Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas *As Engrossed: H2/28/19*
92nd General Assembly
Regular Session, 2019 HJR 1020

By: Representative Dotson
By: Senator A. Clark

HOUSE JOINT RESOLUTION

A CONSTITUTIONAL AMENDMENT TO BE KNOWN AS THE "ARKANSAS TERM LIMITS AMENDMENT"; AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE TERMS SERVED BY MEMBERS OF THE GENERAL ASSEMBLY; AMENDING THE TERM LIMITS APPLICABLE TO MEMBERS OF THE GENERAL ASSEMBLY; AND PROVIDING THAT FUTURE REVISIONS TO TERM LIMITS FOR THE GENERAL ASSEMBLY SHALL BE PROPOSED BY THE GENERAL ASSEMBLY.

Subtitle

THE ARKANSAS TERM LIMITS AMENDMENT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, 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 Representatives and Senators, 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. LEGISLATIVE INTENT.

(a) The General Assembly finds that:

(1) The Arkansas Constitution establishes the General Assembly

to serve the citizens of the State of Arkansas;

(2) Members of the General Assembly are subject to term limits established by Arkansas Constitution, Amendment 73; and

(3) Each provision of this amendment is intended to allow the citizens of the State of Arkansas to amend the Arkansas Constitution concerning the terms served by members of the General Assembly.

(b) The General Assembly finds that this constitutional amendment addresses the subject of the terms served by members of the General Assembly by amending the term limits applicable to members of the General Assembly and reserving the right to amend legislative term limits in the future to the General Assembly.

(c) This constitutional amendment shall be known and may be cited as the "Arkansas Term Limits Amendment".

SECTION 2. Arkansas Constitution, Amendment 73, § 2, is amended to read as follows:

§ 2. Legislative Branch.

(a) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

(b) The Arkansas Senate shall consist of members to be chosen every four (4) years by the qualified electors of the several districts.

(c)(1)(A) ~~A~~ Except as provided in subdivision (c)(1)(E) of this section, a person first elected as a member of the General Assembly *before* January 1, 2021, shall serve no more than sixteen (16) years, whether consecutive or nonconsecutive.

~~(2)~~(B) A member first elected as a member of the General Assembly *before* January 1, 2021, who completes his or her sixteenth year of service during a term of office for which he or she has been elected may serve until the completion of that term of office.

~~(3)~~(C) The years of service in both the Senate and the House of Representatives shall be added together and included to determine the total number of years in office of a member of the General Assembly first elected as a member of the General Assembly *before* January 1, 2021.

~~(4)~~(D) A partial legislative term served as a result of a special election under Article 5, § 6, or a two-year term served as a result

of apportionment of the Senate shall not be included in calculating the total number of years served by a member of the General Assembly first elected as a member of the General Assembly *before* January 1, 2021.

(E)(i) A person who has served sixteen (16) years in the General Assembly under subdivision (c)(1)(A) of this section shall not be eligible for subsequent service in the General Assembly until four (4) years after the expiration of the last term of office in the General Assembly for which he or she was elected.

(ii) Subsequent service in the General Assembly under subdivision (c)(1)(E)(i) of this section shall be as provided under subdivision (c)(2) of this section.

(2)(A)(i) A person first elected as a member of the General Assembly on or after January 1, 2021, shall serve no more than twelve (12) consecutive years.

(ii) A member of the General Assembly first elected to the General Assembly on or after January 1, 2021, who serves twelve (12) or more consecutive years shall not be eligible for subsequent service in the General Assembly until four (4) years after the expiration of the last term *of office in the General Assembly* for which he or she was elected.

(B) A member first elected to the General Assembly on or after January 1, 2021, who completes his or her twelfth consecutive year of service during a term of office for which he or she has been elected may serve until the completion of that term of office.

(C) Consecutive years of service in both the Senate and the House of Representatives shall be added together and included to determine the total number of consecutive years in office of a member first elected to the General Assembly on or after January 1, 2021.

(D)(i) A two-year term served as a result of apportionment of the Senate shall be included in calculating the total number of consecutive years served by a member of the General Assembly first elected to the General Assembly on or after January 1, 2021.

(ii) A partial legislative term served as a result of a special election to fill a vacancy in the General Assembly shall not be included in calculating the total number of consecutive years served by a member of the General Assembly first elected to the General Assembly on or after January 1, 2021.

SECTION 3. Arkansas Constitution, Amendment 73, § 6, is amended to read as follows:

§ 6. Application.

(a) ~~This~~ Except as provided in § 2(c) of this Amendment, this Amendment to the Arkansas Constitution shall take effect and be in operation on January 1, 1993, and its provisions shall be applicable to all person thereafter seeking election to the offices specified in this Amendment.

(b) All laws and constitutional provisions which conflict with this Amendment are hereby repealed to the extent that they conflict with this amendment.

SECTION 4. Arkansas Constitution, Amendment 73, is amended to add an additional section to read as follows:

§ 7. Authority to propose amendments.

(a) The citizens of the State of Arkansas find that:

(1) While term limits play an important role in state government, they should be balanced by the need to maintain an experienced legislative branch that can serve as an effective check on the executive and judicial branches;

(2) Frequent amendments to legislative term limits initiated by special interests and others outside of the General Assembly weaken the legislative branch and impair the representation of Arkansas citizens; and

(3) The ability to amend legislative term limits in the future should be limited to a referral to the qualified electors of the state by the General Assembly to ensure that the legislative branch provides the citizens of the state with experienced representation and is immune from outside forces revising term limits in a manner that is not in the best interests of the state.

(b)(1) The power to propose an amendment to this Constitution amending or repealing term limits for members of the House of Representatives or Senate is reserved to the General Assembly under Arkansas Constitution, Article 19, § 22.

(2) The people of the State of Arkansas do not have authority under Arkansas Constitution, Article 5, § 1, to propose an amendment to this Constitution amending or repealing term limits for members of the House of

Representatives or Senate.

SECTION *5*. This amendment shall be effective on and after January 1, 2021.

SECTION *6*. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this joint resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment, to be Known as the "Arkansas Term Limits Amendment", to Amend the Term Limits Applicable to Members of the General Assembly and Provide that Future Revisions to Term Limits for the General Assembly Be Proposed by the General Assembly".

/s/Dotson