

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S2/25/13

SJR 3

5 By: Senators Burnett, J. Hutchinson
6

7 **SENATE JOINT RESOLUTION**

8 *TO AMEND AMENDMENT 35 OF THE ARKANSAS CONSTITUTION;*
9 *TO REQUIRE THAT MEMBERS OF THE ARKANSAS STATE GAME*
10 *AND FISH COMMISSION BE ELECTED; TO AMEND THE TERMS OF*
11 *OFFICE OF THE MEMBERS OF THE ARKANSAS STATE GAME AND*
12 *FISH COMMISSION; TO PROVIDE THAT VACANCIES ON THE*
13 *ARKANSAS STATE GAME AND FISH COMMISSION BE FILLED*
14 *ACCORDING TO AMENDMENT 29 OF THE ARKANSAS*
15 *CONSTITUTION; AND TO PROHIBIT MEMBERS OF THE ARKANSAS*
16 *GAME AND FISH COMMISSION FROM BEING APPOINTED OR*
17 *ELECTED TO A CIVIL OFFICE DURING THEIR TERM.*

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20 **Subtitle**

21 *TO AMEND AMENDMENT 35 OF THE CONSTITUTION*
22 *OF ARKANSAS TO REQUIRE THAT MEMBERS OF*
23 *THE ARKANSAS STATE GAME AND FISH*
24 *COMMISSION BE ELECTED.*

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27 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE
28 STATE OF ARKANSAS AND BY THE THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
29 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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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 part of the Constitution of
36 the State of Arkansas, to wit:



1
2 SECTION 1. Amendment 35, §§ 1 and 2, of the Constitution of Arkansas
3 are amended to read as follows:

4 § 1. Commission created – Members – Powers.

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

14
15 § 2. Qualifications and appointment of members – Terms of office ~~of~~
16 ~~first commission~~ – Changes in congressional districts.

17 (a) Commissioners shall have knowledge of and interest in wildlife
18 conservation. ~~All shall be appointed by the Governor. The first members of~~
19 ~~the Commission shall be appointed by the Governor for terms as follows: One~~
20 ~~for one year, one for two years, one for three years, one for four years, one~~
21 ~~for five years, one for six years, and one for seven years. Each~~
22 ~~Congressional District must be represented on the Commission.~~

23 (b)(1) Two (2) members of the commission shall be elected from each
24 congressional district in the state.

25 (2)(A) The initial members elected under this subsection shall
26 determine their terms by lot as follows:

27 (i) Two (2) of the initial members shall serve for a
28 term of two (2) years;

29 (ii) Two (2) of the initial members shall serve for
30 a term of four (4) years;

31 (iii) Two (2) of the initial members shall serve for
32 a term of six (6) years; and

33 (iv) Two (2) of the initial members shall serve for
34 a term of eight (8) years.

35 (B) Each successive member elected under this subsection
36 shall serve for a term of eight (8) years.

1 (c)(1) One (1) member of the commission shall be elected statewide and
 2 shall serve as the chair of the commission.

3 (2) The chair shall serve for a term of four (4) years.

4 (d) The initial members of the commission shall be elected at the
 5 November 2016 general election for a term of office to begin January 1, 2017.

6 (e) A member of the commission shall not serve more than one (1) term.

7 (f) If the most recent decennial census results in an increase or
 8 decrease in the number of congressional districts in the state and any one
 9 (1) or more of the newly drawn congressional districts has:

10 (1) Three (3) or more members of the commission with their
 11 primary residence in the same congressional district, the number of members
 12 of the commission in excess of two (2) who have the shortest terms of office
 13 remaining shall retire from the commission; or

14 (2) Fewer than two (2) members of the commission, each vacancy
 15 shall be filled in accordance with Section 6 of this amendment.

16
 17 SECTION 2. Amendment 35, § 3, of the Constitution of Arkansas is
 18 repealed.

19 ~~§ 3. Term of office of members.~~

20 ~~Upon the expiration of the foregoing terms of the said Commission, a~~
 21 ~~successor shall be appointed by the Governor for a term of seven years, which~~
 22 ~~term of seven years shall thereafter be for each member of the Commission. No~~
 23 ~~Commissioner can serve more than one term and none can succeed himself.~~

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 25 SECTION 3. Amendment 35, §§ 5 and 6, of the Constitution of Arkansas
 26 are amended to read as follows:

27 § 5. Removal of members – Hearing – Review and appeal.

28 A ~~Commissioner~~ commissioner may be removed by the Governor only for the
 29 same causes as apply to other Constitutional Officers, and only after a
 30 hearing ~~which that~~ that may be reviewed by the ~~Chancery Court for the First~~
 31 ~~District~~ Pulaski County Circuit Court with right of appeal therefrom to the
 32 Supreme Court, such review and appeal to be without presumption in favor of
 33 any finding by the Governor or the trial court.

34
 35 § 6. Vacancies – Filling ~~– Chairman of commission.~~

36 ~~Vacancies on the Commission due to resignation or death shall be filled~~

1 ~~by appointment of the Governor for the unexpired term within thirty days from~~
2 ~~date of such vacancy; upon failure of the Governor to fill the vacancy within~~
3 ~~thirty days, the remaining Commissioners shall make the appointment for the~~
4 ~~unexpired term. A chairman shall be elected annually from the seven members~~
5 ~~of the Commission to serve one year. Vacancies on the commission shall be~~
6 ~~filled in accordance with Amendment 29 of the Arkansas Constitution.~~

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8 SECTION 4. Amendment 35 of the Constitution of Arkansas is amended to
9 add an additional section to read as follows:

10 § 9. Members ineligible for civil office.

11 A member of the commission shall not be appointed or elected to a civil
12 office in this state during the term for which he or she was elected.

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14 */s/Burnett*
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