

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

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

HJR 1017

4  
5 By: Representative Mahony  
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**HOUSE JOINT RESOLUTION**

9 PROPOSING AN AMENDMENT TO THE ARKANSAS  
10 CONSTITUTION CONCERNING BOARDS AND COMMISSIONS  
11 GOVERNING STATE INSTITUTIONS; AND FOR OTHER  
12 PURPOSES.

**Subtitle**

15 PROPOSING AN AMENDMENT TO THE ARKANSAS  
16 CONSTITUTION CONCERNING BOARDS AND  
17 COMMISSIONS GOVERNING STATE  
18 INSTITUTIONS.

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21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH GENERAL  
22 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL  
23 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:  
24

25 That the following is proposed as an amendment to the Constitution of  
26 the State of Arkansas, and upon being submitted to the electors of the state  
27 for approval or rejection at the next general election for Representatives  
28 and Senators, if a majority of the electors voting thereon at the election  
29 adopt the amendment, the amendment shall become a part of the Constitution of  
30 the State of Arkansas, to wit:  
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32 SECTION 1. Amendment 33 to the Arkansas Constitution is repealed.

33 ~~1. Term of office of members.~~

34 ~~The term of office of members of the boards or commissions charged with~~  
35 ~~the management or control of all charitable, penal or correctional~~  
36 ~~institutions and institutions of higher learning of the State of Arkansas,~~



1 ~~now in existence or hereafter created, shall be five years when the~~  
2 ~~membership is five in number, seven years when the membership is seven in~~  
3 ~~number, and ten years when the membership is ten in number. Such terms of~~  
4 ~~office shall be arranged by the General Assembly to provide a membership with~~  
5 ~~one term of office expiring every year from the effective date of this~~  
6 ~~amendment. The unexpired terms of members serving on the effective date of~~  
7 ~~this amendment shall not be decreased.~~

8 ~~2. Abolition or transfer of powers of board or commission—~~  
9 ~~Restrictions.~~

10 ~~The board or commission of any institution, governed by this amendment,~~  
11 ~~shall not be abolished nor shall the powers vested in any such board or~~  
12 ~~commission be transferred, unless the institution is abolished or~~  
13 ~~consolidated with some other State institution. In the event of abolition or~~  
14 ~~consolidation, the new board or commission shall consist of a membership of~~  
15 ~~five, seven, or ten.~~

16 ~~3. Increase or decrease of members of board or commission prohibited.~~

17 ~~The membership of any such board or commission now in existence shall~~  
18 ~~not be increased or decreased in number after the effective date of this~~  
19 ~~amendment nor shall the number of members of any such board or commission~~  
20 ~~created after this amendment is in operation be increased or decreased~~  
21 ~~subsequent to its creation.~~

22 ~~4. Removal of member—Procedure—Appeal.~~

23 ~~The Governor shall have the power to remove any member of such boards~~  
24 ~~or commissions before the expiration of his term for cause only, after notice~~  
25 ~~and hearing. Such removal shall become effective only when approved in~~  
26 ~~writing by a majority of the total number of the board or commission, but~~  
27 ~~without the right to vote by the member removed or by his successor, which~~  
28 ~~action shall be filed with the Secretary of State together with a complete~~  
29 ~~record of the proceedings at the hearing.~~

30 ~~An appeal may be taken to the Pulaski Circuit Court by the Governor or~~  
31 ~~the member ordered removed, and the same shall be tried de novo on the~~  
32 ~~record. An appeal may be taken from the circuit court to the Arkansas Supreme~~  
33 ~~Court, which shall likewise be tried de novo.~~

34 ~~5. Vacaney—Filling.~~

35 ~~Any vacaney arising in the membership of such board or commission for~~  
36 ~~any reason other than the expiration of the regular term for which the member~~

1 ~~was appointed shall be filled by appointment by the Governor, subject to~~  
2 ~~approval by a majority of the remaining members of the board or commission,~~  
3 ~~and to be thereafter effective until the expiration of such regular term.~~

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