

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

1 State of Arkansas *As Engrossed: S3/27/23 S4/6/23*

2 94th General Assembly

3 Regular Session, 2023

SJR 15

4

5 By: Senator B. King

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**SENATE JOINT RESOLUTION**

8

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING

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THE MEMBERSHIP OF THE STATE HIGHWAY COMMISSION;

10

*PROVIDING THAT EACH MEMBER OF THE STATE HIGHWAY*

11

*COMMISSION SHALL REPRESENT A DISTRICT COMPRISED OF*

12

*CERTAIN COUNTIES OF THE STATE; PROVIDING THAT A*

13

*MEMBER OF THE STATE HIGHWAY COMMISSION SHALL RESIDE*

14

*WITHIN HIS OR HER DISTRICT; AMENDING AND CLARIFYING*

15

*THE DUTIES OF THE SENATE REGARDING ADVICE AND CONSENT*

16

*FOR APPOINTMENTS TO THE STATE HIGHWAY COMMISSION AND*

17

*THE REMOVAL OF COMMISSIONERS; AND PROVIDING FOR THE*

18

*IMPLEMENTATION OF THE AMENDMENT.*

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**Subtitle**

22

A CONSTITUTIONAL AMENDMENT CONCERNING THE

23

MEMBERSHIP OF THE STATE HIGHWAY

24

COMMISSION.

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BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE

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STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL

29

MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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THAT the following is proposed as an amendment to the Constitution of

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the State of Arkansas, and upon being submitted to the electors of the state

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for approval or rejection at the next general election for Representatives

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and Senators, if a majority of the electors voting thereon at the election

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adopt the amendment, the amendment shall become a part of the Constitution of

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the State of Arkansas, to wit:



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

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

6 ~~(a) Within ten days after the convening of the General Assembly of the~~  
7 ~~State of Arkansas in the year 1953, the The Governor, by and with the advice~~  
8 ~~and consent of the Senate under subsection (c) of this section, shall appoint~~  
9 ~~five (5) persons who are qualified electors of the State to constitute the~~  
10 ~~State Highway Commission for terms of two, four, six, eight and ten years~~  
11 ~~respectively. The terms of the persons so appointed shall be determined by~~  
12 ~~lot. The Commissioners to be appointed from the State at large; provided,~~  
13 ~~however, that no two Commissioners shall be appointed from any single~~  
14 ~~Congressional District.~~

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

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

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

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

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

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

36 (2)(A) A Commissioner shall reside within the district he or she

1 represents during his or her term.

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

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

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

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

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

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

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

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

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

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

36

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

2 ~~§ 3. Terms of office of members.~~

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

7  
8 SECTION 3. Arkansas Constitution, Amendment 42, § 4, is amended to  
9 read as follows:

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

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

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

33 § 5. Vacancies – Filling.

34 (a) Vacancies on the State Highway Commission due to resignations,  
35 death, ~~or~~ removal, or a Commissioner residing outside his or her district as  
36 a result of a redistribution of counties under Arkansas Constitution,

1 Amendment 42, § 2(f), shall be filled by appointment of the Governor for the  
2 unexpired term within thirty (30) days from the date of such vacancy.

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

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7 SECTION 5. EFFECTIVE DATE AND IMPLEMENTATION.

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

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

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

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

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

21 (ii) The appointee to fill the vacancy shall reside  
22 within and represent District 1 under Arkansas Constitution, Amendment 42, §  
23 2(b);

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

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

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

33 (ii) The appointee to fill the vacancy shall reside  
34 within and represent District 5 under Arkansas Constitution, Amendment 42, §  
35 2(b);

36 (3)(A) The Commissioner serving on the effective date of this

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

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

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

9 (ii) The appointee to fill the vacancy shall reside  
10 within and represent District 3 under Arkansas Constitution, Amendment 42, §  
11 2(b);

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

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

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

21 (ii) The appointee to fill the vacancy shall reside  
22 within and represent District 2 under Arkansas Constitution, Amendment 42, §  
23 2(b); and

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

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

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

33 (ii) The appointee to fill the vacancy shall reside  
34 within and represent District 4 under Arkansas Constitution, Amendment 42, §  
35 2(b).

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