

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

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

HJR 1019

4
5 By: Representatives Gipson, Mathis, Milligan, Prater, Creekmore, Hickinbotham, Green, Weaver,
6 Oglesby, White, Scrimshire

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9 **HOUSE JOINT RESOLUTION**

10 TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE
11 ARKANSAS GAME AND FISH COMMISSION.

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14 **Subtitle**

15 TO PROVIDE FOR THE ELECTION OF THE
16 MEMBERS OF THE ARKANSAS GAME AND FISH
17 COMMISSION.

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

23

24 That the following is hereby proposed as an amendment to the
25 Constitution of the State of Arkansas, and upon being submitted to the
26 electors of the State for approval or rejection at the next general election
27 for Representatives and Senators, if a majority of the electors voting thereon
28 at such election, adopt such amendment, the same shall become a part of the
29 Constitution of the State of Arkansas, to wit:

30 SECTION 1. Amendment 35 to the Constitution of the State of Arkansas
31 of 1874 is repealed effective January 1, 2005.

32 ~~§ 1. Commission created—Members—Powers.~~

33 ~~The control, management, restoration, conservation and regulation of~~
34 ~~birds, fish, game and wildlife resources of the State, including hatcheries,~~
35 ~~sanctuaries, refuges, reservations and all property now owned, or used for~~
36 ~~said purposes and the acquisition and establishment of same, the~~

1 administration of the laws now and/or hereafter pertaining thereto, shall be
 2 vested in a Commission to be known as the Arkansas State Game and Fish
 3 Commission, to consist of eight members. Seven of whom shall be active and one
 4 an associate member who shall be the Head of the Department of Zoology at the
 5 University of Arkansas, without voting power.

6 § 2. Qualifications and appointment of members—Terms of office
 7 of first commission.

8 Commissioners shall have knowledge of and interest in wildlife
 9 conservation. All shall be appointed by the Governor. The first members of the
 10 Commission shall be appointed by the Governor for terms as follows: One for
 11 one year, one for two years, one for three years, one for four years, one for
 12 five years, one for six years, and one for seven years. Each Congressional
 13 District must be represented on the Commission.

14 § 3. Term of office of members.

15 Upon the expiration of the foregoing terms of the said Commission, a
 16 successor shall be appointed by the Governor for a term of seven years, which
 17 term of seven years shall thereafter be for each member of the Commission. No
 18 Commissioner can serve more than one term and none can succeed himself.

19 § 4. Oath of office—Members serve without compensation—
 20 Expenses—Payment.

21 Each Commissioner shall take the regular oath of office provided in the
 22 Constitution and serve without compensation other than actual expenses while
 23 away from home engaged entirely on the work of the Commission.

24 § 5. Removal of members—Hearing—Review and appeal.

25 A Commissioner may be removed by the Governor only for the same causes
 26 as apply to other Constitutional Officers, after a hearing which may be
 27 reviewed by the Chancery Court for the First District with right of appeal
 28 therefrom to the Supreme Court, such review and appeal to be without
 29 presumption in favor of any finding by the Governor or the trial court.

30 § 6. Vacancies—Filling—Chairman of commission.

31 Vacancies on the Commission due to resignation or death shall be filled
 32 by appointment of the Governor for the unexpired term within thirty days from
 33 date of such vacancy; upon failure of the Governor to fill the vacancy within
 34 thirty days, the remaining Commissioners shall make the appointment for the
 35 unexpired term. A chairman shall be elected annually from the seven members of
 36 the Commission to serve one year.

1 ~~§ 7. Executive secretary and other personnel— Selection—~~
2 ~~Salaries and expenditures.~~

3 ~~The Commission shall elect an Executive Secretary, whose salary shall~~
4 ~~not exceed that of limitations placed on other constitutional departments; and~~
5 ~~other executive officers, supervisor, personnel, office assistants, wardens,~~
6 ~~game refuge keepers, and hatchery employees, whose salaries and expenditures~~
7 ~~must be submitted to the Legislature and approved by an Act covering specific~~
8 ~~items in the biennial appropriation as covered by Article XVI Section 4 of the~~
9 ~~Constitution.~~

10 ~~§ 8. Nepotism prohibited— Powers of arrest— Funds— Use—~~
11 ~~Purposes— Game protection fund— Audit of accounts— Resident hunting and~~
12 ~~fishing licenses— Powers of commission.~~

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

17 ~~The fees, monies, or funds arising from all sources by the operation and~~
18 ~~transaction of the said Commission and from the application and administration~~
19 ~~of the laws and regulations pertaining to birds, game, fish and wildlife~~
20 ~~resources of the State and the sale of property used for said purposes shall~~
21 ~~be expended by the Commission for the control, management, restoration,~~
22 ~~conservation and regulation of the birds, fish and wildlife resources of the~~
23 ~~State, including the purchases or other acquisitions of property for said~~
24 ~~purposes and for the administration of the laws pertaining thereto and for no~~
25 ~~other purposes. All monies shall be deposited in the Game Protection Fund with~~
26 ~~the State Treasurer and such monies as are necessary, including an emergency~~
27 ~~fund, shall be appropriated by the Legislature at each legislative session for~~
28 ~~the use of the Game and Fish Commission as hereto set forth. No monies other~~
29 ~~than those credited to the Game Protection Fund can be appropriated.~~

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

35 ~~The books, accounts and financial affairs of the Commission shall be~~
36 ~~audited by the State Comptroller as that department deems necessary, but at~~

1 ~~least once a year.~~

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

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

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

20 ~~This amendment shall not repeal, alter or modify the provisions of any~~
 21 ~~existing special laws under the terms of which a County Game Commission has~~
 22 ~~been created.~~

23 ~~The Commission shall be empowered to spend such monies as are necessary~~
 24 ~~to match Federal grants under the Pittman Robertson or similar acts for the~~
 25 ~~propagation, conservation and restoration of game and fish.~~

26 ~~This amendment shall become effective July 1, 1945.~~

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28 SECTION 2. (a) Effective January 1, 2005, the control, management,
 29 restoration, conservation, and regulation of birds, fish, game, and wildlife
 30 resources of the state, including hatcheries, sanctuaries, refuges,
 31 reservations and all property now owned or used for those purposes, and the
 32 acquisition and establishment of the same, the administration of the laws now
 33 or hereafter pertaining thereto, shall be vested in a commission to be known
 34 as the "Arkansas State Game and Fish Commission", which shall be composed of
 35 eight (8) members.

36 (b) Two (2) members of the Arkansas State Game and Fish Commission

1 shall be elected from each congressional district, as the same existed on
2 January 1, 2001, in the state to serve four (4) year terms.

3 (c)(1) The initial members of the commission shall be elected at the
4 November, 2004, General Election for a term of office to begin January 1,
5 2005.

6 (2) The initial members elected pursuant to this section shall
7 determine their terms by lot. Four (4) of the initial members shall serve for
8 a term of two (2) years, and four (4) of the initial members shall serve for a
9 term of four (4) years. All successive members shall serve four-year terms.

10 (d) No person may serve as a member of the commission unless the person
11 is a qualified elector, and shall serve no more than two (2) terms including
12 the initial term.

13 (e) The members of the Arkansas Game and Fish Commission shall take the
14 oath of office prescribed for civil officers in Article 19, Section 20,
15 Constitution of the State of Arkansas of 1874, and shall serve without
16 compensation, but shall be entitled to per diem and mileage for attending
17 meetings of the commission at the same rate as is provided by law for members
18 of the General Assembly attending interim committee meetings and such per diem
19 and mileage shall be paid from funds appropriated to the commission for
20 payment of per diem and mileage of its members.

21 (f) At the initial meeting of the commission after January 1, 2005, the
22 members shall elect a chairman and vice-chairman from among themselves.

23 (g) Vacancies on the commission shall be filled in accordance with
24 Amendment 29, Constitution of the State of Arkansas of 1874.

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26 SECTION 3. (a) Necessary funds for the operation of the Arkansas Game
27 and Fish Commission shall be appropriated by the General Assembly at each
28 Regular Session for the use of the commission as provided for herein.

29 (b) The books, accounts and financial affairs of the commission shall
30 be audited by the Division of Legislative Audit at least once a year.

31
32 SECTION 4. (a) The Arkansas Game and Fish Commission shall have the
33 exclusive power and authority to issue licenses and permits, to regulate bag
34 limits and the manner of taking game and fish and furbearing animals, and
35 shall have the authority to divide the state into zones, and regulate seasons
36 and manner of taking game and fish and furbearing animals therein, and fix

1 penalties for violations. No rule or regulations shall apply to less than a
2 complete zone, except temporarily in case of extreme emergency.

3 (b) The commission shall have the power to acquire by purchase, gifts,
4 eminent domain, or otherwise, all property necessary, useful or convenient for
5 the use of the commission in the exercise of any of its duties, and in the
6 event the right of eminent domain is exercised, it shall be exercised in the
7 same manner as now or hereafter provided for the exercise of eminent domain by
8 the State Highway Commission.

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10 SECTION 5. The General Assembly shall enact legislation to implement
11 this amendment.

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13 SECTION 6. This amendment becomes effective on January 1, 2005.
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