

# Hall of the House of Representatives

88th General Assembly - Regular Session, 2011

## Amendment Form

\*\*\*\*\*

### Subtitle of House Joint Resolution No. 1007

TO AMEND AMENDMENT 35 OF THE ARKANSAS CONSTITUTION CONCERNING THE  
DUTIES AND RESPONSIBILITIES OF THE ARKANSAS STATE GAME AND FISH  
COMMISSION.

\*\*\*\*\*

### Amendment No. 1 to House Joint Resolution No. 1007

Amend House Joint Resolution No. 1007 as originally introduced:

Page 1, delete line 10 and substitute the following:

"ARKANSAS STATE GAME AND FISH COMMISSION; TO AMEND SECTION 8 OF AMENDMENT 35 OF THE ARKANSAS CONSTITUTION TO REQUIRE THE ARKANSAS STATE GAME AND FISH COMMISSION TO PROVIDE ACCESS FOR PASSIVE RECREATIONAL ACTIVITIES AT ALL WILDLIFE MANAGEMENT AREAS GOVERNED BY THE COMMISSION; SPECIFYING CERTAIN PASSIVE RECREATIONAL ACTIVITIES THAT SHALL BE PROVIDED ACCESS AT WILDLIFE MANAGEMENT AREAS GOVERNED BY THE ARKANSAS STATE GAME AND FISH COMMISSION; AND ALLOWING THE GENERAL ASSEMBLY BY LAW TO EXPAND OR FURTHER DEFINE PASSIVE RECREATIONAL ACTIVITIES THAT WILL PROVIDE ACCESS AT WILDLIFE MANAGEMENT AREAS GOVERNED BY THE ARKANSAS STATE GAME AND FISH COMMISSION AND PROMOTE ECONOMIC DEVELOPMENT IN THE STATE OF ARKANSAS."

AND

Delete the subtitle in its entirety and substitute the following:

"TO AMEND AMENDMENT 35 OF THE ARKANSAS CONSTITUTION TO REQUIRE THE ARKANSAS STATE GAME AND FISH COMMISSION TO PROVIDE ACCESS FOR PASSIVE RECREATIONAL ACTIVITIES AT ALL WILDLIFE MANAGEMENT AREAS GOVERNED BY THE COMMISSION."

AND

Page 1, delete lines 31 through 33 and substitute the following:

"SECTION 1. STATEMENT OF PURPOSE. The people of the State of Arkansas find that wildlife management areas governed by the Arkansas State Game and Fish Commission provide a special attraction and commensurate economic development opportunity to the citizens of cities and towns located in close proximity to wildlife management areas, especially in rural areas. It is



accordingly the policy of the people of the State of Arkansas that wildlife management areas governed by the Commission should be managed in a way that assures maximum public access and use that will benefit the people of Arkansas and visitors to the state and thereby maximize the growth of outdoor recreation and tourism-related jobs in those cities and towns.

SECTION 2. Section 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, the providing of access for passive recreational activities at all wildlife management areas governed by the Commission, with such passive recreational activities to include without limitation walking, hiking, bird watching, horseback riding, bicycling, canoeing, the use of electric all-terrain vehicles and other types of all-terrain vehicles deemed appropriate by the Commission, and other passive recreational activities that promote economic activity and that can be regulated and managed in such a manner as not to negatively impact or conflict with the duties of the Commission as set forth in Section 1 of Amendment 35 to the Constitution of the State of Arkansas, and for the administration of the laws pertaining thereto and for no other purposes. By law, the General Assembly may expand or further define passive recreational activities that will provide access at wildlife management areas governed by the Commission and promote economic development in the state. 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.

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 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."

The Amendment was read \_\_\_\_\_  
By: Representative Pierce  
MBM/BGS - 03/02/11 01:02  
MBM258

\_\_\_\_\_  
Chief Clerk