

Stricken language would be deleted from the present constitution. Underlined language would be added to present constitution.

1 State of Arkansas *As Engrossed: S3/14/97*

2 81st General Assembly

3 Regular Session, 1997

S.J.R. 7

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5 By: Senators Malone, Bradford, Boozman, Todd, and Harriman

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SENATE JOINT RESOLUTION

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

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Subtitle

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

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

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

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33 SECTION 1. Section 2 of Amendment 42 of the Arkansas Constitution is
34 amended to read as follows:

35 § 2. Qualifications and appointment of members - Terms of office of
36 first commission.

1 ~~Within ten days after the convening of the General Assembly of the State~~
2 ~~of Arkansas in the year 1953, the Governor, by and with the advice and consent~~
3 ~~of the Senate, shall appoint five persons who are qualified electors of the~~
4 ~~State to constitute the State Highway Commission for terms of two, four, six,~~
5 ~~eight and ten years respectively. The terms of the persons so appointed shall~~
6 ~~be determined by lot. The Commissioners to be appointed from the State at~~
7 ~~large; provided, however, that no two Commissioners shall be appointed from~~
8 ~~any single Congressional District.~~

9 (a) The State Highway Commission shall be composed of two members
10 residing in each congressional district. To be eligible for appointment the
11 person must have been domiciled in the district for one year and registered to
12 vote in the district for one year. The Commissioners shall be appointed by
13 the Governor subject to confirmation by the Senate. Commissioners serving on
14 January 1, 1999, shall continue to serve the remainder of their terms and the
15 Governor shall no later than February 1, 1999, appoint the remaining members
16 of the commission. If the Governor fails to make the appointments by February
17 1, 1999, the Senate shall proceed to make the appointments of its own choice.
18 The terms of office of the three additional Commissioners appointed by the
19 Governor during January, 1999, shall be determined by lot so that one shall
20 serve a five-year term, one shall serve a seven-year term, and one shall serve
21 a nine-year term.

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

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

32 § 3. Terms of office of members.

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

1 each member of the Commission.↵

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

5 ¶ 4. Removal of members - Hearing - Review and appeal.

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

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

27 ¶ 5. Vacancies - Filling.

28 (a) Vacancies on the Commission due to resignations, death, changes in
29 boundaries of congressional districts, or removal shall be filled by
30 appointment of the Governor for the unexpired term within thirty days from the
31 date of such vacancy. Upon failure of the Governor to fill the vacancy within
32 thirty days, the remaining Commissioners shall make the appointment for the
33 unexpired term.

34 (b) If the changing of the boundries of congressional districts or any
35 other reason results in a Commissioner no longer residing in the congressional

1 district from which appointed, that Commissioner shall be disqualified from
2 continuing to serve and the vacancy shall be filled as provided in subsection
3 (a). When the number of congressional districts is increased or decreased the
4 number of Commissioners shall be increased or decreased accordingly. If the
5 number of congressional districts is decreased and as a result more than two
6 Commissioners reside in a congressional district the Governor shall designate
7 which Commissioners shall continue to serve."

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9 SECTION 5. This amendment becomes effective January 1, 1999.

10 /s/Malone et al

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