

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

INTERIM STUDY PROPOSAL 2007-113

State of Arkansas

86th General Assembly

Regular Session, 2007

HJR 1007

By: Representative Cooper

Referred to

State Agencies & Gov't Affairs- House

by the House of Representatives

on 04/02/2007

HOUSE JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE ARKANSAS
CONSTITUTION TO AMEND AMENDMENT 35, SECTION 8 TO
PROVIDE THAT FEES, MONIES, AND FUNDS RECEIVED BY
THE ARKANSAS STATE GAME AND FISH COMMISSION,
OTHER THAN FUNDS RECEIVED UNDER AMENDMENT 75,
SHALL BE STATE GENERAL REVENUES; AND TO PROVIDE
THAT THE GENERAL ASSEMBLY MAY APPROPRIATE FUNDS
TO BE USED BY THE COMMISSION.

Subtitle

PROPOSING A CONSTITUTIONAL AMENDMENT TO
PROVIDE THAT FEES, MONIES, AND FUNDS
RECEIVED BY THE ARKANSAS STATE GAME AND
FISH COMMISSION, OTHER THAN FUNDS
RECEIVED UNDER AMENDMENT 75, SHALL BE
STATE GENERAL REVENUES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL
ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of

1 the State of Arkansas, and upon being submitted to the electors of the state
 2 for approval or rejection at the next general election for Representatives
 3 and Senators, if a majority of the electors voting thereon at the election
 4 adopt the amendment, the amendment shall become a part of the Constitution of
 5 the State of Arkansas, to wit:

6
 7 SECTION 1. Section 8 of Amendment 35 of the Arkansas Constitution is
 8 amended to read as follows:

9 8. Nepotism prohibited - Powers of arrest - Funds - Use - Purposes -
 10 Game Protection Fund - Audit of accounts - Resident hunting and fishing
 11 licenses - Powers of commission.

12 (a) No person shall be employed by the Commission who shall be related
 13 to any of the Commissioners or any other State officers within the third
 14 degree of relationship by blood or marriage. All employed personnel may make
 15 arrests for violation of the game and fish laws.

16 (b)(1) Except for funds credited to the Game Protection Fund under
 17 Amendment 75, The the fees, monies, or funds arising from all sources by the
 18 operation and transaction of the said Commission and from the application and
 19 administration of the laws and regulations pertaining to birds, game, fish
 20 and wildlife resources of the State and the sale of property used for said
 21 purposes shall be state general revenues.

22 (2) The General Assembly may appropriate general revenues for
 23 use by the commission.

24 (3) Subject to an appropriation by the General Assembly, moneys
 25 in the Game Protection Fund shall be expended by the Commission for the
 26 control, management, restoration, conservation and regulation of the birds,
 27 fish and wildlife resources of the State, including the purchases or other
 28 acquisitions of property for said purposes and for the administration of the
 29 laws pertaining thereto and for ~~no~~ such other purposes as are deemed
 30 necessary by the General Assembly. All monies shall be deposited in the Game
 31 Protection Fund with the State Treasurer and such monies as are necessary,
 32 including an emergency fund, shall be appropriated by the Legislature at each
 33 legislative session for the use of the Game and Fish Commission as hereto set
 34 forth. No monies other than those credited to the Game Protection Fund can be
 35 appropriated.

36 ~~All money to the credit of or that should be credited to the present~~

1 ~~Game Protection Fund shall be credited to the new Game Protection Fund and~~
 2 ~~any appropriation made by the Legislature out of the Game Protection Fund~~
 3 ~~shall be construed to be for the use of the new Commission and out of the new~~
 4 ~~Game Protection Fund.~~

5 (c) The books, accounts and financial affairs of the Commission shall
 6 be audited ~~by the State Comptroller as that department deems necessary~~ as
 7 provided by law, but at least once a year.

8 (d) Resident hunting and fishing license, each, shall be One and
 9 50/100 Dollars annually, and shall not exceed this amount unless a higher
 10 license fee is authorized by an Act of Legislature.

11 (e) The Commission shall have the exclusive power and authority to
 12 issue licenses and permits, to regulate bag limits and the manner of taking
 13 game and fish and furbearing animals, and shall have the authority to divide
 14 the State into zones, and regulate seasons and manner of taking game, and
 15 fish and furbearing animals therein, and fix penalties for violations. No
 16 rule or regulations shall apply to less than a complete zone, except
 17 temporarily in case of extreme emergency.

18 (f) Said Commission shall have the power to acquire by purchase,
 19 gifts, eminent domain, or otherwise, all property necessary, useful or
 20 convenient for the use of the Commission in the exercise of any of its
 21 duties, and in the event the right of eminent domain is exercised, it shall
 22 be exercised in the same manner as now or hereafter provided for the exercise
 23 of eminent domain by the State Highway Commission. All laws now in effect
 24 shall continue in force until changed by the Commission. All contracts and
 25 agreements now in effect shall remain in force until the date of their
 26 expiration.

27 (g) This amendment shall not repeal, alter or modify the provisions of
 28 any existing special laws under the terms of which a County Game Commission
 29 has been created:

30 (h) The Commission shall be empowered to spend such monies as are
 31 necessary to match Federal grants under the Pittman-Robertson or similar acts
 32 for the propagation, conservation and restoration of game and fish.

33 (i) This amendment shall become effective July 1, 1945.

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 35 SECTION 2. This amendment shall become effective on January 1, 2009.
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