

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1302

4 By: Representatives M. Wilson, Allen, Choate, Owens, J. Miller, Northcutt,  
5 Cunningham, Schexnayder, Purdom, McGinnis, Hudson, Pollan, Goodwin, von  
6 Grempp, Bisbee, Pappas, Young, Wagner, Critcher, Laverty, Lancaster, Ferrell,  
7 Ray, D. Wood, Angel, Jordan, Kidd, McJunkin, Sheppard, Ammons, Malone,  
8 Wyrick, Hill, Dietz, J. Smith, Bennett, Harris, McGee, and Mitchell

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## For An Act To Be Entitled

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"AN ACT TO CALL A CONSTITUTIONAL CONVENTION WITH THE  
AUTHORITY AND RESPONSIBILITY TO REVISE THE CONSTITUTION OF  
THE STATE OF ARKANSAS; TO PRESCRIBE THE METHOD OF  
SELECTING DELEGATES TO THE CONVENTION; TO PRESCRIBE THE  
METHOD FOR SUBMISSION OF PROPOSED REVISIONS OF THE  
CONSTITUTION TO A VOTE OF THE PEOPLE; AND FOR OTHER  
PURPOSES."

## Subtitle

"TO CALL A CONSTITUTIONAL CONVENTION."

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

SECTION 1. FINDINGS AND DETERMINATIONS. It is hereby found and  
determined by the General Assembly that many of the provisions of the  
Arkansas Constitution of 1874, as amended, are not reasonable or appropriate  
at the present time and do not reflect the needs of a modern and vital state  
government and should be revised; and that the amendment process is not  
sufficient to effect the necessary revisions. When the processes of free  
government are to be modified, the people alone have the unqualified right to  
act, and this unqualified right can be constitutionally exercised by means of  
legislative action of the General Assembly in providing by law for the call  
of a constitutional convention to reconstruct and reform government.

1 SECTION 2. CONVENTION CALLED. There is hereby called, at the place  
2 and times prescribed herein, a constitutional convention for the purpose of  
3 drafting a new Constitution of the State of Arkansas. The Convention shall  
4 be known as the "Arkansas Constitutional Convention for the 21st Century."  
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6 SECTION 3. *Delegates. The Convention shall be composed of sixty (60)*  
7 *delegates. From among its members on the effective date of this act, the*  
8 *Senate of the Arkansas General Assembly shall select, in the manner it*  
9 *prescribes, five (5) delegates from each of the four existing congressional*  
10 *districts. From among its members on the effective date of this act, the*  
11 *House of Representatives of the Arkansas General Assembly shall select, in*  
12 *the manner it prescribes, seven (7) delegates from each of the four existing*  
13 *congressional districts. The President Pro Tempore of the Senate shall*  
14 *appoint one Senator from each of the four existing congressional districts to*  
15 *serve as delegates. The Speaker of the House of Representatives shall*  
16 *appoint eight (8) House members, two (2) from each of the four existing*  
17 *congressional district to serve as delegates. In the event of a vacancy in*  
18 *any delegate position occurring at any time prior to adjournment of the*  
19 *Convention, the Governor shall fill such vacancy by appointment.*  
20 *Appointments should be made under this section in such manner that they will*  
21 *be diverse in ethnicity, gender, race, and socio-economic status.*  
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23 SECTION 4. OFFICIALS OF THE CONVENTION. The Governor shall appoint  
24 the President of the Convention who shall not be entitled to vote on any  
25 matter before the Convention, except in the event of a tie vote on any issue.  
26 The President shall preside at meetings of the Convention and perform other  
27 duties assigned to him by the Convention. In the absence of the President,  
28 the Convention may elect a delegate to preside at meetings of the Convention.  
29 There shall be an "Executive Committee" composed of the President, and four  
30 (4) delegates elected by the Convention, one (1) from each of the four (4)  
31 existing United States congressional districts. The Convention shall have a  
32 secretary and such vice presidents and other officers of the Convention as  
33 the Convention shall deem appropriate. All officers of the Convention,  
34 except the President and Secretary, shall be delegates.  
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1 SECTION 5. CANVAS OF ELECTORS. All delegates shall canvas the  
2 electors in the delegate's district (individually or with other delegates) to  
3 determine the elector's concerns about, and recommendations for revisions of,  
4 the Constitution, and shall report the results of such canvas to the  
5 Convention in writing prior to the regular session of the Convention. The  
6 canvas of electors shall be conducted within the United States congressional  
7 district in which the delegate resides in the manner determined by the  
8 delegate in the delegate's sole discretion.

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10 SECTION 6. PROCEEDINGS.

11 (a) The delegates to the Convention shall assemble upon the call of  
12 the Governor on or before August 29, 1995 for an organizational session of no  
13 longer than three (3) days duration, for the purposes of electing the  
14 Executive Committee, employment of personnel to staff the Convention, and for  
15 such other organizational purposes as the Convention may deem necessary. At  
16 that time each delegate to the Convention shall take an oath to support the  
17 Constitution of the United States and to discharge faithfully his or her  
18 duties as a delegate to the Convention. A majority of delegates authorized  
19 by this Act shall constitute a quorum and a majority of the votes cast shall  
20 be necessary for adoption of any measure. At all sessions of the Convention,  
21 delegates shall be addressed as "Mr.", "Mrs.", or "Delegate", or other  
22 appropriate title except "Senator" or "Representative". The Executive  
23 Committee is empowered to act with respect to organization and personnel  
24 matters between sessions of the Convention.

25 (b) Within fourteen (14) days following the organizational session,  
26 the delegates to the Convention shall assemble for the regular session of the  
27 Convention in the chambers of the House of Representatives of the Arkansas  
28 General Assembly at the State Capitol Building or at another place designated  
29 by the President of the Convention. The first orders of business shall be  
30 the election of officers (other than the president); the adoption of rules or  
31 procedures to be followed by the Convention, including the time and place of  
32 recess; the number and responsibilities of committees of the Convention; and  
33 the employment of additional personnel to staff the Convention, within the  
34 limitations of appropriations made therefor. The rules may specifically  
35 provide that meetings of the Convention need not be conducted on days that

1 committee meetings are conducted.

2 (c) The Convention shall meet in regular session for a period of sixty  
3 (60) days. The Convention shall draft proposed revisions to the Constitution  
4 of the State of Arkansas for submission to the qualified electors of the  
5 State. Within thirty (30) days after adjournment of the regular session of  
6 the Convention, the Convention may, if it deems necessary or appropriate,  
7 reconvene and remain in an extended session of the Convention for a period  
8 not to exceed fourteen (14) calendar days to make any changes in its proposed  
9 revision of the Constitution, or to add or delete provisions as it shall deem  
10 necessary. The Convention shall then adjourn sine die.

11 (d) Upon recess of the extended session (or the regular session if  
12 there is no extended session), the President shall certify an official draft  
13 of the proposed revisions to the Constitution as drafted by the Convention.  
14 The full text thereof shall be published, at least 60 days prior to the  
15 election prescribed in Section 8 hereof, one (1) time in each of the seventy-  
16 five (75) counties in Arkansas by insertion of preprinted copies of the  
17 proposed revisions to the Constitution in legal newspapers (as defined in  
18 Ark. Code Ann. §16-3-105) having general circulation in one or more counties.  
19 The preprinted copies shall be furnished by the Secretary of State to each  
20 such newspaper and to public libraries in Arkansas without charge, and shall  
21 be in tabloid form suitable for insertion in legal newspapers, and shall be  
22 printed in not less than eight-point type.

23 (e) All meetings of the Convention and each of its Committees shall be  
24 conducted in public.

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26 *SECTION 7. ASSISTANCE TO CONVENTION. The Convention is authorized to*  
27 *call upon the members or staffs of any and all existing agencies,*  
28 *departments, divisions, officers, employees, boards, bureaus, commissions,*  
29 *and institutions of the State of Arkansas, or any political subdivision*  
30 *thereof, to furnish such information, data and assistance as will enable it*  
31 *to carry out its duties hereunder; and all such agencies, departments,*  
32 *divisions, officers, employees, boards, bureaus, commissions, and*  
33 *institutions of the State of Arkansas and its political subdivisions are*  
34 *hereby directed to cooperate with the Convention and provide such information*  
35 *and assistance as may be requested by the Convention. The Convention,*

1 through its own personnel or in cooperation with any public or private agency  
2 including universities, colleges, and research organizations, is authorized  
3 to make such studies it may deem relevant and to perform research and  
4 drafting it deems necessary.

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6 SECTION 8. POPULAR VOTE.

7 (a) Revisions to the Constitution proposed by the Convention shall be  
8 submitted to the electors of the State for adoption or rejection at a special  
9 election to be held on or before March 5, 1996 at the call of the Governor  
10 given at least thirty (30) days prior to the election.

11 (b) The Convention's proposals may be submitted to the electors in any  
12 manner or form as the Convention determines, including but not limited to the  
13 following:

14 (i) as a single document embodying a proposed new Constitution;  
15 or

16 (ii) as a proposed new Constitution accompanied by one or more  
17 alternative provisions to be submitted to the electors for separate  
18 adjunctive vote.

19 (c) If a majority of the qualified electors voting on the revisions to  
20 the Constitution proposed by the Convention vote "For" the proposed revisions  
21 to the Constitution, the revisions shall become effective on the date and in  
22 the manner provided therein, and shall replace, supersede and take precedence  
23 over any conflicting provision of the Arkansas Constitution of 1874 and its  
24 amendments. If a majority of the qualified electors voting on the proposed  
25 revisions to the Constitution vote "Against" the proposed revisions, then the  
26 proposed revisions shall be deemed rejected and shall have no force or  
27 effect.

28 SECTION 9. CONDUCT OF ELECTION. The conduct of the special election  
29 required herein shall be according to the laws of the State of Arkansas  
30 pertaining to special elections and existing at the date of the election, and  
31 shall include the applicable provisions on time limitations, certifications  
32 and canvassing of results. Provided, if the Arkansas Supreme Court should  
33 declare that any special election authorized in this Act is invalid, then the  
34 election shall be held at the general election immediately following  
35 adjournment of the Convention.

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2           SECTION 10. COMPENSATION. Each delegate to the Convention shall be  
3 entitled to receive eighty-two dollars (\$82.00) per day for each day actually  
4 engaged in the performance of duties as a Convention delegate. Such per diem  
5 compensation shall be in addition to the legislative salary of a delegate,  
6 but no delegate shall receive legislative per diem and per diem under this  
7 section for the same day. In addition, each delegate shall be entitled to  
8 receive travel reimbursement at the rate of thirty cents (30¢) per mile for  
9 one round trip from home to Little Rock and return each week solely for the  
10 purpose of attending sessions of the Convention, and other travel on  
11 Convention business which is authorized by the Executive Committee.

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13           SECTION 11. TRANSCRIPT. A transcript of the Convention proceedings  
14 shall be taken, kept, compiled and maintained as a public record. The  
15 Executive Committee shall be responsible for the selection of the person or  
16 persons who shall perform this work and the manner in which the transcript is  
17 taken, kept, compiled and maintained.

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19           SECTION 12. ADDITIONAL AUTHORITY. This Act provides an alternative  
20 method of calling a Constitutional Convention and does not limit or modify  
21 the method provided in Ark. Code Ann. §7-9-301(a).

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23           SECTION 13. CONSTRUCTION. This Act shall be construed liberally to  
24 effectuate the legislative intent and the purposes of this Act as complete  
25 and independent authority for the performance of each and every act and thing  
26 authorized in this Act, and all powers granted in this Act shall be broadly  
27 interpreted to effectuate that intent and those purposes and not as a  
28 limitation of powers.

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30           SECTION 14. CODE PROVISION. All provisions of this act of a general  
31 and permanent nature are amendatory to the Arkansas Code of 1987 Annotated  
32 and the Arkansas Code Revision Commission shall incorporate the same in the  
33 Code.

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35           SECTION 15. SEVERABILITY CLAUSE. If any provision of this act or the

1 application thereof to any person or circumstance is held invalid, such  
2 invalidity shall not affect other provisions or applications of the act which  
3 can be given effect without the invalid provision or application, and to this  
4 end the provisions of this act are declared to be severable.

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6 SECTION 16. REPEALER. All laws and parts of laws in conflict with  
7 this act are hereby repealed.

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9 SECTION 17. EMERGENCY. It is hereby found and determined by the  
10 General Assembly that since there is an immediate and urgent need for  
11 constitutional revision in Arkansas, and since many parts of the Constitution  
12 of Arkansas are archaic, obsolete, and unrelated to the demands of the  
13 citizens for good government in both the state and local governments, an  
14 emergency is hereby declared to exist, and this Act is declared to be  
15 necessary for the immediate preservation of the public peace, health and  
16 safety and shall be in full force and effect from and after its passage and  
17 approval.

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*/s/Rep. M. Wilson, et al*

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