

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Malone

S.J.R. 3

5  
6  
7 **SENATE JOINT RESOLUTION**

8 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO  
9 INCREASE THE MEMBERSHIP IN THE STATE HIGHWAY COMMISSION SO  
10 THAT IT SHALL BE COMPOSED OF TWO COMMISSIONERS RESIDING IN  
11 EACH CONGRESSIONAL DISTRICT.

12  
13 **Subtitle**

14 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO  
15 INCREASE THE MEMBERSHIP IN THE STATE HIGHWAY COMMISSION SO  
16 THAT IT SHALL BE COMPOSED OF TWO COMMISSIONERS RESIDING IN  
17 EACH CONGRESSIONAL DISTRICT.

18  
19  
20 BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE  
21 OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS  
22 ELECTED TO EACH HOUSE AGREEING THERETO:

23  
24 That the following is hereby proposed as an amendment to the  
25 Constitution of the state of Arkansas, and upon being submitted to the  
26 electors of the state for approval or rejection at the next general election  
27 for Senators and Representatives, if a majority of the electors voting  
28 thereon at such election, adopt such amendment, the same shall become a part  
29 of the Constitution of the state of Arkansas, to wit:

30  
31 SECTION 1. Section 2 of Amendment 42 of the Arkansas Constitution is  
32 amended to read as follows:

33 "§ 2. Qualifications and appointment of members

34 (a) The State Highway Commission shall be composed of two (2) members  
35 residing in each congressional district. The Commissioners shall be

1 appointed by the Governor subject to confirmation by the Senate.  
2 Commissioners serving on January 1, 1997, shall continue to serve the  
3 remainder of their terms and the Governor shall no later than February 1,  
4 1997, appoint the remaining members of the commission. If the Governor fails  
5 to make the appointments by February 1, 1997 the Senate shall proceed to make  
6 the appointments of its own choice. The terms of office of the three  
7 additional Commissioners appointed by the Governor during January, 1997,  
8 shall be determined by lot so that one shall serve a four year term, one  
9 shall serve a six year term and one shall serve an eight year term.

10 (b) In the event of rejection by the Senate of a person whose name has  
11 been so submitted, the Governor shall within five days after receipt of  
12 written notice from the Secretary of the Senate of such rejection submit the  
13 name of another appointee to fill such vacancy. In the event the Governor  
14 should within five days thereafter fail to appoint or fail to submit to the  
15 Senate for confirmation the name of any person to be appointed, the Senate  
16 shall proceed to make the appointment of its own choice."

17

18 SECTION 2. Section 3 of Amendment 42 of the Arkansas Constitution is  
19 amended to read as follows:

20 "§ 3. Terms of office of members.

21 Upon the expiration of the foregoing terms of said Commissioners, a  
22 successor shall be appointed by the Governor in the manner provided for in  
23 Section 2 for a term of eight (8) years, which term shall thereafter be for  
24 each member of the Commission."

25

26 SECTION 3. Section 4 of Amendment 42 of the Arkansas Constitution is  
27 amended to read as follows:

28 "§ 4. Removal of members - Hearing - Review and appeal.

29 A Commissioner may be removed by the Governor only for the same causes  
30 as apply to other constitutional officers after a hearing which may be  
31 reviewed by the Chancery Court of Pulaski County with right of appeal  
32 therefrom to the Supreme Court, such review and appeal to be without  
33 presumption in favor of any finding by the Governor or the trial court, and  
34 provided further, in addition to the right of confirmation hereinabove  
35 reserved to the Senate, the Senate may upon the written request of at least

1 five (5) of its members that a member or members of the Commission should be  
2 removed therefrom, proceed, when in session, to hear any and all evidence  
3 pertinent to the reasons for removal. The member or members whose removal is  
4 so requested shall be entitled to be heard in the matter and to be  
5 represented before the Senate by legal counsel. These proceedings conducted  
6 by the Senate shall be public and a transcript of the testimony so heard  
7 shall be prepared and preserved in the journal of the Senate. The taking of  
8 evidence either orally or by deposition shall not be bound by the formal  
9 rules of evidence. Upon the conclusion of the hearing, the Senate, sitting as  
10 a body in executive session, may remove said member or members of the  
11 Commission by a majority vote conducted by secret ballot."

12

13 SECTION 4. Section 5 of Amendment 42 of the Arkansas Constitution is  
14 amended to read as follows:

15 "§ 5. Vacancies - Filling.

16 (a) Vacancies on the Commission due to resignations, death, changes in  
17 boundaries of congressional districts or removal shall be filled by  
18 appointment of the Governor for the unexpired term within thirty days from  
19 the date of such vacancy. Upon failure of the Governor to fill the vacancy  
20 within thirty days, the remaining Commissioners shall make the appointment  
21 for the unexpired term.

22 (b) When changing the boundaries of congressional districts results in  
23 a Commissioner no longer residing in the congressional district from which  
24 appointed, that Commissioner shall be disqualified from continuing to serve  
25 and the vacancy shall be filled as provided in subsection (a). When the  
26 number of congressional districts is increased or decreased the number of  
27 Commissioners shall be increased or decreased accordingly. If the number of  
28 congressional districts is decreased and as a result more than two  
29 Commissioners reside in a congressional district the Governor shall designate  
30 which Commissioners shall continue to serve."

31

32 SECTION 5. This amendment becomes effective January 1, 1997.

33

34

35

1

2