

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senators Bradford, Dowd, Russ, Gordon, Harriman, Scott, Walters, Bookout, Pagan, and**  
5 **Hardin**

# A Bill

**SENATE BILL**

## **For An Act To Be Entitled**

9 "AN ACT TO CALL A CONSTITUTIONAL CONVENTION WITH THE  
10 AUTHORITY AND RESPONSIBILITY TO DRAFT A PROPOSED  
11 CONSTITUTION OF THE STATE OF ARKANSAS; TO PRESCRIBE THE  
12 METHOD OF SELECTING DELEGATES TO THE CONVENTION; TO  
13 PROVIDE FOR A SPECIAL ELECTION AT WHICH THE PEOPLE SHALL  
14 DECIDE WHETHER OR NOT TO RATIFY THE CALL OF THE  
15 CONVENTION, THE SELECTION OF DELEGATES AND THE METHOD FOR  
16 SUBMISSION OF A PROPOSED CONSTITUTION FOR A VOTE OF THE  
17 PEOPLE; TO PROVIDE THAT THE PROPOSED CONSTITUTION OF THE  
18 STATE OF ARKANSAS WHICH IS DRAFTED BY THE CONVENTION SHALL  
19 BE SUBMITTED TO A VOTE OF THE PEOPLE AT A SPECIAL ELECTION  
20 TO BE CALLED BY THE GOVERNOR OR, IN THE EVENT SUCH SPECIAL  
21 ELECTION WOULD BE UNCONSTITUTIONAL, AT THE GENERAL  
22 ELECTION TO BE HELD IN NOVEMBER, 1992; AND FOR OTHER  
23 PURPOSES."

24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26  
27 SECTION 1. FINDINGS AND DETERMINATIONS. It is hereby found and  
28 determined by the General Assembly that many of the provisions of the Arkansas  
29 Constitution of 1874, as amended, are not reasonable or appropriate at the  
30 present time and under existing governmental conditions; that the present  
31 Arkansas Constitution of 1874, as amended, approved by the people a century  
32 ago, was written during a period of confusion, strife and crisis; that the  
33 Constitution of 1874, as amended, does not reflect the needs of a modern and  
34 vital state government in best serving the interest of the people of the  
35 State; that the requirements of a modern and more effective state government

1 demand the consideration by the people of a new Constitution at a special  
2 election; that the delegates should be appointed to draft and recommend to the  
3 people a new Constitution; that the amendment process is not sufficient to  
4 effect the necessary revisions and that a new and complete Constitution should  
5 be presented to the people of the State of Arkansas for consideration.

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7       SECTION 2. CONVENTION CALLED. There is hereby called, subject to vote  
8 of the people as provided in Section 4 of this act, the "Arkansas  
9 Constitutional Convention of 1991". The Convention shall be composed of  
10 thirty-five (35) delegates. The Governor shall appoint twenty (20) delegates.  
11 He shall appoint five (5) delegates from each of the four (4) United States  
12 congressional districts created by the Seventy-Eighth General Assembly. From  
13 among its members and in such manner as may be determined appropriate by a  
14 majority of its members, the House of Representatives of the Arkansas General  
15 Assembly shall select eight (8) delegates; and from among its members and in  
16 such manner as may be determined appropriate by a majority of its members, the  
17 Senate of the Arkansas General Assembly shall select seven (7) delegates. The  
18 Governor, the House of Representatives, and the Senate shall each select  
19 delegates in such a manner as to assure reasonably proportional representation  
20 of the racial, economic, and regional populations of the State. If the  
21 General Assembly has not determined new congressional district boundaries  
22 prior to the time the Governor makes his appointment of delegates, the  
23 Governor may make his appointment of delegates from the existing congressional  
24 districts. The Lieutenant Governor of Arkansas shall serve as president and  
25 chief executive officer of the Convention and shall be entitled to vote on any  
26 matter before the Convention in the event of a tie. All delegates to be  
27 appointed shall be appointed not later than August 1, 1991. In the event of a  
28 vacancy in a delegate position occurring more than thirty (30) days prior to  
29 the time set for conclusion of the regular session of the Convention, the  
30 Governor shall fill such vacancy by appointment.

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32       SECTION 3. OFFICIALS OF THE CONVENTION. The chief executive officer of  
33 the Convention shall be the "President". The President shall preside at  
34 meetings of the Convention and perform the duties assigned to him by the  
35 Convention. There shall be an "Executive Committee" composed of the

1 President, and four (4) delegates elected by the Convention, one (1) from each  
2 of the four (4) United States congressional districts created by the Seventy-  
3 Eighth General Assembly; provided, if the General Assembly has not determined  
4 new congressional district boundaries prior to the time the Executive  
5 Committee is elected, then the Executive Committee may be elected from the  
6 existing congressional districts.

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8 SECTION 4. SPECIAL ELECTION TO RATIFY CALL OF CONVENTION AND APPROVE  
9 DELEGATES. The question of whether or not to call a constitutional convention  
10 and approve the delegates to the Convention shall be submitted to the electors  
11 of the State for adoption or rejection at a special election to be called by  
12 the Governor to be held on September 17, 1991. The question to be put to the  
13 electors shall be in the following form:

14

15 [ ] For calling a Constitutional Convention to propose a new  
16 Constitution for the State of Arkansas, as provided in  
17 Act\_\_\_\_\_of the Acts of The Seventy-Eighth General  
18 Assembly of 1991 and subject to the terms and  
19 limitations of that act and approving the Convention  
20 delegates listed below:

21

22 [ ] Against calling a Constitutional Convention

23

24 If a majority of the electors voting in the special election vote for the  
25 calling of the Convention, the Convention shall proceed as set forth in this  
26 act.

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28 SECTION 5. PROCEEDINGS. Within fourteen (14) days thereafter, if the  
29 electors approve the call of the Convention, the delegates to the Convention  
30 shall assemble upon the call of the Governor in an organizational session for  
31 the purposes of electing the Executive Committee, employment of personnel to  
32 staff the convention, and for such other organizational purposes as they may  
33 deem necessary. At that time each delegate to the Convention shall take an  
34 oath to support the Constitution of the United States and to discharge  
35 faithfully his or her duties as a delegate to the Convention.

1           The Executive Committee is empowered to act with respect to  
2 organizational and personnel matters between the organizational session of the  
3 Convention and the regular session of the Convention. The delegates to the  
4 Convention shall assemble for the regular session of the Convention in the  
5 chambers of the Senate of the Arkansas General Assembly at the State Capitol  
6 Building within fourteen (14) days following the organizational meeting of the  
7 session. The first orders of business shall be the election of such other  
8 officers of the Convention as the Convention shall deem appropriate; the  
9 adoption of rules or procedures to be followed by the Convention; and the  
10 employment of additional personnel to staff the Convention, within the  
11 limitations prescribed by the General Assembly in appropriations made  
12 therefor.

13           The Convention shall meet in regular session during an initial period  
14 of sixty (60) calendar days from the date it first assembles in regular  
15 session. The Convention shall draft a proposed Constitution for the State of  
16 Arkansas and such proposed amendments to the proposed Constitution as it may  
17 deem necessary or in the best interest of the people of the State of Arkansas,  
18 all for submission to the qualified electors of the State. Within six (6)  
19 days after adjournment of the regular session of the Convention, the Executive  
20 Committee shall certify the proposed Constitution, and any proposed amendments  
21 to the proposed Constitution, as drafted by the Convention. The Convention  
22 may, if it deems necessary or appropriate, reconvene on June 22, 1992, and  
23 remain in an extended session of the Convention for a period not to exceed ten  
24 (10) calendar days to make any changes in its proposed Constitution or in the  
25 proposed amendments to the proposed Constitution, or to add or delete  
26 amendments, as it shall deem necessary or in the best interests of the  
27 citizens of the State. The Convention shall then make a final adjournment.

28           Upon final adjournment of the Convention, the President shall certify an  
29 official draft of the proposed Constitution as drafted by the Convention. The  
30 full text thereof shall be published, as soon as possible after the Convention  
31 adjourns, one (1) time in the largest circulation newspaper of record in each  
32 of the seventy-five (75) counties in Arkansas by insertion of preprinted  
33 copies of the proposed Constitution furnished by the Secretary of State to  
34 each such newspaper without charge. Such copies shall be in tabloid form  
35 suitable for insertion in legal newspapers and shall be printed in not less

1 than eight-point type.

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3           SECTION 6. ASSISTANCE TO CONVENTION. The Convention is authorized to  
4 call upon the members or staffs of any and all existing agencies, departments,  
5 divisions, officers, employees, boards, bureaus, commissions, and institutions  
6 of the State of Arkansas, or any political subdivision thereof, including the  
7 staff and employees of the General Assembly, to furnish such information, data  
8 and assistance as will enable it to carry out its duties hereunder; and all  
9 such agencies, departments, divisions, officers, employees, boards, bureaus,  
10 commissions, and institutions of the State of Arkansas and its political  
11 subdivisions are hereby directed to cooperate with the Convention and provide  
12 such information, data, aid, and assistance as may be requested by the  
13 Convention. The Convention is authorized to make any studies it may deem  
14 relevant through its own personnel or in cooperation with any public or  
15 private agency including universities, colleges, and research organizations.

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17           SECTION 7. POPULAR VOTE. The Constitution proposed by the Convention  
18 shall be submitted to the electors of the State for adoption or rejection at a  
19 special election to be called by the Governor to be held on September 15,  
20 1992. The proposed Constitution shall be placed on the ballot as a single  
21 issue; provided, the Convention may simultaneously propose amendments to the  
22 proposed Constitution which amendments may each be placed on the ballot as  
23 separate issues. The special election shall be held in accordance with the  
24 existing laws relating to general elections, insofar as the general election  
25 laws are applicable. Provided, if the Arkansas Supreme Court should declare  
26 that a special election on approval of the proposed Constitution is  
27 unconstitutional, then the election on the proposed Constitution shall be held  
28 with the general election in November of 1992.

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30           SECTION 8. EFFECT OF POPULAR VOTE. If a majority of the qualified  
31 electors voting on the Constitution proposed by the Convention vote "For" the  
32 proposed Constitution, it shall become effective on the date and in the manner  
33 provided therein, and shall replace, supersede and take precedence over the  
34 Arkansas Constitution of 1874 and its amendments. If a majority of the  
35 qualified electors voting on the proposed Constitution vote "Against" the

1 proposed Constitution, then the proposed Constitution and all proposed  
2 amendments to the proposed Constitution, shall be deemed rejected and shall  
3 have no force or effect, and the present Constitution of 1874 and its  
4 amendments shall continue in full force and effect.

5 If the proposed Constitution is approved and a majority of the electors  
6 voting on a proposed amendment to the proposed Constitution vote for such  
7 proposed amendment, the proposed amendment shall become effective on the date  
8 and in the manner provided for therein and shall replace, supersede and take  
9 precedence over any conflicting provision of the proposed Constitution.

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11 SECTION 9. COMPENSATION. Each delegate to the Convention shall be  
12 entitled to receive twenty-five dollars (\$25.00) per day for each day actually  
13 engaged in the performance of duties as a Convention delegate; and each  
14 delegate to the Convention shall be entitled to reimbursement for actual and  
15 reasonable living expenses of room and meals while away from home for the  
16 performance of duties as a delegate to the Convention, but in no event shall  
17 reimbursement for such expenses exceed the sum of seventy-five dollars  
18 (\$75.00) per day per delegate. In addition, each delegate shall be entitled  
19 to reimbursement for travel at the rate of twenty-five cents (25¢) per mile  
20 for one round trip from home to Little Rock and return each week during the  
21 time the Convention is in session.

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23 SECTION 10. TRANSCRIPT. A transcript of the Convention proceedings  
24 shall be taken, kept, and compiled. The Executive Committee shall be  
25 responsible for the selection of the person or persons who shall perform this  
26 work and for the manner in which the transcript is taken, kept, and compiled.

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28 SECTION 11. EFFECT OF PROPOSED AMENDMENTS TO CONSTITUTION OF 1874. If  
29 the proposed Constitution recommended by the Convention is approved and  
30 adopted by the people of the State of Arkansas at the special election, as  
31 provided in Section 7 of this act, it will supersede, replace and take  
32 precedence over the Arkansas Constitution of 1874, as amended. Therefore, any  
33 amendments to the Constitution of 1874, as amended, proposed by the Seventy-  
34 Eighth Regular Session of the General Assembly of the State of Arkansas shall  
35 be considered null and void and shall not be voted upon by the people. If the

1 proposed Constitution is required to be voted upon by the people at a general  
2 election as provided in Section 7 of this act, any amendments to the  
3 Constitution of 1874, as amended, proposed by the Seventy-Eighth General  
4 Assembly of the State of Arkansas shall be voted upon by the people in the  
5 general election of 1992, but shall be null and void if the Constitution  
6 proposed by the 1991 Constitutional Convention is adopted.

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8       SECTION 12. EMERGENCY. It is hereby found and determined by the  
9 General Assembly that since there is an immediate and urgent need for  
10 constitutional reform in Arkansas, and since many parts of the Constitution of  
11 Arkansas are archaic, obsolete, and unrelated to the demands of the citizens  
12 for good government in the State, in reference both to state government and to  
13 local governmental agencies, an emergency is hereby declared to exist, and  
14 this act is declared to be necessary for the immediate preservation of the  
15 public peace, health and safety and shall be in full force and effect from and  
16 after its passage and approval.

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