

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

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4
5 By: Senator T. Smith
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As Engrossed: S3/23/09

SJR 11

SENATE JOINT RESOLUTION

*AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO
REPEAL PROVISIONS OF AMENDMENT 35 CONCERNING THE
ARKANSAS STATE GAME AND FISH COMMISSION*

Subtitle

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

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19
20 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE
21 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, 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. § 1 of Amendment 35 of the Arkansas Constitution is amended*
32 *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 its powers and duties assigned to it by~~
9 ~~the General Assembly.~~

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

13
14 SECTION 2. § 8 of Amendment 35 of the Arkansas Constitution is amended
15 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
24 The fees, monies, or funds arising from all sources by the operation
25 and transaction of the said Commission and from the application and
26 administration of the laws and regulations pertaining to birds, game, fish
27 and wildlife resources of the State and the sale of property used for said
28 purposes shall be ~~expended by the Commission for the control, management,~~
29 ~~restoration, conservation and regulation of the birds, fish and wildlife~~
30 ~~resources of the State, including the purchases or other acquisitions of~~
31 ~~property for said purposes and for the administration of the laws pertaining~~
32 ~~thereto and for no other purposes. All monies shall be deposited in the Game~~
33 ~~Protection Fund with the State Treasurer and such monies as are necessary,~~
34 ~~including an emergency fund, shall be appropriated by the Legislature at each~~
35 ~~legislative session for the use of the Game and Fish Commission as hereto set~~
36 ~~forth. No monies other than those credited to the Game Protection Fund can be~~

1 ~~appropriated subject to appropriation by the General Assembly.~~

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

8
9 The books, accounts and financial affairs of the Commission shall be
10 audited by the State Comptroller as that department deems necessary, but at
11 least once a year.

12
13 Resident hunting and fishing license, each, shall be One and 50/100
14 Dollars annually, and shall not exceed this amount unless a higher license
15 fee is authorized by an Act of Legislature.

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

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

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

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*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.

/s/ T. Smith