

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

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

HJR 1008

4
5 By: Representative D. Hutchinson

HOUSE JOINT RESOLUTION

9 PROPOSING AN AMENDMENT TO THE ARKANSAS
10 CONSTITUTION TO MODERNIZE AMENDMENT 42 CONCERNING
11 THE STATE HIGHWAY COMMISSION BY: (1) PROVIDING
12 FOR STATE HIGHWAY COMMISSION DISTRICTS THAT
13 CORRESPOND WITH THE UNITED STATES CONGRESSIONAL
14 DISTRICTS AND APPOINTMENTS THAT COMPLY WITH STATE
15 ETHICS LAWS; (2) CREATING REGIONAL DISTRICTS FOR
16 APPOINTING AT-LARGE HIGHWAY COMMISSIONERS; (3)
17 PROVIDING THAT AT-LARGE HIGHWAY COMMISSIONERS ARE
18 APPOINTED SO THAT EACH REGIONAL DISTRICT RECEIVES
19 ADEQUATE REPRESENTATION; (4) REQUIRING A HIGHWAY
20 COMMISSIONER APPOINTED AFTER JANUARY 1, 2011, TO
21 HAVE HIS OR HER PRIMARY RESIDENCE IN HIS OR HER
22 CONGRESSIONAL DISTRICT; AND (5) REQUIRING AN AT-
23 LARGE HIGHWAY COMMISSIONER APPOINTED AFTER
24 JANUARY 1, 2011, TO HAVE HIS OR HER PRIMARY
25 RESIDENCE IN HIS OR HER REGIONAL DISTRICT; TO
26 IMPROVE ACCOUNTABILITY FOR THE USE OF
27 DISCRETIONARY FUNDING BY THE HIGHWAY COMMISSION
28 BY: (1) REQUIRING DISCRETIONARY FUNDING TO BE
29 DIVIDED EQUALLY OVER A TEN-YEAR PERIOD FOR EACH
30 CONGRESSIONAL DISTRICT; AND (2) REQUIRING THE
31 HIGHWAY COMMISSION TO ACCOUNT FOR THE EXPENDITURE
32 OF DISCRETIONARY FUNDING IN EACH CONGRESSIONAL
33 DISTRICT ON AN ANNUAL BASIS TO THE GENERAL
34 ASSEMBLY AS PROVIDED BY LAW.

Subtitle



1 PROPOSING AN AMENDMENT TO THE ARKANSAS
2 CONSTITUTION TO MODERNIZE AMENDMENT 42
3 CONCERNING THE STATE HIGHWAY COMMISSION.
4

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL
6 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
7 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
8

9 That the following is proposed as an amendment to the Constitution of
10 the State of Arkansas, and upon being submitted to the electors of the state
11 for approval or rejection at the next general election for Representatives
12 and Senators, if a majority of the electors voting thereon at the election
13 adopt the amendment, the amendment shall become a part of the Constitution of
14 the State of Arkansas, to wit:
15

16 SECTION 1. Arkansas Constitution, Amendment 42, Section 2, regarding
17 the State Highway Commission, is amended to read as follows:

18 § 2. Qualifications and appointment of members - Terms of office of
19 first commission.

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

28 (b)(1) There shall be one highway commissioner from each congressional
29 district, and the commissioner appointed to the State Highway Commission
30 shall serve the same constituency that the member of Congress for that
31 district serves.

32 (2) All appointments shall comply with state ethics laws.

33 (c)(1) If Arkansas has an even number of congressional districts, then
34 there shall be an additional at-large commissioner who shall serve the state
35 as a whole for a term of five years.

36 (2)(A)(i) An at-large commissioner shall be selected from a

1 regional district of the state and the regional districts applicable and
2 created under this subsection (c) only applies to the appointment of an at-
3 large commissioner when Arkansas has an even number of congressional
4 districts.

5 (ii) An at-large commissioner shall be appointed
6 from each regional district until an at-large commissioner has been appointed
7 from every regional district at least one time.

8 (iii) The order in which the at-large commissioner
9 is appointed from each regional district shall be established by the order of
10 the appointments of the first five at-large commissioners.

11 (B) If an at-large commissioner cannot serve his or her
12 entire term, then the commissioner appointed to replace him or her shall be
13 from the same regional district as the commissioner being replaced and shall
14 serve the remainder of term of the commissioner being replaced.

15 (3) The regional districts for selecting at-large commissioners
16 are:

17 (A) The Central District, to include the counties of
18 Conway, Faulkner, Perry, Pulaski, Lonoke, Prairie, Garland, Saline, Hot
19 Spring, Grant, Jefferson, Yell, and White;

20 (B) The Northwest Ozark District, to include the counties
21 of Benton, Carroll, Boone, Marion, Baxter, Washington, Madison, Newton,
22 Searcy, Crawford, Franklin, Johnson, Van Buren, Sebastian, Logan, Fulton, and
23 Scott;

24 (C) The Southwest Ouachita District, to include Polk,
25 Montgomery, Howard, Pike, Sevier, Little River, Hempstead, Nevada, Miller,
26 Lafayette, Columbia, Ouachita, Calhoun, Union, Clark, and Dallas;

27 (D) The Mississippi Delta District, to include St.
28 Francis, Monroe, Lee, Phillips, Arkansas, Lincoln, Desha, Drew, Chicot,
29 Ashley, Bradley, Cleveland; and

30 (E) The Crowley's Ridge District, to include Randolph,
31 Clay, Sharp, Lawrence, Stone, Greene, Craighead, Mississippi, Cleburne,
32 Independence, Jackson, Poinsett, Cross, Crittenden, Fulton, Woodruff, and
33 Izard.

34 (4) An at-large commissioner appointed after January 1, 2011,
35 shall have his or her primary residence in the regional district that he or
36 she is appointed to represent.

1 (d)(1)(A) Upon the effective date of subsections (b) and (c) of this
2 section, the highway commission districts shall be the same as the
3 congressional districts in effect at that time.

4 (B)(i) The Highway Commission shall determine which of the
5 five commissioners is the at-large commissioner, and that commissioner shall
6 be the first at-large commissioner appointed from a regional district that is
7 his or her primary residence as provided under subsection (c) of this
8 section.

9 (ii) The first at-large commissioner appointed under
10 this subsection (d)(1)(B) shall serve the remainder of his or her term,
11 regardless if it exceeds five years.

12 (2) When congressional districts change because of the most
13 recent federal decennial census, the highway commission districts shall be
14 changed to be the same as the congressional districts at that time.

15 (3) Appointments to the commission made after January 1, 2011,
16 shall comply with the purpose and intent of subsections (b) and (c) of this
17 section.

18 (4) Compliance with subsections (b), (c), and (d) of this
19 section shall be made as soon as practicable.

20 (e) A commissioner appointed after January 1, 2011, is required to
21 have his or her primary residence in the congressional district that he or
22 she is appointed to represent.

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

30
31 SECTION 2. Arkansas Constitution, Amendment 42, Section 3, regarding
32 the State Highway Commission, is amended to read as follows:

33 3. Terms of office of members.

34 Upon the expiration of the foregoing terms of said Commissioners, a
35 successor shall be appointed by the Governor in the manner provided for in
36 Section 2 for a term of ten years, which term shall thereafter be for each

1 member of the Commission, except for the term of the at-large commissioner
2 which shall be for five years.

3
4 SECTION 3. Arkansas Constitution, Amendment 42, Section 5, regarding
5 the State Highway Commission, is amended to read as follows:

6 5. Vacancies - Filling.

7 (a) Vacancies on the Commission due to resignations, death or removal
8 shall be filled by appointment of the Governor for the unexpired term within
9 thirty days from the date of such vacancy. Upon failure of the Governor to
10 fill the vacancy within thirty days, the remaining Commissioners shall make
11 the appointment for the unexpired term.

12 (b) If a commissioner appointed to a ten-year term cannot serve his or
13 her entire term, then the commissioner appointed to replace him or her shall
14 be from the same congressional district as the commissioner being replaced
15 and shall serve the remainder of the term of the commissioner being replaced.

16
17 SECTION 4. Arkansas Constitution, Amendment 42, regarding the State
18 Highway Commission, is amended to add additional sections to read as follows:

19 § 7. Use of discretionary funding.

20 (a) As used in this section, "discretionary funding" means moneys
21 available for use by the State Highway Commission or the Arkansas State
22 Highway and Transportation Department that are not:

23 (1) Designated for a specific use under law;

24 (2) Required to be used by law or by contract for debt service;

25 or

26 (3) Required to be used by law or by contract as a source for
27 matching funds.

28 (b) Beginning on January 1, 2012, discretionary funding shall be
29 divided equally over a ten-year period for each congressional district.

30 (c) The State Highway Commission shall account for the expenditure of
31 discretionary funding in each congressional district on an annual basis to
32 the General Assembly as provided by law.

33
34 § 8. Changes in congressional districts.

35 If the most recent decennial census results in the state adding or
36 losing a congressional district and the newly drawn districts have two or

1 more commissioners with their primary residence in the same congressional
2 district, the commissioner with the shortest term shall retire from the
3 commission.

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