

ARKANSAS SENATE
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of Senate Joint Resolution No. 15

A CONSTITUTIONAL AMENDMENT CONCERNING THE MEMBERSHIP OF THE STATE HIGHWAY
COMMISSION.

Amendment No. 2 to Senate Joint Resolution 15

Amend Senate Joint Resolution No. 15 as engrossed S3/27/23 (version: 3/27/2023 9:51:47 AM):

Page 1, line 9, delete "AND"

AND

Page 1, delete lines 10 through 12, and substitute the following:

"PROVIDING THAT EACH MEMBER OF THE STATE HIGHWAY COMMISSION SHALL REPRESENT A DISTRICT COMPRISED OF CERTAIN COUNTIES OF THE STATE; PROVIDING THAT A MEMBER OF THE STATE HIGHWAY COMMISSION SHALL RESIDE WITHIN HIS OR HER DISTRICT; AMENDING AND CLARIFYING THE DUTIES OF THE SENATE REGARDING ADVICE AND CONSENT FOR APPOINTMENTS TO THE STATE HIGHWAY COMMISSION AND THE REMOVAL OF COMMISSIONERS; AND PROVIDING FOR THE IMPLEMENTATION OF THE AMENDMENT."

AND

Page 1, delete lines 32 through 36, and substitute the following:

"SECTION 1. Arkansas Constitution, Amendment 42, § 2, is amended to read as follows:

§ 2. Qualifications and appointment of members – Terms of office ~~of first commission.~~

~~(a) Within ten days after the convening of the General Assembly of the State of Arkansas in the year 1953, the~~ The Governor, by and with the advice and consent of the Senate under subsection (c) of this section, shall appoint



five (5) persons who are qualified electors of the State to constitute the State Highway Commission ~~for terms of two, four, six, eight and ten years respectively. The terms of the persons so appointed shall be determined by lot. The Commissioners to be appointed from the State at large; provided, however, that no two Commissioners shall be appointed from any single Congressional District.~~

(b)(1) The Commissioners shall be appointed as follows:

(A) One (1) Commissioner who resides within and represents District 1, which shall consist of Carroll, Boone, Marion, Baxter, Fulton, Izard, Sharp, Lawrence, Randolph, Clay, Greene, Craighead, Madison, Newton, Searcy, Stone, Independence, Franklin, Johnson, Pope, Conway, Van Buren, and Cleburne counties;

(B) One (1) Commissioner who resides within and represents District 2, which shall consist of Faulkner, Pulaski, and Saline counties;

(C) One (1) Commissioner who resides within and represents District 3, which shall consist of Benton, Washington, Crawford, and Sebastian counties;

(D) One (1) Commissioner who resides within and represents District 4, which shall consist of Miller, Lafayette, Columbia, Union, Calhoun, Ouachita, Nevada, Hempstead, Little River, Sevier, Howard, Pike, Clark, Dallas, Grant, Hot Spring, Garland, Montgomery, Polk, Scott, Logan, Yell, and Perry counties; and

(E) One (1) Commissioner who resides within and represents District 5, which shall consist of Mississippi, Poinsett, Cross, Crittenden, St. Francis, Lee, Phillips, Desha, Chicot, Ashley, Bradley, Drew, Lincoln, Cleveland, Jefferson, Arkansas, Monroe, Prairie, Lonoke, White, Woodruff, and Jackson counties.

(2)(A) A Commissioner shall reside within the district he or she represents during his or her term.

(B) If a Commissioner does not reside within the district he or she represents during his or her term, the Governor shall remove the Commissioner under Arkansas Constitution, Amendment 42, § 4.

(c)(1) When the name of an appointee is submitted to the Senate for advice and consent, only the members of the Senate who reside within the district under subsection (b) of this section that would be represented by the appointee shall provide advice and consent regarding the appointment.

(2) Advice and consent for an appointee to the Commission requires a majority vote of the members of the Senate considering the appointment under subdivision (c)(1) of this section.

(d)(1) In the event of rejection by the members of the Senate under subsection (c) of this section of a person whose name has been so submitted, the Governor shall within five (5) days after receipt of written notice from the Secretary of the Senate of such rejection submit the name of another appointee to fill such vacancy.

(2) In the event the Governor should within five (5) days thereafter fail to appoint or fail to submit to the Senate for confirmation the name of any person to be appointed, the members of the Senate who reside within the district under subsection (b) of this section subject to the appointment shall proceed to make the appointment of ~~its~~ their own choice by a majority vote of the members of the Senate who reside within the district.

(e) A Commissioner shall serve a term of ten (10) years.

(f)(1) The General Assembly may, by a three-fifths (3/5) vote of each house, amend the distribution of counties among districts under subsection (b) of this section in the regular session following each federal decennial census.

(2) If a redistribution of counties among districts under subdivision (f)(1) of this section results in a Commissioner no longer residing within the district he or she represents:

(A) A vacancy shall be declared by the Governor with regard to the Commissioner who no longer resides within the district as a result of the redistribution of counties; and

(B) A Commissioner shall be appointed under Arkansas Constitution, Amendment 42, § 5 to fill the unexpired term.

SECTION 2. Arkansas Constitution, Amendment 42, § 3, is repealed.

~~§ 3. Terms of office of members.~~

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

SECTION 3. Arkansas Constitution, Amendment 42, § 4, is amended to

read as follows:

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

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

SECTION 4. Arkansas Constitution, Amendment 42, § 5, is amended to read as follows:

§ 5. Vacancies – Filling.

(a) Vacancies on the State Highway Commission due to resignations, death, ~~or~~ removal, or a Commissioner residing outside his or her district as a result of a redistribution of counties under Arkansas Constitution, Amendment 42, § 2(f), shall be filled by appointment of the Governor for the unexpired term within thirty (30) days from the date of such vacancy.

(b) Upon failure of the Governor to fill the vacancy within thirty (30) days, the remaining Commissioners shall make the appointment for the unexpired term.

SECTION 5. EFFECTIVE DATE AND IMPLEMENTATION.

(a) This amendment is effective on and after January 1, 2025.

(b) The changes to the membership of the State Highway Commission under Section 1 of this amendment shall be implemented by the filling of vacancies on the Commission as follows:

(1)(A) The Commissioner serving on the effective date of this amendment whose term expires in 2025 shall, upon the expiration of his or her term, be replaced by a Commissioner who shall reside within and represent District 1 under Arkansas Constitution, Amendment 42, § 2(b).

(B) If a vacancy occurs in the position of the Commissioner whose term expires in 2025 prior to the expiration of his or her term:

(i) The appointment to fill the vacancy shall be for the unexpired term; and

(ii) The appointee to fill the vacancy shall reside within and represent District 1 under Arkansas Constitution, Amendment 42, § 2(b);

(2)(A) The Commissioner serving on the effective date of this amendment whose term expires in 2027 shall, upon the expiration of his or her term, be replaced by a Commissioner who shall reside within and represent District 5 under Arkansas Constitution, Amendment 42, § 2(b).

(B) If a vacancy occurs in the position of the Commissioner whose term expires in 2027 prior to the expiration of his or her term:

(i) The appointment to fill the vacancy shall be for the unexpired term; and

(ii) The appointee to fill the vacancy shall reside within and represent District 5 under Arkansas Constitution, Amendment 42, § 2(b);

(3)(A) The Commissioner serving on the effective date of this amendment whose term expires in 2029 shall, upon the expiration of his or her term, be replaced by a Commissioner who shall reside within and represent District 3 under Arkansas Constitution, Amendment 42, § 2(b).

(B) If a vacancy occurs in the position of the Commissioner whose term expires in 2029 prior to the expiration of his or her term:

(i) The appointment to fill the vacancy shall be for the unexpired term; and

(ii) The appointee to fill the vacancy shall reside within and represent District 3 under Arkansas Constitution, Amendment 42, § 2(b);

(4)(A) The Commissioner serving on the effective date of this amendment whose term expires in 2031 shall, upon the expiration of his or her term, be replaced by a Commissioner who shall reside within and represent District 2 under Arkansas Constitution, Amendment 42, § 2(b).

(B) If a vacancy occurs in the position of the Commissioner whose term expires in 2031 prior to the expiration of his or her term:

(i) The appointment to fill the vacancy shall be for the unexpired term; and

(ii) The appointee to fill the vacancy shall reside within and represent District 2 under Arkansas Constitution, Amendment 42, § 2(b); and

(5)(A) The Commissioner serving on the effective date of this amendment whose term expires in 2033 shall, upon the expiration of his or her term, be replaced by a Commissioner who shall reside within and represent District 4 under Arkansas Constitution, Amendment 42, § 2(b).

(B) If a vacancy occurs in the position of the Commissioner whose term expires in 2033 prior to the expiration of his or her term:

(i) The appointment to fill the vacancy shall be for the unexpired term; and

(ii) The appointee to fill the vacancy shall reside within and represent District 4 under Arkansas Constitution, Amendment 42, § 2(b).

SECTION 6. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment Concerning the Membership of the State Highway Commission; Providing That Each Member of the State Highway Commission Shall Represent a District

Comprised of Certain Counties of the State; Providing That a Member of the State Highway Commission Shall Reside Within His or Her District; Amending and Clarifying the Duties of the Senate Regarding Advice and Consent for Appointments to the State Highway Commission and the Removal of Commissioners; and Providing for the Implementation of the Amendment".”

AND

Page 2, delete lines 1 through 36

AND

Page 3, delete lines 1 through 35

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator B. King

MBM/MBM - 04-04-2023 10:48:35

MBM201

Secretary