

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

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

HJR 1013

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5 By: Representative Hathorn
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HOUSE JOINT RESOLUTION

9 PROPOSING AN AMENDMENT TO AMENDMENT 35 TO ADDRESS
10 THE FUNDING FOR THE GAME AND FISH COMMISSION; TO
11 CURE OBSOLETE LANGUAGE; TO PROVIDE THAT THE SALE
12 OF LICENSES MAY BE TAXABLE SALES; TO ADDRESS THE
13 AUTHORITY OF THE GENERAL ASSEMBLY UNDER AMENDMENT
14 35; AND FOR OTHER PURPOSES.
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Subtitle

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17 PROPOSING AN AMENDMENT TO AMENDMENT 35
18 PERTAINING TO THE GAME AND FISH
19 COMMISSION.
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22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FOURTH GENERAL
23 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
24 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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26 That the following is proposed as an amendment to the Constitution of
27 the State of Arkansas, and upon being submitted to the electors of the state
28 for approval or rejection at the next general election for Representatives
29 and Senators, if a majority of the electors voting thereon at the election,
30 adopt the amendment, the amendment shall become a part of the Constitution of
31 the State of Arkansas, to wit:
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33 SECTION 1. Section 8 of Amendment 35 to the Arkansas Constitution is
34 amended to read as follows:

35 § 8. Nepotism prohibited - Powers of arrest - Funds - Use - Purposes -
36 Game protection fund - Audit of accounts - Resident hunting and fishing



1 licenses - Powers of commission.

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

6 (b) The fees, monies, or funds arising from all sources by the
7 operation and transaction of the said Commission and from the application and
8 administration of the laws and regulations pertaining to birds, game, fish
9 and wildlife resources of the State and the sale of property used for said
10 purposes shall be expended by the Commission for the control, management,
11 restoration, conservation and regulation of the birds, fish and wildlife
12 resources of the State, including the purchases or other acquisitions of
13 property for said purposes and for the administration of the laws pertaining
14 thereto and for ~~no~~ other purposes. All monies shall be deposited in the Game
15 Protection Fund with the State Treasurer and such monies as are necessary,
16 including an emergency fund, shall be appropriated by the Legislature at each
17 legislative session for the use of the Game and Fish Commission as hereto set
18 forth. ~~No monies other than those credited to the Game Protection Fund can be~~
19 ~~appropriated.~~

20 ~~All money to the credit of or that should be credited to the present~~
21 ~~Game Protection Fund shall be credited to the new Game Protection Fund and~~
22 ~~any appropriation made by the Legislature out of the Game Protection Fund~~
23 ~~shall be construed to be for the use of the new Commission and out of the new~~
24 ~~Game Protection Fund.~~

25 (c) The books, accounts and financial affairs of the Commission shall
26 be audited by the ~~State Comptroller~~ Division of Legislative Audit as that
27 ~~department~~ division deems necessary, but at least once a year.

28 (d) ~~Resident hunting~~ Hunting and fishing license, ~~each, shall be One~~
29 ~~and 50/100 Dollars annually, and shall not exceed this amount unless a higher~~
30 ~~license fee is authorized by an Act of Legislature~~ fees shall be set by act
31 of the General Assembly and subject to taxation as provided by law.

32 (e) The Commission shall have the exclusive power and authority to
33 issue licenses and permits, to regulate bag limits and the manner of taking
34 game and fish and furbearing animals, and shall have the authority to divide
35 the State into zones, and regulate seasons and manner of taking game, and
36 fish and furbearing animals therein, and fix penalties for violations. No

1 rule or regulations shall apply to less than a complete zone, except
2 temporarily in case of extreme emergency.

3 (f) Said Commission shall have the power to acquire by purchase,
4 gifts, eminent domain, or otherwise, all property necessary, useful or
5 convenient for the use of the Commission in the exercise of any of its
6 duties, and in the event the right of eminent domain is exercised, it shall
7 be exercised in the same manner as now or hereafter provided for the exercise
8 of eminent domain by the State Highway Commission. All laws now in effect
9 shall continue in force until changed by the Commission. All contracts and
10 agreements now in effect shall remain in force until the date of their
11 expiration.

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

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

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19 SECTION 2. This amendment becomes effective on January 1, 2005.
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