

HOUSE JOINT RESOLUTION 83

By Armstrong

A RESOLUTION to propose an amendment to Article III, Section 12 of the Constitution of Tennessee, relative to the exercise of powers and duties of the Governor during disability.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article III, Section 12, of the Constitution of Tennessee be amended by adding the following language immediately following the current language in the Section:

If the Governor transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives, a written declaration that the Governor is unable to perform the powers and duties of the office, then the powers and duties of the office of Governor shall be exercised by the Speaker of the Senate; and, if that office is unoccupied, then the Speaker of the House of Representatives. The powers and duties of the office shall return to the Governor when the Governor transmits to the same officials, a written declaration that the Governor is able to perform the powers and duties of the office.

If a Speaker is exercising the powers and duties of the office of Governor, then the Speaker shall not be required to resign the Speaker's position as the Speaker or to resign as a member of the General Assembly; provided, that it is reasonably expected that the Governor will be able to resume the powers and duties of the office of Governor. If a Speaker is exercising the powers and duties of the office of Governor, then such Speaker shall not preside as Speaker or vote

as a member of the General Assembly during the time the speaker is exercising the powers and duties of the office of Governor.

If a majority of the Speaker of the House of Representatives, the Speaker of the Senate, the Secretary of State, the Treasurer, and the Comptroller of the Treasury certify that the Governor is unable to perform the powers and duties of the office, then the Speaker of the Senate shall immediately assume the powers and duties of the office as Acting Governor. When the Governor transmits to the Speaker of the House of Representatives and the Speaker of the Senate a written declaration that no inability exists, the Governor shall resume the powers and duties of the office.

The General Assembly shall have the power to enact laws in accordance with this Article III, Section 12.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Tenth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3, of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the House of Representatives is directed to deliver a copy of this resolution to the secretary of state.