

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1480

5 By: Representative D. Hutchinson
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THAT THE STATE HIGHWAY COMMISSION
9 IS COMPOSED OF ONE (1) MEMBER FROM EACH CONGRESSIONAL
10 DISTRICT AND ANY ADDITIONAL MEMBERS FROM THE STATE
11 AT-LARGE NECESSARY TO COMPOSE A COMMISSION OF FIVE
12 (5) MEMBERS; TO ENSURE THAT A STATE HIGHWAY
13 COMMISSIONER IS APPOINTED FROM AND REPRESENTS HIS OR
14 HER CONGRESSIONAL DISTRICT, EXCEPT FOR AT-LARGE
15 COMMISSIONERS; AND FOR OTHER PURPOSES.
16
17

Subtitle

18 TO MAKE LEGISLATIVE CORRECTION TO THE LAW
19 REGARDING THE APPOINTMENT AND
20 REPRESENTATION OF STATE HIGHWAY
21 COMMISSIONERS.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. DO NOT CODIFY. The General Assembly finds:

28 (1) White v. Hankins, 276 Ark. 562, 637 S.W.2d 603 (1982), found
29 that Amendment 42 to the Arkansas Constitution, known as the "Mack-Blackwell
30 Amendment", used congressional districts as the criterion in the selection of
31 highway commissioners;

32 (2) White v. Hankins, 637 S.W.2d at 605, noted that:
33 "Congressional Districts are known to change with population fluctuation, and
34 their use insures a periodically updated rough balance of population and
35 geographical considerations";

36 (3) White v. Hankins found that the Mack-Blackwell Amendment



1 operated prospectively and that congressional districts were not "frozen" in
2 time;

3 (4) The meaning of Arkansas Code § 27-65-104 is unclear and
4 ambiguous, and its current codification may not accurately reflect the intent
5 of the General Assembly;

6 (5) After Mack-Blackwell was originally passed, highway
7 commissioners were not assigned to specific districts, much like how the
8 Arkansas State Game and Fish Commission is now and has always been;

9 (6) It has only been in the last twenty-five (25) years or so
10 that the State Highway Commission has started creating maps showing the areas
11 that the highway commissioners represent; and

12 (7) This act is necessary for legislative correction and to
13 clarify which areas highway commissioners represent.

14
15 SECTION 2. Arkansas Code § 27-65-104(a), regarding members of the
16 State Highway Commission, is amended to read as follows:

17 ~~All appointments to the State Highway Commission shall be based upon~~
18 ~~the four (4) congressional districts as defined on July 20, 1979.~~

19 ~~Appointments to the commission shall be made so as to assure that, at the~~
20 ~~earliest possible date, the commission shall be composed of one (1) member~~
21 ~~from each of the four (4) congressional districts and one (1) member from the~~
22 ~~state at-large~~ The State Highway Commission shall be composed of one (1)
23 member from each congressional district and any additional members from the
24 state at-large necessary to compose a commission of five (5) members.

25
26 SECTION 3. Arkansas Code § 27-65-104, regarding members of the State
27 Highway Commission, is amended to add an additional subsection to read as
28 follows:

29 (c) Except for any at-large commissioners, a highway commissioner
30 appointed from a congressional district shall represent his or her
31 congressional district and no other designated portion of the state.