



photo credit: Arkansas House of Representatives photographer Rayna Mackey

ISSUE NUMBER 1

(Referred to the people by the Arkansas General Assembly)

Giving State Senators and Representatives Authority to Call Special Legislative Sessions

POPULAR NAME: A constitutional amendment to allow the General Assembly to convene in extraordinary session upon the issuance of a joint written proclamation of the speaker of the House of Representatives and the president pro tempore of the Senate or upon the submission of a written proclamation containing the signatures of at least two-thirds (2/3) of the members of the House of Representatives and at least two-thirds (2/3) of the members of the Senate to the speaker of the House of Representatives and the president pro tempore of the Senate requesting that the General Assembly convene in extraordinary session.

BALLOT TITLE: An amendment to the Arkansas Constitution to allow the General Assembly to convene in extraordinary session upon the issuance of a joint written proclamation of the speaker of the House of Representatives and the president pro tempore of the Senate or upon the submission of a written proclamation containing the signatures of at least two-thirds (2/3) of the members of the House of Representatives and at least two-thirds (2/3) of the members of the Senate to the speaker of the House of Representatives and the president pro tempore of the Senate requesting that the General Assembly convene in extraordinary session; providing that no business other than the purpose set forth in the joint written proclamation of the speaker of the House of Representatives and the president pro tempore of the Senate or

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QUICK LOOK: What does your vote mean?

FOR: A FOR vote means you are in favor of changing the Arkansas Constitution to allow state legislators to call themselves into special session and to set the agenda for those sessions.

AGAINST: An AGAINST vote means you are not in favor of changing the Arkansas Constitution to allow state legislators to call themselves into special session and want the power to stay only with the governor.

Where can I find more information?

The complete wording of this amendment can be found at uaex.uada.edu/issue1

The following statements are examples of what supporters and opponents have made public either in media statements, campaign literature, on websites or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

What do supporters say?

- The last year has really shown us why this is so necessary and why so many people have signed on, just to be able to give ourselves an option to be what we are supposed to be, which is an equal branch of government.
- If a governor is overstepping his/her bounds with executive action powers, then the ability for the state legislature to call itself into special session would be a stop point to an overzealous Governor.
- We wanted to ensure through SJR10 (Issue 1) that special sessions remain special by requiring a higher threshold to allow the legislature to call itself into special session. We also wanted to ensure that the legislative branch had the ability to call itself into a special session if necessary.
- For me, it's not a poke in the eye of our current governor, it's just a way to balance between the executive and the legislative branch.

What do opponents say?

- In Arkansas, our current constitution provides for a part-time legislature that meets in general session once every two years and in fiscal session in the alternating years. I see no need for a change.
- The legislature does enough damage during regular sessions and its perpetual committee meetings. I think leaving to the governor to call a special session is just fine. If the legislature can't convince the governor of the need for a session then we don't have to have it – wait til the next regular session.
- This would convert it into really a full-time legislature.
- Arkansas is one of only a few states where the legislature can override the governor's veto with a simple majority vote. This would continue the path to empowering the legislative branch at the expense of the executive branch. The governor is elected by the entire state. Legislators are elected by individual districts.

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the written proclamation containing the signatures of at least two-thirds (2/3) of the members of the House of Representatives and at least two-thirds (2/3) of the members of the Senate shall be considered at an extraordinary session convened under this amendment; requiring the General Assembly to establish by joint rule during each regular session procedures for an extraordinary session under this amendment; and providing that this amendment does not restrict the authority of the governor to convene an extraordinary session of the General Assembly under Arkansas Constitution, Article 6, §19.

What is being proposed?

Arkansas legislators have proposed an amendment to the state constitution that would give them the authority to call special meetings of the legislature (formally called the General Assembly) at any time. Currently, only the governor has that authority.

This proposal would amend Section 5 of Article 5 of the Arkansas Constitution that describes when sessions take place. If approved, this new section would allow legislators to call a special session at any time if:

- The speaker of the House and president of the Senate jointly decide to convene lawmakers; or
- Two-thirds or more of the members of the Arkansas House of Representatives and Senate sign a written proclamation calling for the special session. This would equal signatures from 67 of Arkansas' 100 representatives and signatures from 24 of the state's 35 senators.



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In both instances, the proclamation must include the purpose for convening the special session. This proposal also would:

- Require lawmakers to create rules for how their special sessions would operate, similar to how they adopt rules and procedures for each general session.
- Put the speaker of the House and president of the Senate in charge of determining the dates of a special session called by themselves or the legislature.
- Allow the legislature, after addressing the topic of the special session, to consider additional bills if there are enough votes to do so. (They currently can do this during special sessions called by the governor.)

How did this issue get on the ballot?

The Arkansas Senate and House of Representatives voted to place Issue 1 on the 2022 General Election Ballot. The Arkansas Constitution grants the legislature the right to include up to three constitutional amendments on the general election ballot.

Constitutional amendments require the approval of a majority of voters in a statewide election. Election Day is Nov. 8, 2022.

Who were the main sponsors of this amendment?

Sen. Breanne Davis of Russellville and Rep. Frances Cavanaugh of Walnut Ridge

When does the legislature meet now?

Arkansas legislators meet every year.

- In odd-numbered years, legislators meet beginning in January for what is known as the regular session. During this session they consider changes needed to current laws as well as new laws, determine the state's budget, and conduct other legislative business. Regular sessions last at least 60 days but legislators can vote to extend the session. The longest general session on record lasted 118 days.
- Fiscal sessions are held in even-numbered years, such as 2022, and focus on state finances and budgets. These budgetary sessions are shorter, historically lasting between 17 and 38 days. Voters approved creation of fiscal sessions in 2008 through Amendment 86 to the state constitution. Before then, the legislature only met every other year unless the governor called a special session.



- Legislators also meet when the governor calls a special session, or “extraordinary session” as it’s more formally called. The Arkansas Constitution gives the governor this authority.

How do special sessions happen now?

Section 19 of Article 6 in the Arkansas Constitution gives the governor the power to call the General Assembly into session for special purposes, or “extraordinary occasions.” The governor can call for a special session at any time and determines the agenda.

When announcing the special session, the governor issues a proclamation naming the specific topics or issues lawmakers will consider. The legislature can’t act on any other business until business related to this purpose is addressed. Only then, and after approval by two-thirds of the members of each chamber, can legislators discuss other issues. The Arkansas Constitution says lawmakers can remain in this extended special session for a period “not exceeding 15 days.”

There are no limits on the number of special sessions the governor may call.

Since 2000, governors have called 17 extraordinary sessions, according to the General Assembly websites. Topics of past special sessions called by governors have included: tax credits for steel manufacturers, income tax cuts, Covid 19 policy, school funding, resolution of conflicts created by new laws and other items.

How is this proposal different from current law regarding special sessions of the Arkansas legislature?

Issue 1 models the process followed for special sessions called by the governor. If approved, Issue 1 would give the legislature the same authority as the governor in calling special sessions and allow them to set the agenda for special sessions they call.

Lawmakers could vote whether to consider additional topics after they've addressed the main reason for the special session they called. Two-thirds of the Senate and House would have to vote in favor of allowing debate and discussion of additional bills.

What qualifies as an "extraordinary occasion?"

There is no definition included in the proposal or in the state constitution.

How much does a special session cost?

Generally, the additional cost of a special session reflects the daily per diem and travel payments the state's 135 lawmakers receive while meeting at the state capitol.

The seven-member Independent Citizen Committee of Arkansas sets the annual salary, per diem and travel reimbursement rates for legislators. In October 2021, the committee opted to follow federal rates for per diem (meals and lodging) and mileage. These include:

- 58.5 cents per mile traveled
- \$59 a day in per diem if lawmakers live within 50 miles of the capitol or
- \$154 a day if lawmakers live more than 50 miles from the capitol.

The state paid legislators \$3.1 million in per diem, travel and other expenses in 2021, according to the Arkansas Democrat-Gazette. That period included the regular session plus two short special sessions that lasted three days each.

Salary for lawmakers would not be impacted by this proposal, but the total amount in per diem and travel reimbursements would increase the more legislators meet.

How does this proposal compare to other states?

Arkansas is one of 14 states where only the governor has the power to call a special meeting of state lawmakers, according to the National Conference of State Legislators. Those states are: Alabama, California, Idaho, Indiana, Kentucky, Michigan, Minnesota, Mississippi, North Dakota, Rhode Island, South Carolina, Texas and Vermont.

In the remaining 36 states, both the governor and legislature can call a special session.

If approved, when would this amendment take effect?

Nov. 9, 2022

The following is the proposed constitutional amendment name and title as they will appear on the state's November General Election ballot.

CONSTITUTIONAL AMENDMENT REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY

Issue No. 1

(Popular Name)

A Constitutional Amendment to allow the General Assembly to Convene in Extraordinary Session Upon the Issuance of a Joint Written Proclamation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate or Upon the Submission of a Written Proclamation Containing the Signatures of At Least Two-Thirds (2/3) of the Members of the House of Representatives and At Least Two-Thirds (2/3) of the Members of the Senate to the Speaker of the House of Representatives and the President Pro Tempore of the Senate Requesting that the General Assembly Convene in Extraordinary Session.

(Ballot Title)

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO ALLOW THE GENERAL ASSEMBLY TO CONVENE IN EXTRAORDINARY SESSION UPON THE ISSUANCE OF A JOINT WRITTEN PROCLAMATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE OR UPON THE SUBMISSION OF A WRITTEN PROCLAMATION CONTAINING THE SIGNATURES OF AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF THE SENATE TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE REQUESTING THAT THE GENERAL ASSEMBLY CONVENE IN EXTRAORDINARY SESSION; PROVIDING THAT NO BUSINESS OTHER THAN THE PURPOSE SET FORTH IN THE JOINT WRITTEN PROCLAMATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE OR THE WRITTEN PROCLAMATION CONTAINING THE SIGNATURES OF AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF THE SENATE SHALL BE CONSIDERED AT AN EXTRAORDINARY SESSION CONVENED UNDER THIS AMENDMENT; REQUIRING THE GENERAL ASSEMBLY TO ESTABLISH BY JOINT RULE DURING EACH REGULAR SESSION PROCEDURES FOR AN EXTRAORDINARY SESSION UNDER THIS AMENDMENT; AND PROVIDING THAT THIS AMENDMENT DOES NOT RESTRICT THE AUTHORITY OF THE GOVERNOR TO CONVENE AN EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY UNDER ARKANSAS CONSTITUTION, ARTICLE 6, § 19.

FOR ISSUE NO. 1

AGAINST ISSUE NO. 1