

# OVERVIEW OF AMENDMENT 42 OF THE ARKANSAS CONSTITUTION

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# Constitutional Amendment 42

- ▶ § 1. Creates the State Highway Commission and vests the commission with the powers and duties imposed by law for administering the Arkansas Department of Transportation.
- ▶ § 2. Qualifications and appointment of commissioners
- ▶ § 3. Terms of office of commissioners
- ▶ § 4. Removal of commissioners
- ▶ § 5. Filling of vacancies
- ▶ § 6. Appointment of Director of Highways
  - Duties as may be prescribed by the commission or by statute

## § 1. Commission created — Members — Powers.

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

# Constitutional Powers and Duties

## 1. State Highway Commission:

- Administration of the Arkansas Department of Transportation
- Carry out laws relating to Arkansas Department of Transportation
- Employ officers or employees
- Appoint Director of Highways
- Duties of Director of Highways
  - **Changes require constitutional amendment**

## 2. General Assembly:

- Grant or withdraw powers and duties of commission, department, and Director of Highways
  - Amendment 42 § 1, § 6
  - *Arkansas Motor Carriers Association, Inc. v. Pritchett*, 303 Ark. 620 (1990)

# Statutory Powers and Duties of State Highway Commission

- Ark. Code Ann. 27-65-107 lists the powers and duties granted by the General Assembly to the State Highway Commission for the administration of the Arkansas Department of Transportation. Powers and duties generally fall under the following:
  - State Highways
  - Federal Aid Programs
  - Finance
  - Special Programs

# Statutory Powers and Duties of Arkansas Department of Transportation

- ▶ Jurisdiction over the following modes of transportation:
  - Roads/bridges
  - Public Transit
  - Freight and Passenger Rail
  - Pedestrian/bicycle
- ▶ **The General Assembly may add, amend, or remove these powers and duties.**



Questions?