

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

HJR 1013

4
5 By: Representative L. Cowling

HOUSE JOINT RESOLUTION

8 AN AMENDMENT TO THE CONSTITUTION TO PROVIDE THAT THE
9 GAME AND FISH COMMISSION SHALL BE GOVERNED IN THE
10 SAME MANNER AS ALL OTHER STATE AGENCIES.

Subtitle

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14 AN AMENDMENT TO THE CONSTITUTION TO
15 PROVIDE THAT THE GAME AND FISH COMMISSION
16 SHALL BE GOVERNED IN THE SAME MANNER AS
17 ALL OTHER STATE AGENCIES.

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

23
24 THAT the following is proposed as an amendment to the Constitution of
25 the State of Arkansas, and upon being submitted to the electors of the state
26 for approval or rejection at the next general election for Representatives
27 and Senators, if a majority of the electors voting thereon at the election
28 adopt the amendment, the amendment shall become a part of the Constitution of
29 the State of Arkansas, to wit:

30
31 SECTION 1. Section 1 of Amendment 35 of the Arkansas Constitution is
32 amended to read as follows:

33 1. Commission created - Members - Powers.

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



1 ~~said purposes and the acquisition and establishment of same, the~~
2 ~~administration of the laws now and/or hereafter pertaining thereto, shall be~~
3 ~~vested in a Commission to be known as the Arkansas State Game and Fish~~
4 ~~Commission, to consist of eight members. Seven of whom shall be active and~~
5 ~~one an associate member who shall be the Head of the Department of Zoology at~~
6 ~~the University of Arkansas, without voting power.~~ (a) There is created the
7 Arkansas State Game and Fish Commission.

8 (b) The Commission shall have such powers and duties as may be
9 prescribed by law.

10 (c) The Commission shall consist of seven (7) members and one (1)
11 associate member who is the head of the Department of Zoology at the
12 University of Arkansas, without voting power.

13
14 SECTION 2. Section 8 of Amendment 35 of the Arkansas Constitution is
15 amended to read as follows:

16 8. ~~Nepotism prohibited - Powers of arrest - Funds - Use - Purposes -~~
17 ~~Game Protection Fund - Audit of accounts - Resident hunting and fishing~~
18 ~~licenses - Powers of commission.~~

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

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

1 All money to the credit of or that should be credited to the present
2 Game Protection Fund shall be credited to the new Game Protection Fund and
3 any appropriation made by the Legislature out of the Game Protection Fund
4 shall be construed to be for the use of the new Commission and out of the new
5 Game Protection Fund.

6 The books, accounts, and financial affairs of the Commission shall be
7 audited by the ~~State Comptroller~~ Director of the Department of Finance and
8 Administration as that department as he or she deems necessary, but at least
9 once a year.

10 Resident hunting and fishing license, each, shall be One and 50/100
11 Dollars annually, and shall not exceed this amount unless a higher license
12 fee is authorized by an Act of ~~Legislature~~ the General Assembly.

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

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

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

32 The Commission ~~shall be empowered to~~ may spend such monies as are
33 ~~necessary~~ appropriated by the General Assembly to match Federal grants under
34 the Pittman-Robertson Wildlife Restoration Act or similar acts for the
35 propagation, conservation, and restoration of game and fish.

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

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3 SECTION 3. This amendment shall become effective July 1, 2013.

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