

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Joint Resolution No. 11

"AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO REPEAL PROVISIONS OF
THE ARKANSAS CONSTITUTION PERTAINING TO THE ARKANSAS STATE GAME
AND FISH COMMISSION."

Amendment No. 1 to Senate Joint Resolution No. 11.

Amend Senate Joint Resolution No. 11 as originally introduced:

Page 1, delete lines 9 through 13 and substitute the following: "AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO REPEAL PROVISIONS OF AMENDMENT 35 CONCERNING THE ARKANSAS STATE GAME AND FISH COMMISSION"

AND

Delete Section 1 and substitute the following:

"SECTION 1. § 1 of Amendment 35 of the Arkansas Constitution is amended to read as follows:

1. Commission created - Members - Powers.

~~The control, management, restoration, conservation and regulation of birds, fish, game and wildlife resources of the State, including hatcheries, sanctuaries, refuges, reservations and all property now owned, or used for said purposes and the acquisition and establishment of same, the administration of the laws now and/or hereafter pertaining thereto, shall be vested in a Commission to be known as the Arkansas State Game and Fish Commission, to consist of eight members. Seven of whom shall be active and one an associate member who shall be the Head of the Department of Zoology at the University of Arkansas, without voting power.~~ (a) There is created the Arkansas State Game and Fish Commission.

(b) The Commission shall have its powers and duties assigned to it by the General Assembly.

(c) The Commission shall consist of eight (8) members and one (1) associate member who is the head of the Department of Zoology at the University of Arkansas.

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

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



licenses - Powers of commission.

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

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

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

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

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

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

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

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

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

This amendment shall become effective ~~July 1, 1945~~ January 1, 2011.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator T. Smith

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Secretary