be designated "Hawks and Crow Fund," to be used as hereinafter~~
28 ~~provided for the extermination of hawks and crows in the jurisdiction of the~~
29 ~~quorum courts.~~

30 ~~_____ (b) The fund shall be placed in the custody of the county judge to be~~
31 ~~paid out by him to any persons who shall catch and destroy or who shall kill~~
32 ~~the hawks and crows, upon presenting to the county judge as evidence of~~
33 ~~destruction the head of each hawk or crow destroyed or killed, this evidence~~
34 ~~being sufficient proof of extermination.~~

35 ~~_____ (c) The bounty paid out to persons for destroying hawks and crows shall~~
36 ~~be twenty-five cents (25 cents) per hawk or crow killed. The catching and~~

1 ~~killing of hawks and crows shall be by trapping or shooting or by any~~
2 ~~practical method which the person may choose to adopt.~~

3 ~~—— (d) The evidence showing the number of hawks and crows destroyed shall~~
4 ~~be kept by the county judge from the time of receiving and the payment of the~~
5 ~~bounty therefor. Two (2) times each year, on or about July 1 and January 1,~~
6 ~~the county clerk shall make an audit of the account kept by the county judge~~
7 ~~and check the evidence of the number of hawks or crows on which a bounty has~~
8 ~~been paid. The clerk shall receive the sum of one dollar (\$1.00) for each such~~
9 ~~audit and shall receive no other or further fee for any service, filing,~~
10 ~~docketing, or otherwise in connection with this section.~~

11
12 SECTION 131. Arkansas Code 15-46-105 is repealed:

13 ~~—— 15-46-105. Extermination of gophers and moles.~~

14 ~~—— (a) Any county in this state desiring to exterminate common gophers and~~
15 ~~moles shall, through its quorum court, provide in its general levy for current~~
16 ~~expenses the fund to be designated "The Gopher and Mole Fund," to be used as~~
17 ~~hereinafter provided for the extermination of gophers and moles in those~~
18 ~~counties.~~

19 ~~—— (b) The fund shall be placed in the custody of the county judge to be~~
20 ~~paid out by him to any persons who shall catch and destroy the animals, upon~~
21 ~~presenting to the county judge as evidence of the destruction the two (2)~~
22 ~~front paws of each gopher or mole destroyed, the evidence being sufficient~~
23 ~~proof of extermination.~~

24 ~~—— (c) The bounty paid out to persons for destroying gophers and moles~~
25 ~~shall be ten cents (10 cents) per animal killed. The catching and killing of~~
26 ~~the animals shall be by trapping or by any practicable method which the~~
27 ~~persons may choose to adopt.~~

28 ~~—— (d) The evidence showing the number of animals destroyed shall be kept~~
29 ~~by the county judge from time of receiving it and the payment of the bounty~~
30 ~~therefor. Two (2) times each year on or about July 1 and January 1 the county~~
31 ~~clerk shall make an audit of the account kept by the county judge and check~~
32 ~~the evidence of the number of animals on which a bounty has been paid. The~~
33 ~~clerk shall receive the sum of one dollar (\$1.00) for each audit and shall~~
34 ~~receive no other or further fee for any service, filing, docketing, or~~
35 ~~otherwise in connection with this section.~~

36 */s/ Gordon, et al*