

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Joint Resolution No. 16

"PROPOSING A CONSTITUTIONAL AMENDMENT CONCERNING THE EXECUTIVE
DEPARTMENT."

Amendment No. 1 to Senate Joint Resolution No. 16.

Amend Senate Joint Resolution No. 16 as originally introduced:

Page 1, delete lines 9 and 10 and substitute:

"PROPOSING A CONSTITUTIONAL AMENDMENT TO REVISE THE EXECUTIVE ARTICLE OF THE
ARKANSAS CONSTITUTION."

AND

Page 1, delete lines 13 and 14 and substitute:

"PROPOSING A CONSTITUTIONAL AMENDMENT TO REVISE THE EXECUTIVE ARTICLE OF THE
ARKANSAS CONSTITUTION."

AND

Page 2, line 6, delete "or" and substitute "on"

AND

Page 2, delete lines 12 through 18 and substitute:

- "(1) The Governor, the sum of \$73,603;
- (2) The Lieutenant Governor, the sum of \$35,574;
- (3) The Secretary of State, the sum of \$46,002;
- (4) The Treasurer of State, the sum of \$46,002;
- (5) The Attorney General, the sum of \$61,335;
- (6) The Commissioner of State Lands, the sum of \$46,002; and
- (7) The Auditor of State, the sum of \$46,002."

AND

Page 2, line 21, delete "expenses." and substitute "expenses. However,
nothing in the Constitution shall prohibit officers of the executive
departments from receiving retirement benefits, insurance, and other benefits
consistent with those received by state employees."

AND

Page 2, line 22, delete "(1)"

AND

Page 2, delete line 28

AND

Page 2, line 32, delete "laws." and substitute "laws. The Governor shall retain all of the powers enumerated in the Constitution when the Governor is outside the boundaries of the state."

AND

Page 3, delete lines 10 through 12 and substitute:

"respective offices.

(e)(1) A seal of the state shall be kept by the Governor, to be used by the Governor and the seal shall be known and cited as the "Great Seal of the State of Arkansas.

(2) The Governor shall sign and the Secretary of State shall attest to all grants and commissions which shall be"

AND

Page 3, line 26, delete "Representatives." and substitute "Representatives. When any office becomes vacant and the Arkansas Constitution provides no procedures to fill the vacancy, the Governor shall fill the vacant position."

AND

Page 3, delete line 35 and substitute:

"each house.

(4) Every order or resolution in which the concurrence of both houses of the General Assembly is necessary, except on questions of adjournment, shall be presented to the Governor and, before it shall take effect, be approved by him or being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

(5) The Governor shall have power to disapprove any item or items of any bill making appropriation of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto."

AND

Page 4, delete line 1 and substitute:

"by a proclamation that specifies the purposes of the session and all legislation shall be limited to the stated purposes of the session, and no

other business than that set forth shall be transacted until the same shall have been disposed of, after which they may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days."

AND

Page 4, delete lines 4 through 9 and substitute:

"(a) The elected officers of the executive department shall be elected at general elections, except as otherwise provided in the Arkansas Constitution, with the candidate receiving the highest number of votes being elected to each office."

AND

Page 4, line 10, delete "(c)" and substitute "(b)"

AND

Page 4, line 12, add:

"(c) Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands shall be determined by members of both houses of the General Assembly in joint session who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in case of special elections and all the contests shall be tried and determined in the first session of the General Assembly after the election in which the same shall have arisen."

AND

Page 4, line 21, add:

"(c)(1) The Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands each shall be a citizen of the United States, and upon assuming office, at least twenty-five (25) years of age, a registered voter, and a resident of this state for at least seven (7) years.

(2) The Attorney General shall be an attorney licensed in this state."

AND

Page 4, line 26, delete "President of the Senate" and substitute "President Pro Tempore of the Senate"

AND

Page 5, delete lines 5 through 13

AND

Page 5, line 14, delete "(d)" and substitute "(c)"

AND

Page 5, line 18, delete "(e)" and substitute "(d)"

AND

Page 5, line 20, add;

"(e) The General Assembly shall establish the process for determining the existence and absence of disability by reason of physical or mental incapacity by the person holding the office the Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands."

AND

Page 5, delete lines 22 and 23 and substitute:

"(a) The Lieutenant Governor shall exercise authority prescribed by law and shall be the President of the Senate, but shall have a vote therein"

AND

Page 5, line 26, delete "impeachment, or disability" and substitute "or impeachment"

AND

Page 5, delete line 27 and substitute "of the person holding the office"

AND

Page 5, line 36, delete "law" and substitute "law and shall not hold any other office or commission, civil or military, in this state or under this state or the United States"

AND

Delete Section 8 and substitute:

"SECTION 8. Article 6 of the Arkansas Constitution is repealed.

~~1. Executive officers.~~

~~The executive department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State and Attorney General, all of whom shall keep their offices in person at the seat of government and hold their offices for the term of two years and until their successors are elected and qualified, and the General Assembly may provide by law for the establishment of the office of Commissioner of State Lands. [As amended by Const. Amend. 6, § 1.]~~

~~2. Governor — Supreme executive power.~~

~~The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Arkansas."~~

~~3. Election of executive officers.~~

~~The Governor, Secretary of State, Treasurer of State, Auditor of State and Attorney General shall be elected by the qualified electors of the State at large at the time and places of voting for members of the General Assembly; the returns of each election therefor shall be sealed up separately and transmitted to the seat of government by the returning officers, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish the votes cast and given for each of the respective officers hereinbefore mentioned, in the presence of both houses of the General Assembly. The persons having the highest number of votes for each of the respective offices shall be declared duly elected thereto; but if two or more shall be equal, and highest in votes for the same office, one of them shall be chosen by the joint vote of both houses of the General Assembly, and a majority of all the members elected shall be necessary to a choice.~~

~~4. Contested election.~~

~~Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State and Attorney General shall be determined by the members of both houses of the General Assembly in joint session, who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in the case of special elections, and all such contests shall be tried and determined at the first session of the General Assembly after the election in which the same shall have arisen.~~

~~5. Qualifications of Governor.~~

~~No person shall be eligible to the office of Governor except a citizen of the United States who shall have attained the age of thirty years, and shall have been seven years a resident of this State.~~

~~6. Governor, commander in chief of armed services.~~

~~The Governor shall be commander in chief of the military and naval forces of this State, except when they shall be called into the actual service of the United States.~~

~~7. Information and reports from departments.~~

~~He may require information in writing from the officers of the executive department on any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.~~

~~8. Messages to General Assembly.~~

~~He shall give to the General Assembly from time to time, and at the close of his official term to the next General Assembly, information by message concerning the condition and government of the State, and recommend for their consideration such measures as he may deem expedient.~~

~~9. Seal of State.~~

~~A seal of the State shall be kept by the Governor, used by him officially, and called the "Great Seal of the State of Arkansas."~~

~~10. Grants and commissions.~~

~~All grants and commissions shall be issued in the name and by the authority of the State of Arkansas, sealed with the great seal of the State,~~

~~signed by the Governor and attested by the Secretary of State.~~

~~11. Incompatible offices.~~

~~No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of Governor, except as herein provided.~~

~~12. President of Senate succeeding to Governor's office.~~

~~In case of the death, conviction or impeachment, failure to qualify, resignation, absence from the State or other disability of the Governor, the powers, duties and emoluments of the office for the remainder of the term, or until the disability be removed, or a Governor elected and qualified, shall devolve upon and accrue to the President of the Senate.~~

~~13. Speaker of House succeeding to office of Governor.~~

~~If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die or be absent from the State, the Speaker of the House of Representatives shall, in like manner, administer the government.~~

~~14. Election to fill vacancy.~~

~~Whenever the office of Governor shall have become vacant by death, resignation, removal from office or otherwise, provided such vacancy shall not happen within twelve months next before the expiration of the term of office for which the late Governor shall have been elected, the President of the Senate or Speaker of the House of Representatives, as the case may be, exercising the powers of Governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving by proclamation sixty days' previous notice thereof, which election shall be governed by the same rules prescribed for general elections of Governor as far as applicable; the returns shall be made to the Secretary of State, and the acting Governor, Secretary of State and Attorney General shall constitute a board of canvassers, a majority of whom shall compare said returns and declare who is elected; and, if there be a contested election, it shall be decided as may be provided by law.~~

~~15. Approval of bills—Veto.~~

~~Every bill which shall have passed both houses of the General Assembly shall be presented to the Governor; if he approves it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which likewise it shall be reconsidered; and, if approved by a majority of the whole number elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by "yeas and nays," and the names of the members voting for or against the bill shall be entered on the journals. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall become a law, unless he shall file the same, with his objections, in the~~

~~office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment.~~

~~16. Concurrent orders or resolutions — Veto.~~

~~Every order or resolution in which the concurrence of both houses of the General Assembly may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him; or being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.~~

~~17. Vetoes of items of appropriation bills.~~

~~The Governor shall have power to disapprove any item or items of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.~~

~~18. Pardonng power.~~

~~In all criminal and penal cases, except in those of treason and impeachment, the Governor shall have power to grant reprieves, commutations of sentence and pardons after conviction; and to remit fines and forfeitures under such rules and regulations as shall be prescribed by law. In cases of treason he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the adjournment of the next regular session of the General Assembly. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation or pardon, with his reasons therefor, stating the name and crime of the convict, the sentence, its date and the date of the commutation, pardon or reprieve.~~

~~19. Extraordinary sessions of General Assembly — Calling — Purposes.~~

~~The Governor may, by proclamation, on extraordinary occasions convene the General Assembly at the seat of government, or at a different place, if that shall have become since their last adjournment dangerous from an enemy or contagious disease; and he shall specify in his proclamation the purpose for which they are convened, and no other business than that set forth therein shall be transacted until the same shall have been disposed of, after which they may, by a vote of two thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.~~

~~20. Power to adjourn General Assembly.~~

~~In cases of disagreement between the two houses of the General Assembly, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting; and, on account of danger from an enemy or disease, to such other place of safety as he may think proper.~~

~~21. Duties of Secretary of State.~~

~~The Secretary of State shall keep a full and accurate record of all the~~

~~official acts and proceedings of the Governor, and, when required, lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly. He shall also discharge the duties of Superintendent of Public Instruction until otherwise provided by law.~~

~~22. Duties of executive officers in general — Dual office holding prohibited — Vacancies — Filling.~~

~~The Treasurer of State, Secretary of State, Auditor of State and Attorney General shall perform such duties as may be prescribed by law; they shall not hold any other office or commission, civil or military, in this State or under any State, or the United States, or any other power, at one and the same time; and, in case of vacancy occurring in any of said offices, by death, resignation or otherwise, the Governor shall fill said office by appointment for the unexpired term.~~

~~23. Filling vacancies in other offices.~~

~~When any office from any cause may become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill the same by granting a commission, which shall expire when the person elected to fill said office, at the next general election, shall be duly qualified."~~

AND

Page 9, line 31, add:

"SECTION 9. The second paragraph of Article 19, Section 11 is repealed.

~~For Governor the sum of \$4,000.00; for Secretary of State the sum of \$2,500.00; for Treasurer the sum of \$3,000.00; for Auditor the sum of \$3,000.00; for Attorney General the sum of \$2,500.00; for Commissioner of State Lands the sum of \$2,500.00; for the Judges of the Supreme Court, each the sum of \$4,000.00; for judges of the circuit courts and chancellors, each the sum of \$3,000.00; for prosecuting attorney the sum of \$400.00.~~

SECTION 10. Amendment 6 to the Arkansas Constitution is repealed.

~~1. Executive department.~~

~~2. Executive power vested in Governor and Lieutenant Governor.~~

~~The executive power shall be vested in a Governor, who shall hold office for two years; a Lieutenant Governor shall be chosen at the same time and for the same term. The Governor and Lieutenant Governor elected next preceding the time when this section shall take effect shall hold office until and including the second Monday of September, and their successors shall be chosen at the general election in that year.~~

~~3. Election of Governor and Lieutenant Governor.~~

~~The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be elected, but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant Governor, the two houses of the Legislature, at the next annual session shall forthwith, by joint ballot,~~

~~choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant Governor.~~

~~4. Lieutenant Governor acting as Governor.~~

~~In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office, shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall continue commander in chief of all the military force of the State.~~

~~5. Qualifications and duties of Lieutenant Governor — Succession to the governorship.~~

~~The Lieutenant Governor shall possess the same qualifications of eligibility for the office as the Governor. He shall be President of the Senate, but shall have only a casting vote therein in case of a tie vote. If during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease; and if the President of the Senate for any of the above causes shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the Assembly shall act as Governor until the vacancy be filled or the disability shall cease.~~

~~6. Salary of Lieutenant Governor.~~

~~The Lieutenant Governor shall receive for his services an annual salary of two thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite, for any duty or service he may be required to perform by the Constitution or by law.~~

~~SECTION 11. Amendment 15 to the Arkansas Constitution is repealed.~~

~~Salaries of state officials.~~

~~The annual salaries of the State and District officers hereinafter mentioned, which shall be paid in monthly installments, shall be as follows:~~

~~— For Governor, the sum of \$6,000; for Secretary of State, the sum of \$4,000; for Treasurer of the State, the sum of \$4,000; for Auditor of the State, the sum of \$4,000; for Attorney General, the sum of \$5,000; for Judge of the Circuit Courts and Chancellors, each the sum of \$3,600.~~

~~— The members of the General Assembly shall receive as their salary the sum of one thousand dollars (\$1,000), except the Speaker of the House of Representatives, who shall receive his salary of eleven hundred (\$1,100) dollars for each period of two (2) years; and in addition to such salary the members of the General Assembly shall receive five cents per mile for each mile traveled in going to and returning from the seat of government over the most direct and practical route; and provided further that when said members are required to attend an extraordinary session of the General Assembly, they shall receive in addition to the salary herein provided the sum of \$6 per day~~

~~for each day they are required to attend, and mileage, at the same rate herein provided.~~

SECTION 12. Section 1, 2, and 3 of Amendment 56 to the Arkansas Constitution are repealed.

~~1. Executive department — Composition.~~

~~The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of two (2) years, and until their successors are elected and qualified.~~

~~2. Executive department — Salaries. [Repealed.]~~

~~3. General Assembly — Salaries. [Repealed.]~~

SECTION 13. Amendment 63 to the Arkansas Constitution is amended to read as follows:

~~1. Executive Department — Term of office.~~

~~The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of four (4) years, and until their successors are elected and qualified."~~

AND

Appropriately renumber the subsequent section

AND

Page 10, line 14, add:

"SECTION 15. The effective date of this amendment shall be January 1, 2003."

The Amendment was read the first time, rules suspended and read the second time and _____

**By: Senator D. Malone
MG/VJF - 040920011028
VVF463**

Secretary