

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

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

SJR 3

4
5 By: Senators Burnett, J. Hutchinson

6
7 **SENATE JOINT RESOLUTION**

8 TO AMEND THE STRUCTURE OF AND REQUIREMENTS FOR STATE
9 AGENCIES CREATED IN THE CONSTITUTION; TO AMEND
10 AMENDMENT 35 OF THE ARKANSAS CONSTITUTION; TO AMEND
11 AMENDMENT 42 OF THE ARKANSAS CONSTITUTION; TO REQUIRE
12 THAT MEMBERS OF THE ARKANSAS STATE GAME AND FISH
13 COMMISSION AND THE STATE HIGHWAY COMMISSION BE
14 ELECTED; TO AMEND THE TERMS OF OFFICE OF THE MEMBERS
15 OF THE ARKANSAS STATE GAME AND FISH COMMISSION AND
16 THE STATE HIGHWAY COMMISSION; TO PROVIDE THAT
17 VACANCIES ON THE ARKANSAS STATE GAME AND FISH
18 COMMISSION AND THE STATE HIGHWAY COMMISSION BE FILLED
19 ACCORDING TO AMENDMENT 29 OF THE ARKANSAS
20 CONSTITUTION; AND TO PROHIBIT MEMBERS OF THE ARKANSAS
21 GAME AND FISH COMMISSION AND THE STATE HIGHWAY
22 COMMISSION FROM BEING APPOINTED OR ELECTED TO A CIVIL
23 OFFICE DURING THEIR TERM.

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26 **Subtitle**

27 TO AMEND AMENDMENT 35 AND AMENDMENT 42 OF
28 THE CONSTITUTION OF ARKANSAS TO REQUIRE
29 THAT MEMBERS OF THE ARKANSAS STATE GAME
30 AND FISH COMMISSION AND THE STATE HIGHWAY
31 COMMISSION BE ELECTED.

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33
34 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE
35 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
36 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:



1
 2 That the following is proposed as an amendment to the Constitution of
 3 the State of Arkansas, and upon being submitted to the electors of the state
 4 for approval or rejection at the next general election for Representatives
 5 and Senators, if a majority of the electors voting thereon at the election
 6 adopt the amendment, the amendment shall become part of the Constitution of
 7 the State of Arkansas, to wit:

8
 9 SECTION 1. Amendment 35, §§ 1 and 2, of the Constitution of Arkansas
 10 are amended to read as follows:

11 § 1. Commission created – Members – Powers.

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

21
 22 § 2. Qualifications and appointment of members – Terms of office ~~of~~
 23 ~~first commission~~ – Changes in congressional districts.

24 (a) Commissioners shall have knowledge of and interest in wildlife
 25 conservation. ~~All shall be appointed by the Governor. The first members of~~
 26 ~~the Commission shall be appointed by the Governor for terms as follows: One~~
 27 ~~for one year, one for two years, one for three years, one for four years, one~~
 28 ~~for five years, one for six years, and one for seven years. Each~~
 29 ~~Congressional District must be represented on the Commission.~~

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

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

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

36 (ii) Two (2) of the initial members shall serve for

1 a term of four (4) years;

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

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

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

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

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

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

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

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

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

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

23
24 SECTION 2. Amendment 35, § 3, of the Constitution of Arkansas is
25 repealed.

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

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

31
32 SECTION 3. Amendment 35, §§ 5 and 6, of the Constitution of Arkansas
33 are amended to read as follows:

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

35 A ~~Commissioner~~ commissioner may be removed by the Governor only for the
36 same causes as apply to other Constitutional Officers, and only after a

1 hearing ~~which~~ that may be reviewed by the ~~Chancery Court for the First~~
 2 ~~District Pulaski County Circuit Court~~ with right of appeal therefrom to the
 3 Supreme Court, such review and appeal to be without presumption in favor of
 4 any finding by the Governor or the trial court.

5
 6 § 6. Vacancies - Filling ~~—Chairman of commission.~~

7 ~~Vacancies on the Commission due to resignation or death shall be filled~~
 8 ~~by appointment of the Governor for the unexpired term within thirty days from~~
 9 ~~date of such vacancy; upon failure of the Governor to fill the vacancy within~~
 10 ~~thirty days, the remaining Commissioners shall make the appointment for the~~
 11 ~~unexpired term. A chairman shall be elected annually from the seven members~~
 12 ~~of the Commission to serve one year. Vacancies on the commission shall be~~
 13 ~~filled in accordance with Amendment 29 of the Arkansas Constitution.~~

14
 15 SECTION 4. Amendment 35 of the Constitution of Arkansas is amended to
 16 add an additional section to read as follows:

17 § 9. Members ineligible for civil office.

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

20
 21 SECTION 5. Amendment 42, § 2, of the Constitution of Arkansas is
 22 amended to read as follows:

23 § 2. ~~Qualifications and appointment~~ Election of members - Terms of
 24 office ~~of first commission.~~

25 ~~Within ten days after the convening of the General Assembly of the~~
 26 ~~State of Arkansas in the year 1953, the Governor, by and with the advice and~~
 27 ~~consent of the Senate, shall appoint five persons who are qualified electors~~
 28 ~~of the State to constitute the State Highway Commission for terms of two,~~
 29 ~~four, six, eight and ten years respectively. The terms of the persons so~~
 30 ~~appointed shall be determined by lot. The Commissioners to be appointed from~~
 31 ~~the State at large; provided, however, that no two Commissioners shall be~~
 32 ~~appointed from any single Congressional District.~~

33 ~~In the event of rejection by the Senate of a person whose name has been~~
 34 ~~so submitted, the Governor shall within five days after receipt of written~~
 35 ~~notice from the Secretary of the Senate of such rejection submit the name of~~
 36 ~~another appointee to fill such vacancy. In the event the Governor should~~

1 ~~within five days thereafter fail to appoint or fail to submit to the Senate~~
2 ~~for confirmation the name of any person to be appointed, the Senate shall~~
3 ~~proceed to make the appointment of its own choice.~~

4 (a)(1) Two (2) members of the commission shall be elected from each
5 congressional district in the state.

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

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

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

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

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

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

18 (b)(1) One (1) member of the commission shall be elected statewide and
19 shall serve as the chair of the commission.

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

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

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

24 (e) If the most recent decennial census results in an increase or
25 decrease in the number of congressional districts in the state and any one
26 (1) or more of the newly drawn congressional districts has:

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

31 (2) Fewer than two (2) members of the commission, each vacancy
32 shall be filled in accordance with Section 5 of this amendment.

33
34 SECTION 6. Amendment 42, § 3, of the Constitution of Arkansas is
35 repealed.

36 ~~§ 3. Terms of office of members.~~

1 ~~Upon the expiration of the foregoing terms of said Commissioners, a~~
 2 ~~successor shall be appointed by the Governor in the manner provided for in~~
 3 ~~Section 2 for a term of ten years, which term shall thereafter be for each~~
 4 ~~member of the Commission.~~

5
 6 SECTION 7. Amendment 42, §§ 4 and 5, of the Constitution of Arkansas
 7 are amended to read as follows:

8 § 4. Removal of members – Hearing – Review and appeal.

9 A Commissioner may be removed by the Governor only for the same causes
 10 as apply to other constitutional officers and only after a hearing ~~which that~~
 11 may be reviewed by the ~~Chancery Court for the First District~~ Pulaski County
 12 Circuit Court with right of appeal therefrom to the Supreme Court, such
 13 review and appeal to be without presumption in favor of any finding by the
 14 Governor or the trial court, ~~and provided further, in addition to the right~~
 15 ~~of confirmation hereinabove reserved to the Senate, the Senate may upon the~~
 16 ~~written request of at least Five (5) of its members that a member or members~~
 17 ~~of the Commission should be removed therefrom, proceed, when in session, to~~
 18 ~~hear any and all evidence pertinent to the reasons for removal. The member or~~
 19 ~~members whose removal is so requested shall be entitled to be heard in the~~
 20 ~~matter and to be represented before the Senate by legal Counsel. These~~
 21 ~~proceedings conducted by the Senate shall be public and a transcript of the~~
 22 ~~testimony so heard shall be prepared and preserved in the journal of the~~
 23 ~~Senate. The taking of evidence either orally or by deposition shall not be~~
 24 ~~bound by the formal rules of evidence. Upon the conclusion of the hearing,~~
 25 ~~the Senate, sitting as a body in executive session, may remove said member or~~
 26 ~~members of the Commission by a majority vote conducted by secret ballot.~~

27
 28 5. Vacancies – Filling.

29 ~~Vacancies on the Commission due to resignations, death or removal shall~~
 30 ~~be filled by appointment of the Governor for the unexpired term within thirty~~
 31 ~~days from the date of such vacancy. Upon failure of the Governor to fill the~~
 32 ~~vacancy within thirty days, the remaining Commissioners shall make the~~
 33 ~~appointment for the unexpired term.~~ Vacancies on the commission shall be
 34 filled in accordance with Amendment 29 of the Arkansas Constitution.

35
 36 SECTION 8. Amendment 42 of the Constitution of Arkansas is amended to

1 add an additional section to read as follows:

2 § 7. Members ineligible for civil office.

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

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