

1 **State of Arkansas**

Call Item No. 42

2 **79th General Assembly**

3 **Second Extraordinary Session, 1994**

H.J.R.

4 **By: Representatives Fairchild, Fletcher, Hendrix, Hinshaw, McCuiston and Willems**

5

6

7

HOUSE JOINT RESOLUTION

8 FOR RECALL AND REPEAL OF HOUSE JOINT RESOLUTION 1013 OF
9 THE SEVENTY-NINTH GENERAL ASSEMBLY, WHICH PROPOSED AN
10 AMENDMENT TO ARTICLE 19, SECTION 14, OF THE CONSTITUTION
11 OF THE STATE OF ARKANSAS, TO REMOVE FROM THE DEFINITION OF
12 LOTTERY AS CONTAINED IN ARTICLE 19, SECTION 14, OF THE
13 CONSTITUTION OF THE STATE OF ARKANSAS, CERTAIN GAMES OF
14 BINGO AND RAFFLES WHEN CONDUCTED BY CERTAIN AUTHORIZED
15 ORGANIZATIONS IN ACCORDANCE WITH THE PROPOSED AMENDMENT.

16

17

Subtitle

18 FOR RECALL AND REPEAL OF HOUSE JOINT RESOLUTION 1013 OF
19 THE SEVENTY-NINTH GENERAL ASSEMBLY.

20

21 WHEREAS, since the adoption of House Joint Resolution 1013 of the
22 Seventy-Ninth General Assembly, which proposed an amendment to Article 19,
23 Section 14 of the Constitution of the State of Arkansas, two proposed
24 amendments to the Constitution of the State of Arkansas have been certified to
25 appear on the general election ballot by popular initiative, which proposed
26 amendments authorize various forms of lawful wagering, including, in the case
27 of one such proposal, bingo and raffles conducted by non-profit organizations
28 for charitable purposes, as authorized by House Joint Resolution 1013; and
29

30 WHEREAS, the texts of the proposed initiative amendments and House Joint
31 Resolution 1013 are not consistent with each other, and there is a substantial
32 question concerning the effect of the initiative proposals and House Joint
33 Resolution 1013 upon each other if two or more of such proposals, including
34 House Joint Resolution 1013, receive a favorable vote of the electorate at the
35 general election; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

WHEREAS, it is in the best interest of the people of this State for the subject of lawful wagering to be decided at the upcoming general election upon the basis of proposals presented by the people in the exercise of their right of initiative, and without unnecessary confusion of the ballot, and without the delays and uncertainties of litigation concerning the effect of the vote of the people on the various proposals presented to them; and

WHEREAS, a lawsuit has been filed in the chancery court of Pulaski County challenging the validity of House Joint Resolution 1013 based upon a number of allegations including inadequate publication, misleading ballot title, and procedural error; and

WHEREAS, since the philosophy of House Joint Resolution 1013 is incorporated in the initiative proposals which will be on the November ballot, wisdom demands the repeal of House Joint Resolution 1013 in light of the pending litigation and the possible repercussions of the Resolution being invalidated by the court subsequent to its adoption at the November General Election;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SECOND EXTRAORDINARY SESSION OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT House Joint Resolution 1013 of the Seventy-Ninth General Assembly is hereby recalled and repealed in its entirety, and shall not be submitted to the electors of the State for their approval or rejection at the next general election for Representatives and Senators, nor shall the same be published as an amendment to the Constitution of the State of Arkansas proposed to the people by the General Assembly, as provided in Article 19, Section 22 of the Constitution of the State of Arkansas.

