

1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Thicksten, D. Wood, Tullis, Flanagan, Walker, Allen**

5

6

7

For An Act To Be Entitled

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

23

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

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

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

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

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31 SECTION 3. OFFICIALS OF THE CONVENTION. The chief executive officer of
32 the Convention shall be the "President". The President shall preside at
33 meetings of the Convention and perform the duties assigned to him by the
34 Convention. There shall be an "Executive Committee" composed of the
35 President, and four (4) delegates elected by the Convention, one (1) from each

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

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

13

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

20

21 [] Against calling a Constitutional Convention

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

26

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

35 The Executive Committee is empowered to act with respect to

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

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

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

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

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

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

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

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

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

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

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

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

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

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