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September 23, 1986

OPINION NO. 86-250

Mr. Robert D. Ridgeway, Jr.
Chief Deputy Prosecuting Attorney
18th Judicial District-East
127 Hawthorne Street
Hot Springs, Arkansas 71901

Dear Mr. Ridgeway:

This letter is in response to your request for an opinion regarding the boat registration fee proposed by the Garland County Sheriff.

Your first question asks, "Do existing Arkansas statutes provide for the levy of a boat registration fee as proposed by the Garland County Sheriff?" That proposal is that Garland County would levy an annual \$10.00 registration fee on boats operated on Lake Hamilton. Such fee would then be used for equipment and salaries for county employees.

Ark. Stat. Ann. §17-3805(e) prohibits the several Arkansas Quorum Courts from exercising any legislative act that establishes a rate or price otherwise determined by a state agency. Ark. Stat. Ann. §21-224 authorizes the Arkansas Game and Fish Commission to establish a system of identification numbering for all motorboats used in Arkansas. In connection with that identification/registration system, fees are charged pursuant to Ark. Stat. Ann. §21-224(e). And, Ark. Stat. Ann. §21-224.1 provides that the issuance and renewal of identification numbers for motorboats shall be administered through the various county offices of the State Revenue Department. All fees are to be deposited by the Commissioner of Revenue in the State Treasury as "Special Revenues" and the State Treasurer shall credit the same to the Constitutional and Fiscal Agencies Fund to be used for the respective purposes provided by law.

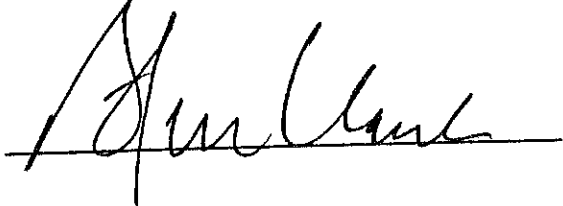
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Page 2 of 2

From the foregoing statutes, it appears that Garland County may not establish a boat registration fee for boats operated on Lake Hamilton as that function is granted by statute to the Arkansas Game and Fish Commission. Further, even if Garland County could charge such a fee, the proceeds would be credited to the State Treasury and not earmarked for county funds. This would therefore defeat the Sheriff's purpose in charging such a fee and in no event could the fee be used as a basis for county employee compensation.

The foregoing opinion, which I hereby approve, was prepared by Rhonda K. Hill, Assistant Attorney General.

Sincerely,

STEVE CLARK,
ATTORNEY GENERAL

By: 

RKH:pfr