

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

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4  
5 By: Senator B. King  
6  
7

SJR 3

**SENATE JOINT RESOLUTION**

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING  
10 THE MEMBERSHIP OF THE STATE HIGHWAY COMMISSION;  
11 PROVIDING THAT EACH COMMISSIONER SHALL REPRESENT A  
12 DISTRICT COMPRISED OF CERTAIN COUNTIES OF THE STATE;  
13 PROVIDING THAT A COMMISSIONER SHALL RESIDE WITHIN HIS  
14 OR HER DISTRICT; AMENDING AND CLARIFYING THE DUTIES  
15 OF THE SENATE REGARDING ADVICE AND CONSENT FOR  
16 APPOINTMENTS TO THE STATE HIGHWAY COMMISSION AND THE  
17 REMOVAL OF COMMISSIONERS; AND PROVIDING FOR THE  
18 IMPLEMENTATION OF THE AMENDMENT.  
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**Subtitle**

21  
22 A CONSTITUTIONAL AMENDMENT CONCERNING  
23 THE MEMBERSHIP OF THE STATE HIGHWAY  
24 COMMISSION.  
25

26 BE IT RESOLVED BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE  
27 STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL  
28 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:  
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30 THAT the following is proposed as an amendment to the Constitution of  
31 the State of Arkansas, and upon being submitted to the electors of the state  
32 for approval or rejection at the next general election for Representatives  
33 and Senators, if a majority of the electors voting thereon at the election  
34 adopt the amendment, the amendment shall become a part of the Constitution of  
35 the State of Arkansas, to wit:  
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1 SECTION 1. Arkansas Constitution, Amendment 42, § 2, is amended to  
 2 read as follows:

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

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

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

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

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

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

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

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

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 no longer resides within the  
 3 district he or she represents during his or her term, the Governor shall  
 4 remove the 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 a Commissioner of ~~its~~  
 22 their own choice by a majority vote of the members of the Senate who reside  
 23 within the district.

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

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

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

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

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

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

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

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

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

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

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

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

35 § 5. Vacancies – Filling.

36 (a) Vacancies on the State Highway Commission due to resignations,

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

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

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 9 SECTION 5. EFFECTIVE DATE AND IMPLEMENTATION.

10 (a) This amendment is effective on and after January 1, 2027.

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

14 (1)(A) The Commissioner serving on the effective date of this  
 15 amendment whose term expires in 2027 shall, upon the expiration of his or her  
 16 term, be replaced by a Commissioner who shall reside within and represent  
 17 District 1 under Arkansas Constitution, Amendment 42, § 2(b).

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

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

23 (ii) The appointee to fill the vacancy shall reside  
 24 within and represent District 1 under Arkansas Constitution, Amendment 42, §  
 25 2(b);

26 (2)(A) The Commissioner serving on the effective date of this  
 27 amendment whose term expires in 2029 shall, upon the expiration of his or her  
 28 term, be replaced by a Commissioner who shall reside within and represent  
 29 District 5 under Arkansas Constitution, Amendment 42, § 2(b).

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

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

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

1 2(b);

2 (3)(A) The Commissioner serving on the effective date of this  
3 amendment whose term expires in 2031 shall, upon the expiration of his or her  
4 term, be replaced by a Commissioner who shall reside within and represent  
5 District 3 under Arkansas Constitution, Amendment 42, § 2(b).

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

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

11 (ii) The appointee to fill the vacancy shall reside  
12 within and represent District 3 under Arkansas Constitution, Amendment 42, §  
13 2(b);

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

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

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

23 (ii) The appointee to fill the vacancy shall reside  
24 within and represent District 2 under Arkansas Constitution, Amendment 42, §  
25 2(b); and

26 (5)(A) The Commissioner serving on the effective date of this  
27 amendment whose term expires in 2035 shall, upon the expiration of his or her  
28 term, be replaced by a Commissioner who shall reside within and represent  
29 District 4 under Arkansas Constitution, Amendment 42, § 2(b).

30 (B) If a vacancy occurs in the position of the  
31 Commissioner whose term expires in 2035 prior to the expiration of his or her  
32 term:

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

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

1 2(b).

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

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

8 (2) The popular name shall be "A Constitutional Amendment  
9 Concerning the Membership of the State Highway Commission; Providing That  
10 Each Member of the State Highway Commission Shall Represent a District  
11 Comprised of Certain Counties of the State; Providing That a Member of the  
12 State Highway Commission Shall Reside Within His or Her District; Amending  
13 and Clarifying the Duties of the Senate Regarding Advice and Consent for  
14 Appointments to the State Highway Commission and the Removal of  
15 Commissioners; and Providing for the Implementation of the Amendment."

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