

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H1/15/97

H.J.R. 1002

4 By: Representatives Jones, George, Maddox, Dietz, *Cunningham, Terry Smith, Trammell, Broadway, Curran, Stalnaker, Cook, French,*
5 *Allison, Faris and McGinnis*

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HOUSE JOINT RESOLUTION

9 TO CLARIFY SECTION 2 OF ARTICLE 15 OF THE ARKANSAS
10 CONSTITUTION BY SPECIFICALLY PROVIDING THAT THE PRESIDING
11 OFFICERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE
12 MAY ASSEMBLE THE MEMBERS OF THOSE CHAMBERS WHEN THE
13 GENERAL ASSEMBLY IS NOT IN SESSION IN ORDER TO EXERCISE
14 THEIR CONSTITUTIONAL RESPONSIBILITIES REGARDING
15 IMPEACHMENT OF PUBLIC OFFICIALS.

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Subtitle

18 TO CLARIFY SECTION 2 OF ARTICLE 15 OF THE ARKANSAS
19 CONSTITUTION BY SPECIFICALLY PROVIDING THAT THE PRESIDING
20 OFFICERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE
21 MAY ASSEMBLE THE MEMBERS OF THOSE CHAMBERS WHEN THE
22 GENERAL ASSEMBLY IS NOT IN SESSION IN ORDER TO EXERCISE
23 THEIR CONSTITUTIONAL RESPONSIBILITIES REGARDING
24 IMPEACHMENT OF PUBLIC OFFICIALS.

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28 WHEREAS, the Arkansas Constitution does not specifically address
29 the matter of assembling the members of the House of Representatives and the
30 Senate for the purposes of exercising their impeachment responsibilities under
31 Article 15 when the General Assembly is not in session; and

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33 WHEREAS, although the most reasonable interpretation of the Constitution
34 is that the presiding officers of the House and Senate already have the
35 authority to assemble their respective chambers to *perform* their impeachment
36 duties and the best method of resolving any doubt is to amend the Constitution

1 to specifically enunciate that power;

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3 NOW THEREFORE,

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5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIRST GENERAL
6 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS
7 ELECTED TO EACH HOUSE AGREEING THERETO:

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9 That the following is hereby proposed as an amendment to the Constitution
10 of the state of Arkansas, and upon being submitted to the electors of the
11 state for approval or rejection at the next general election for
12 Representatives and Senators, if a majority of the electors voting thereon at
13 such election, adopt such amendment, the same shall become a part of the
14 Constitution of the state of Arkansas, to wit:

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16 SECTION 1. Section 2 of Article 15 of the Constitution of the State of
17 Arkansas is amended to read as follows:

18 "§2. Impeachment by house - Trial by senate - Presiding officer.

19 The House of Representatives shall have the sole power of impeachment.
20 All impeachments shall be tried by the Senate. When sitting for that purpose,
21 the Senators shall be upon oath or affirmation; no person shall be convicted
22 without the concurrence of two-thirds of the members thereof. The Chief
23 Justice shall preside unless he is impeached or otherwise disqualified, when
24 the Senate shall select a presiding officer. The powers and duties of the
25 House of Representatives and the Senate regarding impeachment may be performed
26 during any session of the General Assembly or when the General Assembly is not
27 in session, the presiding officer of the House of Representatives and the
28 presiding officer of the Senate may assemble their respective chambers for the
29 purpose of performing their duties and responsibilities regarding
30 impeachment."

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32 SECTION 2. This amendment becomes effective on January 1, 1999.

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/s/Rep. Jones, et al

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