

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SJR 12

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5 By: Senator Womack
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8 **SENATE JOINT RESOLUTION**

9 TO PROPOSE A CONSTITUTIONAL AMENDMENT TO REVISE
10 THE DUTIES, LIMITATIONS, AND PRIVILEGES OF THE
11 LEGISLATIVE BRANCH BY AMENDING OR REPEALING
12 VARIOUS SECTIONS OF ARTICLE 5 OF THE ARKANSAS
13 CONSTITUTION AND RELATED AMENDMENTS TO THE
14 ARKANSAS CONSTITUTION; TO REQUIRE THE GENERAL
15 ASSEMBLY TO MEET IN REGULAR SESSION DURING ODD-
16 NUMBERED YEARS AND IN A LIMITED FISCAL SESSION
17 DURING EVEN-NUMBERED YEARS TO CONSIDER
18 APPROPRIATION BILLS; TO SPECIFY THE VOTE REQUIRED
19 TO EXTEND A REGULAR SESSION OR A FISCAL SESSION
20 OF THE GENERAL ASSEMBLY; TO ALLOW THE GENERAL
21 ASSEMBLY TO CALL ITSELF INTO SPECIAL SESSION; TO
22 ESTABLISH THE LENGTH OF SESSIONS; TO REDUCE THE
23 PERIOD FOR WHICH APPROPRIATION BILLS ARE VALID
24 FROM TWO (2) YEARS TO ONE (1) FISCAL YEAR; TO
25 REVISE THE RESTRICTIONS CONCERNING MEMBERS OF THE
26 GENERAL ASSEMBLY BEING APPOINTED OR ELECTED TO A
27 CIVIL OFFICE; TO IMPOSE A NEW RESTRICTION ON THE
28 GENERAL ASSEMBLY'S ABILITY TO INCREASE GROSS
29 RECEIPTS TAXES OR GROSS PROCEEDS TAXES OR
30 COMPENSATING USE TAXES; TO AUTHORIZE THE GENERAL
31 ASSEMBLY TO PASS SPECIAL OR LOCAL APPROPRIATION
32 ACTS IF THE APPROPRIATION FURTHERS A STATE
33 INTEREST AND THE APPROPRIATION IS APPROVED BY A
34 VOTE OF THREE-FOURTHS (3/4) OF THE MEMBERS
35 ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY; TO
36 REPEAL ARTICLE 5, § 26 OF THE ARKANSAS



CONSTITUTION, WHICH IS OBSOLETE AND WAS
SUPERSEDED BY AMENDMENT 14 IN 1926; AND TO MAKE
CONFORMING AMENDMENTS TO REFLECT THE CHANGES
PROPOSED IN THIS AMENDMENT.

Subtitle

TO PROPOSE A CONSTITUTIONAL AMENDMENT TO
REVISE THE DUTIES, LIMITATIONS, AND
PRIVILEGES OF THE LEGISLATIVE BRANCH.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of
the State of Arkansas, and upon being submitted to the electors of the state
for approval or rejection at the next general election for Senators and
Representatives, if a majority of the electors voting thereon at the election
adopt the amendment, the amendment shall become a part of the Constitution of
the State of Arkansas, to wit:

SECTION 1. Section 5 of Article 5 of the Arkansas Constitution is
amended to read as follows:

§ 5. ~~Time of meeting~~ Regular, fiscal, and special sessions.

(a) The General Assembly shall meet at the seat of government every
~~two years, on the first Tuesday after the second Monday in November, until~~
~~said time be altered by law~~ year.

(b) The General Assembly shall meet in regular session on the second
Monday in January of each odd-numbered year to consider any bill or
resolution. The General Assembly may alter the time at which the regular
session begins.

(c)(1) Beginning in 2010, the General Assembly shall meet in fiscal
session on the second Monday in February of each even-numbered year to
consider only appropriation bills. The General Assembly may alter the time
at which the fiscal session begins.

(2) A bill other than an appropriation bill may be considered in a fiscal session if two-thirds (2/3) of the members of each house of the General Assembly approve consideration of the bill.

(d) The General Assembly may call itself into special session upon a petition by at least two-thirds (2/3) of the members of each House. Upon receiving a petition from the members of their House, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall call the General Assembly into special session by a joint proclamation. A special session called by the General Assembly shall not exceed fifteen (15) calendar days.

SECTION 2. Section 10 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 10. Members ineligible to civil office.

No Senator or Representative shall, during the term for which he or she shall have been elected, be appointed or elected to any civil office under this State, unless:

(1) He or she resigns as a Senator or Representative prior to assuming the duties of the civil office; or

(2) The Senator or Representative does not accept a salary or stipend for service in the civil office, and the civil office is a part-time elective office of a city, county, or school district.

SECTION 3. Section 17 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 17. Duration of sessions.

~~The regular biennial sessions, shall not exceed sixty days in duration, unless by a vote of two thirds of the members elected to each house of said General Assembly.~~

(a) A regular biennial session shall not exceed sixty (60) calendar days in duration, unless extended by a vote of two-thirds (2/3) of the members elected to each house of the General Assembly. The regular biennial session shall not exceed seventy-five (75) calendar days in duration, unless extended by a vote of three-fourths (3/4) of the members elected to each house of the General Assembly.

(b) A fiscal session shall not exceed thirty (30) calendar days in

duration, except that by a vote of three-fourths (3/4) of the members elected to each house of the General Assembly. A fiscal session may be extended one (1) time by no more than fifteen (15) calendar days.

(c) Provided, that this section shall not apply ~~to the first session of the General Assembly under this Constitution, or~~ when impeachments are pending.

SECTION 4. Section 26 of Article 5 of the Arkansas Constitution, which was superseded by Amendment 14, is repealed.

~~§ 26. Notice of local or special bills.~~

~~No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published, in the locality where the matter or the thing to be affected may be situated; which notice shall be, at least, thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.~~

SECTION 5. Section 29 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 29. Appropriations.

No money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations made by the General Assembly after December 31, 2008, shall be for a longer period than ~~two years~~ one (1) fiscal year.

SECTION 6. Section 34 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 34. Introduction of bills - Time limit.

No new bill shall be introduced into either house during the last three (3) days of the a regular session or a fiscal session.

SECTION 7. Section 38 of Article 5 of the Arkansas Constitution is amended to read as follows:

1 § 38. Taxes - Increase - Approval by electors.

2 § 2. (a) None of the rates for property, excise, privilege or personal
3 taxes, now levied shall be increased by the General Assembly except after the
4 approval of the qualified electors voting thereon at an election, or in case
5 of emergency, by the votes of three-fourths (3/4) of the members elected to
6 each House of the General Assembly.

7 (b) The General Assembly shall not increase the rate of any gross
8 receipts tax or gross proceeds tax or compensating use tax levied by the
9 state, except after the approval of the qualified electors voting thereon at
10 an election, or in case of emergency, by the votes of three-fourths (3/4) of
11 the members elected to each house of the General Assembly.

12
13 SECTION 8. Section 39 of Article 5 of the Arkansas Constitution is
14 amended to read as follows:

15 § 39. State expenses - Limitation - Exceptions.

16 § 3. Excepting monies raised or collected for educational purposes,
17 highway purposes, to pay Confederate pensions and the just debts of the
18 State, the General Assembly is hereby prohibited from appropriating or
19 expending more than the sum of Two and One-Half Million Dollars for all
20 purposes, for any ~~biennial period~~ fiscal year; provided the limit herein
21 fixed may be exceeded by the votes of three-fourths of the members elected to
22 each House of the General Assembly. [As added to Art. 5 by Const. Amend. 19.]

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24 SECTION 9. Section 40 of Article 5 of the Arkansas Constitution is
25 amended to read as follows:

26 § 40. General appropriation bill - Enactment.

27 § 4. In making appropriations for any ~~biennial period~~ fiscal year, the
28 General Assembly shall first pass the General Appropriation Bill provided for
29 in Section 30 of Article 5 of the Constitution, and no other appropriation
30 bill may be enacted before that shall have been done. [As added to Art. 5 by
31 Const. Amend. 19.]

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33 SECTION 10. Amendment 14 to the Arkansas Constitution is amended to
34 read as follows:

35 Local or special acts prohibited – Rights to repeal acts by
36 legislature.

(a) The General Assembly shall not pass any local or special act,
except as provided by this amendment.

(b) The General Assembly may pass special acts or local appropriation
acts if the General Assembly determines that the appropriation furthers a
state interest and the appropriation is approved by a vote of three-fourths
(3/4) of the members elected to each House of the General Assembly.

(c) This amendment shall not prohibit the repeal of local or special
acts.

SECTION 11. Section 7 of Amendment 35 to the Arkansas Constitution,
concerning the Arkansas State Game and Fish Commission, is amended to read as
follows:

§ 7. Executive secretary and other personnel - Selection - Salaries and
expenditures.

The Commission shall elect an Executive Secretary, whose salary shall
not exceed that of limitations placed on other constitutional departments;
and other executive officers, supervisor, personnel, office assistants,
wardens, game refuge keepers, and hatchery employees, whose salaries and
expenditures must be submitted to the Legislature and approved by an Act
covering specific items in the ~~biennial~~ appropriation as covered by Article
XVI Section 4 of the Constitution.

SECTION 12. This amendment shall become effective on January 1, 2009.