

1 State of Arkansas

2 86th General Assembly

3 Regular Session, 2007

HJR 1007

4
5 By: Representative Cooper
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8 HOUSE JOINT RESOLUTION

9 PROPOSING AN AMENDMENT TO THE ARKANSAS
10 CONSTITUTION TO AMEND AMENDMENT 35, SECTION 8 TO
11 PROVIDE THAT FEES, MONIES, AND FUNDS RECEIVED BY
12 THE ARKANSAS STATE GAME AND FISH COMMISSION,
13 OTHER THAN FUNDS RECEIVED UNDER AMENDMENT 75,
14 SHALL BE STATE GENERAL REVENUES; AND TO PROVIDE
15 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE FUNDS
16 TO BE USED BY THE COMMISSION.
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18 Subtitle

19 PROPOSING A CONSTITUTIONAL AMENDMENT TO
20 PROVIDE THAT FEES, MONIES, AND FUNDS
21 RECEIVED BY THE ARKANSAS STATE GAME AND
22 FISH COMMISSION, OTHER THAN FUNDS
23 RECEIVED UNDER AMENDMENT 75, SHALL BE
24 STATE GENERAL REVENUES.
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27 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL
28 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
29 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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31 That the following is proposed as an amendment to the Constitution of
32 the State of Arkansas, and upon being submitted to the electors of the state
33 for approval or rejection at the next general election for Representatives
34 and Senators, if a majority of the electors voting thereon at the election
35 adopt the amendment, the amendment shall become a part of the Constitution of
36 the State of Arkansas, to wit:



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

4 8. Nepotism prohibited - Powers of arrest - Funds - Use - Purposes -
5 Game Protection Fund - Audit of accounts - Resident hunting and fishing
6 licenses - Powers of commission.

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

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

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

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

31 ~~All money to the credit of or that should be credited to the present~~
32 ~~Game Protection Fund shall be credited to the new Game Protection Fund and~~
33 ~~any appropriation made by the Legislature out of the Game Protection Fund~~
34 ~~shall be construed to be for the use of the new Commission and out of the new~~
35 ~~Game Protection Fund.~~

36 (c) The books, accounts and financial affairs of the Commission shall

1 be audited ~~by the State Comptroller as that department deems necessary~~ as
2 provided by law, but at least once a year.

3 (d) Resident hunting and fishing license, each, shall be One and
4 50/100 Dollars annually, and shall not exceed this amount unless a higher
5 license fee is authorized by an Act of Legislature.

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

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

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

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

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

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