

HOUSE JOINT RESOLUTION 1022

By Odom

A RESOLUTION to propose an amendment to Article III, Section 12 of the Constitution of the State of Tennessee, to provide for the exercise of the powers and duties of the governor during a temporary disability.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES 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 the Tennessee Constitution, Article III, Section 12 be amended by designating the current language as subsection (a) and by adding the following language as subsection (b):

(b) Whenever the Governor transmits to the Secretary of State, the Speaker of the Senate and the Speaker of the House a written declaration that the Governor is unable to perform the powers and duties of the office, the powers and duties of the office of Governor shall be exercised by the Speaker of the Senate or, if that office is unoccupied, by 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.

Whenever the Attorney General and Reporter, after consultation with the Secretary of State, Comptroller of the Treasury and Treasurer, is of the opinion that the Governor is unable to perform the powers and duties of the office, the Attorney General shall file a petition with the Tennessee Supreme Court seeking

a declaration that the Governor is unable to perform the powers and duties of the office. The Supreme Court shall have original jurisdiction to hear the petition, and, upon a decision by the Court that the Governor is unable to perform the powers and duties of the office, those powers and duties shall be exercised by the Speaker of the Senate or, if that office is unoccupied, by the Speaker of the House of Representatives. The Governor may at any time petition the Supreme Court to determine that the inability to perform the powers and duties of the office of Governor no longer exists. Upon such a determination by the Supreme Court, the powers and duties of the office will return to the Governor.

No person shall exercise the powers and duties of the Governor while occupying another office. If both the offices of Speaker of the Senate and Speaker of the House of Representatives are unoccupied at the time the disability is declared or determined or if both decline to assume the powers and duties of the office of Governor, then the powers and duties of the Governor shall be exercised by the Secretary of State, Comptroller of the Treasury and Treasurer, in that order. During the pendency of a disability, the Governor shall retain the salary and benefits attached to the office and the person performing the powers and duties of the office shall receive the same salary and benefits as the Governor.

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

BE IT FURTHER RESOLVED, that the clerk of the Senate is directed to deliver a copy of this resolution to the Secretary of State.