

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

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011

As Engrossed: H3/4/11

HJR 1007

4  
5 By: Representatives Pierce, Moore

6  
7 **HOUSE JOINT RESOLUTION**

8 *TO AMEND AMENDMENT 35 OF THE ARKANSAS CONSTITUTION*  
9 *CONCERNING THE DUTIES AND RESPONSIBILITIES OF THE*  
10 *ARKANSAS STATE GAME AND FISH COMMISSION; TO AMEND*  
11 *SECTION 8 OF AMENDMENT 35 OF THE ARKANSAS*  
12 *CONSTITUTION TO REQUIRE THE ARKANSAS STATE GAME AND*  
13 *FISH COMMISSION TO PROVIDE ACCESS FOR PASSIVE*  
14 *RECREATIONAL ACTIVITIES AT ALL WILDLIFE MANAGEMENT*  
15 *AREAS GOVERNED BY THE COMMISSION; SPECIFYING CERTAIN*  
16 *PASSIVE RECREATIONAL ACTIVITIES THAT SHALL BE*  
17 *PROVIDED ACCESS AT WILDLIFE MANAGEMENT AREAS GOVERNED*  
18 *BY THE ARKANSAS STATE GAME AND FISH COMMISSION; AND*  
19 *ALLOWING THE GENERAL ASSEMBLY BY LAW TO EXPAND OR*  
20 *FURTHER DEFINE PASSIVE RECREATIONAL ACTIVITIES THAT*  
21 *WILL PROVIDE ACCESS AT WILDLIFE MANAGEMENT AREAS*  
22 *GOVERNED BY THE ARKANSAS STATE GAME AND FISH*  
23 *COMMISSION AND PROMOTE ECONOMIC DEVELOPMENT IN THE*  
24 *STATE OF ARKANSAS.*

25  
26  
27 **Subtitle**

28 *TO AMEND AMENDMENT 35 OF THE ARKANSAS*  
29 *CONSTITUTION TO REQUIRE THE ARKANSAS*  
30 *STATE GAME AND FISH COMMISSION TO PROVIDE*  
31 *ACCESS FOR PASSIVE RECREATIONAL*  
32 *ACTIVITIES AT ALL WILDLIFE MANAGEMENT*  
33 *AREAS GOVERNED BY THE COMMISSION.*

34  
35  
36 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL



1 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL  
2 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

3  
4 THAT the following is proposed as an amendment to the Constitution of  
5 the State of Arkansas, and upon being submitted to the electors of the state  
6 for approval or rejection at the next general election for Representatives  
7 and Senators, if a majority of the electors voting thereon at the election  
8 adopt the amendment, the amendment shall become a part of the Constitution of  
9 the State of Arkansas, to wit:

10  
11 SECTION 1. STATEMENT OF PURPOSE. The people of the State of Arkansas  
12 find that wildlife management areas governed by the Arkansas State Game and  
13 Fish Commission provide a special attraction and commensurate economic  
14 development opportunity to the citizens of cities and towns located in close  
15 proximity to wildlife management areas, especially in rural areas. It is  
16 accordingly the policy of the people of the State of Arkansas that wildlife  
17 management areas governed by the Commission should be managed in a way that  
18 assures maximum public access and use that will benefit the people of  
19 Arkansas and visitors to the state and thereby maximize the growth of outdoor  
20 recreation and tourism-related jobs in those cities and towns.

21  
22 *SECTION 2. Section 8 of Amendment 35 of the Arkansas Constitution is*  
23 *amended to read as follows:*

24 *§ 8. Nepotism prohibited – Powers of arrest – Funds – Use – Purposes –*  
25 *Game Protection Fund – Audit of accounts – Resident hunting and fishing*  
26 *licenses – Powers of commission.*

27 *No person shall be employed by the Commission who shall be related to*  
28 *any of the Commissioners or any other State officers within the third degree*  
29 *of relationship by blood or marriage. All employed personnel may make arrests*  
30 *for violation of the game and fish laws.*

31 *The fees, monies, or funds arising from all sources by the operation*  
32 *and transaction of the said Commission and from the application and*  
33 *administration of the laws and regulations pertaining to birds, game, fish*  
34 *and wildlife resources of the State and the sale of property used for said*  
35 *purposes shall be expended by the Commission for the control, management,*  
36 *restoration, conservation and regulation of the birds, fish and wildlife*

1 resources of the State, including the purchases or other acquisitions of  
2 property for said purposes, the providing of access for passive recreational  
3 activities at all wildlife management areas governed by the Commission, with  
4 such passive recreational activities to include without limitation walking,  
5 hiking, bird watching, horseback riding, bicycling, canoeing, the use of  
6 electric all-terrain vehicles and other types of all-terrain vehicles deemed  
7 appropriate by the Commission, and other passive recreational activities that  
8 promote economic activity and that can be regulated and managed in such a  
9 manner as not to negatively impact or conflict with the duties of the  
10 Commission as set forth in Section 1 of Amendment 35 to the Constitution of  
11 the State of Arkansas, and for the administration of the laws pertaining  
12 thereto and for no other purposes. By law, the General Assembly may expand or  
13 further define passive recreational activities that will provide access at  
14 wildlife management areas governed by the Commission and promote economic  
15 development in the state. All monies shall be deposited in the Game  
16 Protection Fund with the State Treasurer and such monies as are necessary,  
17 including an emergency fund, shall be appropriated by the Legislature at each  
18 legislative session for the use of the Game and Fish Commission as hereto set  
19 forth. No monies other than those credited to the Game Protection Fund can be  
20 appropriated.

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

26 The books, accounts and financial affairs of the Commission shall be  
27 audited by the State Comptroller as that department deems necessary, but at  
28 least once a year.

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

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

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

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

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

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

17 *This amendment shall become effective July 1, 1945.*

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/Pierce*