

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

**H.J.R. 1002**

4 **By: Representative Hinshaw, *and Argue***

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## **HOUSE JOINT RESOLUTION**

8 PROPOSING A CONSTITUTIONAL AMENDMENT TO AMEND SECTION 4 OF  
9 AMENDMENT 6 TO THE ARKANSAS CONSTITUTION TO PROVIDE THAT  
10 THE GOVERNOR SHALL RETAIN ALL OF HIS POWERS AND DUTIES  
11 WHEN ABSENT FROM THE STATE OF ARKANSAS AND THAT THOSE  
12 POWERS AND DUTIES WILL NOT DEVOLVE TO ANY OTHER PERSON  
13 DURING ABSENCES FROM THE STATE.

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### **Subtitle**

16 CONSTITUTIONAL AMENDMENT REGARDING POWER OF GOVERNOR.

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19 WHEREAS, when our Constitution was adopted in 1874 it provided that when  
20 the Governor is absent from the state his powers and duties devolve upon the  
21 President of the Senate and in 1914 when the people adopted Amendment 6 to the  
22 Constitution that language was repeated to apply to everyone in the line of  
23 succession to the Governor; and

24 WHEREAS, due to today\_s communications technology it is no longer  
25 necessary nor advisable that the Governor lose his powers as Governor simply  
26 because of his absence from the state; and

27 WHEREAS, in order to assure that the Governor retains all of his powers  
28 and duties while absent from the state it is necessary to amend the Arkansas  
29 Constitution to so provide;

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31 NOW THEREFORE,

32 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH GENERAL  
33 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS  
34 ELECTED TO EACH HOUSE AGREEING THERETO:

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

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8           SECTION 1. Sections 4 and 5 of Amendment 6 to the Arkansas Constitution  
9 is amended to read as follows:

10           "Section 4. Lieutenant Governor acting as Governor.

11           In case of the impeachment of the Governor, or his removal from office,  
12 death, inability to discharge the powers and duties of the said office, or  
13 resignation, the powers and duties of the office, shall devolve upon the  
14 Lieutenant Governor for the residue of the term, or until the disability shall  
15 cease.

16           Section 5. Qualifications and duties of Lieutenant Governor -  
17 Succession to the governorship.

18           The Lieutenant Governor shall possess the same qualifications of  
19 eligibility for the office as the Governor. He shall be President Pro Tem of  
20 the Senate, but shall have only a casting vote therein in case of a tie vote.  
21 If during a vacancy of the office of Governor, the Lieutenant Governor shall  
22 be impeached, displaced, resign, die, or become incapable of performing the  
23 duties of his office, the President Pro Tem of the Senate shall act as  
24 Governor until the vacancy be filled or the disability shall cease; and if the  
25 President Pro Tem of the Senate for any of the above causes shall become  
26 incapable of performing the duties pertaining to the office of Governor, the  
27 Speaker of the House shall act as Governor until the vacancy be filled or the  
28 disability shall cease."

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30           SECTION 2. Sections 12 and 13 of Article 6 of the Arkansas Constitution  
31 are hereby repealed.

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33           SECTIONS 3. This amendment shall become effective on January 1, 1995.

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*/s/J. Hinshaw, et al*

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