

**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
4
5 By: Senator J. Hutchinson
6

SJR 2

SENATE JOINT RESOLUTION

8 AN AMENDMENT TO THE CONSTITUTION TO PROVIDE THAT THE
9 STATE HIGHWAY COMMISSION, THE GAME AND FISH
10 COMMISSION, INSTITUTIONS OF HIGHER EDUCATION, AND
11 OTHER BOARDS AND COMMISSIONS GOVERNED BY THE ARKANSAS
12 CONSTITUTION SHALL BE GOVERNED IN THE SAME MANNER AS
13 ALL OTHER STATE AGENCIES AND TO PROVIDE THAT THE
14 LOTTERY PROCEEDS SHALL BE APPROPRIATED IN THE SAME
15 MANNER AS OTHER STATE FUNDS.
16
17

Subtitle

18
19 TO AMEND THE CONSTITUTION TO GOVERN
20 CONSTITUTIONALLY CREATED AGENCIES AND
21 INSTITUTIONS OF HIGHER EDUCATION IN THE
22 SAME MANNER AS ALL OTHER STATE AGENCIES
23 AND TO GOVERN THE APPROPRIATION OF
24 LOTTERY FUNDS.
25
26

27 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE
28 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
29 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
30

31 THAT the following is proposed as an amendment to the Constitution of
32 the State of Arkansas, and upon being submitted to the electors of the state
33 for approval or rejection at the next general election for Representatives
34 and Senators, if a majority of the electors voting thereon at the election
35 adopt the amendment, the amendment shall become a part of the Constitution of
36 the State of Arkansas, to wit:



1
2 SECTION 1. Article 19, § 14(c) of the Arkansas Constitution,
3 concerning the lottery, is amended to read as follows:

4 (c) Lottery proceeds shall ~~not~~ be subject to appropriation by
5 the General Assembly and are ~~specifically declared to be cash funds held in~~
6 ~~trust separate and apart from the State treasury~~ to be managed and maintained
7 by the General Assembly or an agency or department of the State as determined
8 by the General Assembly.

9
10 SECTION 2. Section 1 of Amendment 35 of the Arkansas Constitution is
11 amended to read as follows:

12 1. Commission created - Members - Powers.

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

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

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

28
29 SECTION 3. Section 8 of Amendment 35 of the Arkansas Constitution is
30 amended to read as follows:

31 8. Nepotism prohibited - Powers of arrest - Funds - Use - Purposes -
32 ~~Game Protection Fund~~ - Audit of accounts - Resident hunting and fishing
33 licenses - Powers of commission.

34 No person shall be employed by the Commission who shall be related to
35 any of the Commissioners or any other State officers within the third degree
36 of relationship by blood or marriage. All employed personnel may make arrests

1 for violation of the game and fish laws.

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

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

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

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

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

35 ~~Said~~ As authorized by law, the Commission ~~shall have the power to~~ may
36 acquire by purchase, gifts, eminent domain, or otherwise, all property

1 necessary, useful, or convenient for the use of the Commission in the
 2 exercise of any of its duties, and in the event the right of eminent domain
 3 is exercised, it shall be exercised in the same manner as now or hereafter
 4 provided for the exercise of eminent domain by the State Highway Commission.
 5 All laws now in effect shall continue in force until changed by the
 6 ~~Commission~~ General Assembly. All contracts and agreements now in effect shall
 7 remain in force until the date of their expiration.

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

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

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

16
 17 SECTION 4. Sections 2 and 3 of Amendment 33 of the Arkansas
 18 Constitution are amended to read as follows:

19 § 2. Abolition or transfer of powers of board or commission –
 20 Restrictions.

21 ~~The board or commission of any institution, governed by this amendment,~~
 22 ~~shall not be abolished nor shall the powers vested in any such board or~~
 23 commission governed by this amendment shall be as prescribed by law and may
 24 be transferred by law, unless the institution is abolished or consolidated
 25 ~~with some other State institution.~~ In the event of abolition or
 26 consolidation, the new board or commission shall consist of a membership of
 27 five, seven, or ten.

28
 29 § 3. Increase or decrease of members of board or commission prohibited.

30 The membership of any such board or commission now in existence shall
 31 not be increased or decreased in number after the effective date of this
 32 amendment ~~nor shall the number of members of any such board or commission~~
 33 ~~created after this amendment is in operation be increased or decreased~~
 34 ~~subsequent to its creation.~~

35
 36 SECTION 5. Sections 1 and 2 of Amendment 42 of the Arkansas

1 Constitution are amended to read as follows:

2 § 1. Commission created – Members – Powers.

3 There is hereby created a State Highway Commission which shall be
4 vested with all the powers and duties ~~now or hereafter imposed by law for the~~
5 ~~administration of the State Highway Department, together with all powers~~
6 ~~necessary or proper to enable the Commission or any of its officers or~~
7 ~~employees to carry out fully and effectively the regulations and laws~~
8 ~~relating to the State Highway Department~~ as may be prescribed by law.

9
10 § 2. Qualifications and appointment of members – Terms of office of
11 first commission.

12 Within ten days after the convening of the General Assembly of the
13 State of Arkansas in the year 1953, the Governor, by and with the advice and
14 consent of the Senate, shall appoint five persons who are qualified electors
15 of the State to constitute the State Highway Commission for terms of two,
16 four, six, eight and ten years respectively. The terms of the persons so
17 appointed shall be determined by lot. The Commissioners to be appointed from
18 the State at large; provided, however, that ~~no two Commissioners shall be~~
19 ~~appointed from any single Congressional District~~ at least one member shall be
20 appointed from each Congressional District.

21 In the event of rejection by the Senate of a person whose name has been
22 so submitted, the Governor shall within five days after receipt of written
23 notice from the Secretary of the Senate of such rejection submit the name of
24 another appointee to fill such vacancy. In the event the Governor should
25 within five days thereafter fail to appoint or fail to submit to the Senate
26 for confirmation the name of any person to be appointed, the Senate shall
27 proceed to make the appointment of its own choice.

28
29 SECTION 6. Section 6 of Amendment 42 of the Arkansas Constitution are
30 amended to read as follows:

31 § 6. Director of Highways.

32 The Commission shall appoint a Director of Highways who shall have such
33 duties as may be prescribed by ~~the Commission or by statute~~ law.

34
35 SECTION 7. This amendment shall become effective July 1, 2013.

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