

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

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

HJR 1010

4
5 By: Representative Ingram
6 By: Senator R. Thompson

7
8 **HOUSE JOINT RESOLUTION**

9 TO STREAMLINE ARKANSAS GOVERNMENT BY AMENDING THE
10 ARKANSAS CONSTITUTION TO ABOLISH THE CONSTITUTIONAL
11 OFFICES OF COMMISSIONER OF STATE LANDS AND LIEUTENANT
12 GOVERNOR.

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14
15 **Subtitle**

16 TO STREAMLINE ARKANSAS GOVERNMENT BY
17 AMENDING THE ARKANSAS CONSTITUTION TO
18 ABOLISH THE CONSTITUTIONAL OFFICES OF
19 COMMISSIONER OF STATE LANDS AND
20 LIEUTENANT GOVERNOR.

21
22
23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL
24 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

26
27 THAT the following is proposed as an amendment to the Constitution of
28 the State of Arkansas, and upon being submitted to the electors of the state
29 for approval or rejection at the next general election for Representatives
30 and Senators, if a majority of the electors voting thereon at the election
31 adopt the amendment, the amendment shall become a part of the Constitution of
32 the State of Arkansas, to wit:

33
34 SECTION 1. (a) The office of Lieutenant Governor is abolished and
35 removed from the Arkansas Constitution.

36 (b) Constitutional, statutory, and otherwise lawful powers and duties



1 of the Lieutenant Governor are granted and transferred to the President Pro
 2 Tempore of the Senate.

3
 4 SECTION 2. (a) The office of Commissioner of State Lands is abolished
 5 and removed from the Arkansas Constitution.

6 (b) Constitutional, statutory, and otherwise lawful powers and duties
 7 of the Commissioner of State Lands shall be granted and transferred by the
 8 General Assembly.

9
 10 SECTION 3. Sections 3, 4 and 5 of Article 6 of the Arkansas
 11 Constitution are amended to read as follows:

12 § 3. Election of Governor and Lieutenant Governor.

13 The Governor ~~and Lieutenant Governor~~ shall be elected at the times and
 14 places of choosing members of the Assembly. The ~~persons respectively~~ person
 15 having the highest number of votes for Governor ~~and Lieutenant Governor~~ shall
 16 be elected, but in case two or more shall have an equal and the highest
 17 number of votes for Governor, ~~or for Lieutenant Governor,~~ the two houses of
 18 the Legislature at its next annual session shall forthwith, by joint ballot,
 19 choose one of the said persons so having an equal and the highest number of
 20 votes for Governor ~~or Lieutenant Governor.~~

21
 22 § 4. ~~Lieutenant Governor~~ President Pro Tempore of the Senate acting as
 23 Governor.

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

32
 33 § 5. ~~Qualifications and duties of Lieutenant Governor~~—Succession to
 34 the governorship.

35 ~~The Lieutenant Governor shall possess the same qualifications of~~
 36 ~~eligibility for the office as the Governor. He shall be President of the~~

1 ~~Senate, but shall have only a casting vote therein in case of a tie vote.~~ If
 2 during a vacancy of the office of Governor, the ~~Lieutenant Governor~~ President
 3 Pro Tempore of the Senate shall be impeached, displaced, resign, die, or
 4 become incapable of performing the duties of his or her office or be absent
 5 from the State, ~~the President of the Senate shall act as Governor until the~~
 6 ~~vacancy be filled or the disability shall cease; and if the President of the~~
 7 ~~Senate for any of the above causes shall become incapable of performing the~~
 8 ~~duties pertaining to the office of Governor,~~ the Speaker of the Assembly
 9 shall act as Governor until the vacancy be filled or the disability shall
 10 cease.

11
 12 SECTION 4. Sections 1 and 2 of Amendment 29 of the Arkansas
 13 Constitution are amended to read as follows:

14 § 1. Elective offices – Exceptions.

15 Vacancies in the office of United States Senator, and in all elective
 16 state, district, circuit, county, and township offices except those of
 17 ~~Lieutenant Governor,~~ Member of the General Assembly and Representative in the
 18 Congress of the United States, shall be filled by appointment by the
 19 Governor.

20
 21 § 2. Ineligible persons – Nepotism.

22 The Governor, ~~Lieutenant Governor~~ and Acting Governor shall be
 23 ineligible for appointment to fill any vacancies occurring or any office or
 24 position created, and resignation shall not remove such ineligibility.
 25 Husbands and wives of such officers, and relatives of such officers, or of
 26 their husbands and wives within the fourth degree of consanguinity or
 27 affinity, shall likewise be ineligible. No person appointed under Section 1
 28 shall be eligible for appointment or election to succeed himself.

29
 30 SECTION 5. Sections 1 and 2 of Amendment 70 of the Arkansas
 31 Constitution are amended to read as follows:

32 § 1. Executive Department and General Assembly – Salaries –
 33 Restrictions on reimbursements.

34 No official of the Executive Department shall be reimbursed by the
 35 State of Arkansas for any expenses except those reasonably connected to their
 36 official duties and only if such reimbursement is made for documented

1 expenses actually incurred and from the regular budget appropriated for the
2 official's office. Such restrictions on expense reimbursement are of a
3 general application and also are intended specifically to prohibit the
4 appropriation and use of public relations funds. The annual salaries of the
5 Executive Department, which shall be paid in monthly installments, shall be
6 as follows: the Governor, the sum of \$60,000; ~~the Lieutenant Governor, the~~
7 ~~sum of \$29,000;~~ the Secretary of State, the sum of \$37,500; the Treasurer of
8 State, the sum of \$37,000; the Attorney General, the sum of \$50,000; ~~the~~
9 ~~Commissioner of State Lands, the sum of \$37,500;~~ and the Auditor of State,
10 the sum of \$37,500. Except as provided herein, such officials of the
11 Executive Department shall not receive any other income from the State of
12 Arkansas, whether in the form of salaries or expenses.

13 The members of the General Assembly shall receive as their annual salary
14 the sum of \$12,500, except the President Pro Tempore of the Senate and the
15 Speaker of the House of Representatives, who shall each receive the sum of
16 \$14,000 annually, with such salaries to be payable in equal monthly
17 installments. Except as provided herein, no member of the General Assembly
18 shall receive any other income for service in the General Assembly, whether
19 in the form of salaries or expenses, including, but not limited to, public
20 relations funds. Provided further, that no member of the General Assembly
21 shall be entitled to per diem unless authorized by law, or to reimbursement
22 for expenses or mileage unless authorized by law, documented, and reasonably
23 related to their official duties.

24

25 § 2. Additional Constitutional amendments authorized.

26 In addition to the three amendments to the Constitution allowed
27 pursuant to Article 19, § 22, either branch of the General Assembly at a
28 regular session thereof may propose an amendment to the Constitution to
29 change the salaries for the offices of Governor, ~~Lieutenant Governor,~~
30 Attorney General, Secretary of State, Treasurer of State, ~~Commissioner of~~
31 ~~State Lands,~~ and Auditor of State and for members of the General Assembly. If
32 the same be agreed to by a majority of all members elected to each house,
33 such proposed amendment shall be entered on the journals with the yeas and
34 nays, and published in at least one newspaper in each county, where a
35 newspaper is published, for six months immediately preceding the next general
36 election for Senators and Representatives, at which time the same shall be

1 submitted to the electors of the State for approval or rejection. If a
2 majority of the electors voting at such election adopt the amendment the same
3 shall become a part of this Constitution. Only one amendment to the
4 Constitution may be referred pursuant to this section.

5
6 SECTION 6. Section 1 of Amendment 73 of the Arkansas Constitution is
7 amended to read as follows:

8 § 1. Executive Branch.

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

15 No elected officials of the Executive Department of this State may serve
16 in the same office more than two such four year terms.

17
18 SECTION 7. Section 13 of Amendment 80 of the Arkansas Constitution is
19 amended to read as follows:

20 § 13. Assignment of special and retired judges.

21 If a Supreme Court Justice is disqualified or temporarily unable to
22 serve, the Chief Justice shall certify the fact to the Governor, who within
23 thirty (30) days thereafter shall commission a Special Justice, unless the
24 time is extended by the Chief Justice upon a showing by the Governor that, in
25 spite of the exercise of diligence, additional time is needed. If the
26 Governor fails to commission a Special Justice within thirty (30) days, or
27 within any extended period granted by the Chief Justice, the ~~Lieutenant~~
28 ~~Governor~~ President Pro Tempore of the Senate shall commission a Special
29 Justice.

30 If a Judge of the Court of Appeals is disqualified or temporarily unable
31 to serve, the Chief Judge shall certify the fact to the Chief Justice who
32 shall commission a Special Judge.

33 If a Circuit or District Judge is disqualified or temporarily unable to
34 serve, or if the Chief Justice shall determine there is other need for a
35 Special Judge to be temporarily appointed, a Special Judge may be assigned by
36 the Chief Justice or elected by the bar of that Court, under rules prescribed

1 by the Supreme Court, to serve during the period of temporary
2 disqualification, absence or need.

3 In naming Special Justices and Judges, the Governor or the Chief Justice
4 may commission, with their consent, retired Justices or Judges, active
5 Circuit or District Judges, or licensed attorneys.

6 Special and retired Justices and Judges selected and assigned for
7 temporary judicial service shall meet the qualifications of Justices or
8 Judges of the Court to which selected and assigned.

9 Special and retired judges shall be compensated as provided by law.

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11 SECTION 8. The General Assembly may enact laws to implement the
12 provisions of this amendment.

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14 SECTION 9. The offices of the Lieutenant Governor and the Commissioner
15 of State Lands are abolished effective December 31, 2018.

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