

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senators Bookout, Bradford, Bell, Harriman, Lewellen, Hardin, Malone,
5 Snyder, Wilson, Beebe, Boozman, Gwatney, Canada, Edwards, Fitch, Cassady,
6 Bearden, Brown, Hunter, Jeffries, Webb, Smith,
7 and Scott

A Bill

SENATE BILL 247

For An Act To Be Entitled

"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.

SECTION 2. CONVENTION CALLED. There is hereby called, at the place

1 and times prescribed herein, a constitutional convention for the purpose of
2 drafting a new Constitution of the State of Arkansas. The Convention shall
3 be known as the "Arkansas Constitutional Convention for the 21st Century."
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5 *SECTION 3. DELEGATES. The convention shall be composed of forty-eight*
6 *(48) delegates. From among its members on the effective date of this act,*
7 *the Senate of the Arkansas General Assembly shall select five (5) delegates*
8 *from each of the four (4) existing United States congressional districts.*
9 *From among its members on the effective date of this act, the House of*
10 *Representatives of the Arkansas General Assembly shall select five (5)*
11 *delegates from each of the four (4) existing United States congressional*
12 *districts. Each house of the General Assembly shall select the twenty (20)*
13 *delegates therefrom in such manner as that house determines in its sole*
14 *discretion. The President Pro Tem of the Senate shall appoint four (4)*
15 *delegates from the State at-large who shall be members of the Senate. The*
16 *Speaker of the House of Representatives shall appoint four (4) delegates from*
17 *the State at-large who shall be members of the House of Representatives. In*
18 *the event of a vacancy in any delegate position occurring at any time prior*
19 *to adjournment of the Convention, the governor shall fill such vacancy by*
20 *appointment.*

21
22 *SECTION 4. OFFICIALS OF THE CONVENTION. The Governor shall appoint*
23 *the President of the Convention who shall not be entitled to vote on any*
24 *matter before the Convention, except in the event of a tie vote on any issue.*
25 *The President shall preside at meetings of the Convention and perform other*
26 *duties assigned to him by the Convention. In the absence of the President,*
27 *the Convention may elect a delegate to preside at meetings of the Convention.*
28 *There shall be an "Executive Committee" composed of the President, and four*
29 *(4) delegates elected by the Convention, one (1) from each of the four (4)*
30 *existing United States congressional districts. The Convention shall have a*
31 *secretary and such vice presidents and other officers of the Convention as*
32 *the Convention shall deem appropriate. All officers of the Convention,*
33 *except the President and Secretary, shall be delegates.*

34
35 *SECTION 5. CANVAS OF ELECTORS. All delegates shall canvas the*

1 electors in the delegate's district (individually or with other delegates) to
2 determine the elector's concerns about, and recommendations for revisions of,
3 the Constitution, and shall report the results of such canvas to the
4 Convention in writing prior to the regular session of the Convention. The
5 canvas of electors shall be conducted within the United States congressional
6 district in which the delegate resides in the manner determined by the
7 delegate in the delegate's sole discretion.

8

9 SECTION 6. PROCEEDINGS.

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

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

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

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

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

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

1 including universities, colleges, and research organizations, is authorized
2 to make such studies it may deem relevant and to perform research and
3 drafting it deems necessary.

4

5 SECTION 8. POPULAR VOTE.

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

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

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

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

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

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

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

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

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18 SECTION 12. EFFECT OF PROPOSED AMENDMENTS BY GENERAL ASSEMBLY. Any
19 amendments to the Constitution proposed by the General Assembly which are to
20 be voted upon at a general election following a special election held
21 pursuant to Section 8 of this Act, and which pertain to the same subject as
22 that adopted by electors at the special election authorized in Section 8 of
23 this Act, are hereby deemed by the General Assembly to be withdrawn and shall
24 not be voted upon by the electors. If the proposed Constitution is required
25 to be voted upon by the people at a general election, any amendments to the
26 Constitution proposed by the General Assembly which pertain to the same
27 subject as that contained in revisions to the Constitution adopted by the
28 electors at the same general election shall be null and void.

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30 SECTION 13. ADDITIONAL AUTHORITY. This Act provides an alternative
31 method of calling a Constitutional Convention and does not limit or modify
32 the method provided in Ark. Code Ann. §7-9-301(a).

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34 SECTION 14. CONSTRUCTION. This Act shall be construed liberally to
35 effectuate the legislative intent and the purposes of this Act as complete

1 and independent authority for the performance of each and every act and thing
2 authorized in this Act, and all powers granted in this Act shall be broadly
3 interpreted to effectuate that intent and those purposes and not as a
4 limitation of powers.

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6 SECTION 15. CODE PROVISION. All provisions of this act of a general
7 and permanent nature are amendatory to the Arkansas Code of 1987 Annotated
8 and the Arkansas Code Revision Commission shall incorporate the same in the
9 Code.

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11 SECTION 16. SEVERABILITY CLAUSE. If any provision of this act or the
12 application thereof to any person or circumstance is held invalid, such
13 invalidity shall not affect other provisions or applications of the act which
14 can be given effect without the invalid provision or application, and to this
15 end the provisions of this act are declared to be severable.

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17 SECTION 17. REPEALER. All laws and parts of laws in conflict with
18 this act are hereby repealed.

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20 SECTION 18. EMERGENCY. It is hereby found and determined by the
21 General Assembly that since there is an immediate and urgent need for
22 constitutional revision in Arkansas, and since many parts of the Constitution
23 of Arkansas are archaic, obsolete, and unrelated to the demands of the
24 citizens for good government in both the state and local governments, an
25 emergency is hereby declared to exist, and this Act is declared to be
26 necessary for the immediate preservation of the public peace, health and
27 safety and shall be in full force and effect from and after its passage and
28 approval.

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30 */s/Bookout et al*

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