

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Joint Resolution No. 1009

THE ARKANSAS ELECTED OFFICIALS ETHICS, TRANSPARENCY, AND FINANCIAL REFORM
AMENDMENT OF 2014.

Amendment No. 2 to House Joint Resolution No. 1009

Amend House Joint Resolution No. 1009 as engrossed, H3/15/13 (version: 03/15/2013 9:28:24 AM):

Page 1, line 17, delete "JUSTICES OF THE SUPREME COURT" and substitute "JUDGES"

AND

Page 2, delete lines 10 through 36 and substitute the following:

"SECTION 2. Article 19 of the Arkansas Constitution is amended to add additional sections to read as follows:

§ 28. Campaign contributions.

(a)(1) It is unlawful for a candidate for public office or a person acting on the candidate's behalf to:

(A) Accept a campaign contribution from other than:

(i) An individual;

(ii) A political party that meets the definition of

a political party under Arkansas law;

(iii) A political party that meets the petition

requirements for new political parties;

(iv) A county political party committee;

(v) A legislative caucus committee; or

(vi) An approved political action committee; or

(B) Accept a campaign contribution in excess of the maximum amount allowed by law per election from:

(i) An individual;

(ii) A political party that meets the definition of

a political party under Arkansas law;

(iii) A political party that meets the petition

requirements for new political parties;

(iv) A county political party committee;

(v) A legislative caucus committee; or

(vi) An approved political action committee.

(2) A candidate may accept a campaign contribution or



contributions up to the maximum amount allowed by law from a prospective contributor for each election, whether opposed or unopposed.

(b)(1) It is unlawful for an individual, a political party that meets the definition of a political party under Arkansas law, a political party that meets the petition requirements for new political parties, a county political party committee, a legislative caucus committee, or an approved political action committee to make a contribution to a candidate for public office, or to a person acting on the candidate's behalf, that in the aggregate exceeds the maximum amount allowed by law.

(2) The following entities may make a contribution or contributions up to the maximum amount allowed by law to a candidate, whether opposed or unopposed, for each election:

(A) An individual;

(B) A political party that meets the definition of a political party under Arkansas law;

(C) A political party that meets the petition requirements for new political parties;

(D) A county political party;

(E) A legislative caucus committee; or

(F) An approved political action committee.

(c) A person knowingly violating this section is guilty of a Class B misdemeanor.

(d) The General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section so long as such amendments are germane to this section and consistent with its policy and purposes.

§ 29. Registration as a lobbyist by former member of the General Assembly.

(a) A former member of the General Assembly shall not be eligible to be registered as a lobbyist until two (2) years after the expiration of the term of office for which he or she was elected.

(b) Subsection (a) of this section applies to all persons elected or reelected to the General Assembly on or after November 4, 2014.

(c) The General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section so long as such amendments are germane to this section and consistent with its policy and purposes.

§ 30. Gifts from lobbyists.

(a) Persons elected to the following offices shall not knowingly or willfully solicit or accept a gift from a lobbyist, a person acting on behalf of a lobbyist, or a person employing a lobbyist:

(1) Governor;

(2) Lieutenant Governor;

(3) Secretary of State;

(4) Treasurer of State;

(5) Auditor of State;

(6) Attorney General;

(7) Commissioner of State Lands; and

(8) Member of the General Assembly.

(b) As used in this section:

(1)(A) "Gift" means any payment, entertainment, advance, services, or anything of value unless consideration of equal or greater value has been given therefor.

(B) "Gift" does not include:

(i)(a) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a person elected to an office under subsection (a) of this section regarding his or her official duties.

(b) Payments for travel or reimbursement for any expenses are not informational material;

(ii) Gifts that are not used and which, within thirty (30) days after receipt, are returned to the donor;

(iii) Gifts from the spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin of a person elected to an office under subsection (a) of this section, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this subdivision (b)(1)(B)(iii);

(iv) Anything of value that is readily available to the general public;

(v) Food or drink available at a planned activity to which a specific governmental body or identifiable group of public servants is invited;

(vi) Campaign contributions; and

(vii) Any devise or inheritance;

(2) "Lobbying" means communicating directly or soliciting others to communicate with a person elected to an office under subsection (a) of this section with the purpose of influencing governmental action or legislative action; and

(3) "Lobbyist" means a person who:

(A) Receives income or reimbursement in a combined amount of four hundred dollars (\$400) or more in a calendar quarter for lobbying a person elected to an office under subsection (a) of this section;

(B) Expends four hundred dollars (\$400) or more in a calendar quarter for lobbying one (1) or more persons elected to an office under subsection (a) of this section, excluding the cost of personal travel, lodging, meals, or dues; or

(C) Expends four hundred dollars (\$400) or more in a calendar quarter, including postage, for the express purpose of soliciting others to communicate with a person elected to an office under subsection (a) of this section to influence any governmental action or legislative action unless the communication has been filed with the Secretary of State or the communication has been published in the news media. If the communication is filed with the Secretary of State, the filing shall include the approximate number of recipients.

(c) The General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section, so long as such amendments are germane to this section and consistent with its policy and purposes.

§ 31. Citizens commission.

(a) Members of the General Assembly shall have no authority to set salaries for their positions.

(b)(1) There is created an independent citizens commission for the purposes of setting salaries of elected officials of the executive department, members of the General Assembly, and judges as provided in this section.

(2) Each member of the citizens commission shall serve a term of four (4) years.

(3) The citizens commission shall consist of seven (7) members as follows:

(A) Two (2) members appointed by the Governor;
(B) Two (2) members appointed by the President Pro Tempore of the Senate;
(C) Two (2) members appointed by the Speaker of the House of Representatives; and
(D) One (1) member appointed by the Chief Justice of the Supreme Court.

(4) Vacancies on the commission shall be filled in the manner of the original appointment.

(c)(1) In making appointments to the commission, the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall consider racial, gender, and geographical diversity.

(2) A member of the commission shall be:
(A) A citizen of the United States;
(B) A resident of the State of Arkansas for at least two (2) years preceding his or her appointment;
(C) A qualified elector; and
(D) At least twenty-five (25) years of age.

(3) The following persons shall not serve on the citizens commission:

(A) A person holding civil office;
(B) A public employee;
(C) A person required by law to register as a lobbyist; or
(D)(i) An immediate family member of a:
(a) Person holding civil office;
(b) Public employee; or
(c) Person required by law to register as a lobbyist.

(ii) As used in subdivision (c)(3)(D)(i) of this section, "immediate family member" means a person's spouse, a child of the person or spouse, a child's spouse, a parent of the person or the spouse, a brother or sister of the person or the spouse, anyone living or residing in the same residence or household with the person or the spouse, or anyone acting or serving as an agent of the person.

(d) The citizens commission shall have the duty to review and adjust as necessary the salaries for the following positions:

(1) Governor;
(2) Lieutenant Governor;
(3) Attorney General;
(4) Secretary of State;
(5) Treasurer of State;
(6) Auditor of State;

- (7) Commissioner of State Lands;
- (8) Member of the General Assembly;
- (9) Chief Justice of the Supreme Court;
- (10) Justice of the Supreme Court;
- (11) Chief Judge of the Court of Appeals;
- (12) Judge of the Court of Appeals;
- (13) Circuit court judge; and
- (14) District court judge.

(e)(1) The salaries of the positions under subsection (d) of this section:

(A) Shall not be subject to appropriation by the General Assembly; and

(B) Shall be paid from the Constitutional Officers Fund or its successor fund or fund accounts in the amount determined by the commission.

(2) If the commission elects to adjust a salary for a position under subsection (d) of this section, the citizens commission shall file the adjusted salary with the Treasurer of State.

(3) An adjustment to a salary shall be effective thirty (30) days after it is filed with the Treasurer of State.

(f)(1) The citizens commission, by a majority vote of the total membership of the commission cast during its first regularly scheduled meeting of each calendar year, may authorize payment to its members of a stipend not to exceed eighty-five dollars (\$85.00) per day for each meeting attended or for any day while performing any proper business of the commission.

(2) Members of the commission shall receive no other compensation, expense reimbursement, or in-lieu-of payments.

(g)(1) Except as provided in subdivision (g)(2) of this section, the commission may increase or diminish the salaries for the positions under subsection (d) of this section.

(2) The commission may increase, but not diminish, the salaries for the positions under subdivisions (d)(9)-(14) of this section.

(h) Salaries for the positions under subsection (d) of this section shall continue as existing on the effective date of this section until adjusted by the commission.

(i)(1) Initial members of the commission shall be appointed within thirty (30) days of the effective date of this section.

(2) The President Pro Tempore of the Senate shall call the first meeting of the commission, which shall occur within forty-five (45) days of the effective date of this section.

(3) After the initial appointments are completed, the commission shall review the salaries for the positions under subsection (d) of this section no later than ninety (90) days after the effective date of this section and shall file any adjustments in salary with the Treasurer of State.

(4)(A) After completing the review under subdivision (i)(3) of this section, the commission shall meet as necessary to review the salaries of the positions under subsection (d) of this section.

(B) The commission may adjust the salaries of the positions under subsection (d) of this section as it deems necessary.

(j) The General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section, so long as

such amendments are germane to this section and consistent with its policy and purposes.

SECTION 3. Section 2 of Amendment 73 of the Arkansas Constitution is amended to read as follows:

§ 2. Legislative Branch.

(a) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties. ~~No member of the Arkansas House of Representatives may serve more than three such two year terms.~~

(b) The Arkansas Senate shall consist of members to be chosen every four years by the qualified electors of the several districts. ~~No member of the Arkansas Senate may serve more than two such four year terms.~~

(c)(1) A member of the General Assembly shall serve no more than sixteen (16) years, whether consecutive or nonconsecutive.

(2) A member who completes his or her sixteenth year of service during a term of office for which he or she has been elected may serve until the completion of that term of office.

(3) The years of service in both the Senate and the House of Representatives shall be added together and included to determine the total number of years in office.

(4) A partial legislative term served as a result of a special election under Article 5, § 6, or a two-year term served as a result of apportionment of the Senate shall not be included in calculating the total number of years served by a member of the General Assembly.

SECTION 4. Section 16 of Article 5 of the Arkansas Constitution is repealed.

~~§ 16. Per diem and mileage of General Assembly.~~

~~Each member of the General Assembly shall receive six dollars per day for his services during the first sixty days of any regular session of the General Assembly, and if any regular session shall be extended, such member shall serve without further per diem. Each member of the General Assembly shall also receive ten cents per mile for each mile traveled in going to and returning from the seat of government, over the most direct and practicable route. When convened in extraordinary session by the Governor, they shall each receive three dollars per day for their services during the first fifteen days, and if such extraordinary session shall extend beyond fifteen days, they shall receive no further per diem. They shall be entitled to the same mileage for any extraordinary session as herein provided for regular sessions. The terms of all members of the General Assembly shall begin on the day of their election, and they shall receive no compensation, perquisite or allowance whatever, except as herein provided.~~

SECTION 5. Section 29 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 29. Appropriations.

~~No~~ Except as provided in Arkansas Constitution, Article 19, Section 31, ~~no~~ no money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations made by the General Assembly after

December 31, 2008, shall be for a longer period than one (1) fiscal year.

SECTION 6. Section 30 of Article 5 to the Arkansas Constitution is amended to read as follows:

§ 30. General and special appropriations.

~~The~~ Except as provided in Arkansas Constitution, Article 19, Section 31, the general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State; all other appropriations shall be made by separate bills, each embracing but one subject.

SECTION 7. Section 4 of Article 16 to the Arkansas Constitution is amended to read as follows:

§ 4. Salaries and fees of state officers.

~~The~~ Except as provided in Arkansas Constitution, Article 19, Section 31, the General Assembly shall fix the salaries and fees of all officers in the State; and no greater salary or fee than that fixed by law shall be paid to any officer, employee, or other person, or at any rate other than par value; and the number and salaries of the clerks and employees of the different departments of the State shall be fixed by law.

SECTION 8. Section 12 of Article 16 of the Arkansas Constitution is amended to read as follows:

§ 12. Disbursement of funds – Appropriation required.

~~No~~ Except as provided in Arkansas Constitution, Article 19, Section 31, ~~no~~ money shall be paid out of the treasury until the same shall have been appropriated by law; and then only in accordance with said appropriation.

SECTION 9. Section 11 of Article 19 of the Arkansas Constitution is repealed.

~~§ 11. Salaries of state officers — Increase or decrease during term prohibited — Fees.~~

~~The Governor, Secretary of State, Auditor, Treasurer, Attorney General, Judges of the Supreme Court, Judges of the Circuit Court, Commissioner of State Lands, and Prosecuting Attorneys, shall each receive a salary to be established by law, which shall not be increased or diminished during their respective terms, nor shall any of them, except the Prosecuting Attorneys, after the adoption of this Constitution, receive to his own use any fees, costs, perquisites of office, or other compensation; and all fees that may hereafter be payable by law, for any service performed by any officer mentioned in this section, except Prosecuting Attorneys, shall be paid in advance into the State Treasury; Provided, That the salaries of the respective officers herein mentioned shall never exceed per annum:~~

~~For Governor, the sum of \$4,000~~

~~For Secretary of State, the sum of \$2,500~~

~~For Treasurer of State, the sum of \$3,000~~

~~For Auditor of State, the sum of \$3,000~~

~~For Attorney General, the sum of \$2,500~~

~~For Commissioner of State Lands, the sum of \$2,500~~

~~For the Judges of the Supreme Court, each, the sum of \$4,000~~

~~For Judges of the Circuit Courts, and Chancellors, each, the sum of \$3,000~~

~~For Prosecuting Attorneys, the sum of \$400~~

~~And provided further, That the General Assembly shall provide for no increase of salaries of its members which shall take effect before the meeting of the next General Assembly.~~

SECTION 10. Section 6 of Amendment 6 to the Arkansas Constitution is repealed.

~~§ 6. Salary of Lieutenant Governor.~~

~~The Lieutenant Governor shall receive for his services an annual salary of two thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite, for any duty or service he may be required to perform by the Constitution or by law.~~

SECTION 11. Section 2 of Amendment 9 to the Arkansas Constitution is repealed.

~~§ 2. Compensation of judges.~~

~~The Supreme Court judges shall at stated times receive compensation for their services to be fixed by law. When the salary of the judges under this amendment to the Constitution shall have been established by law, such salary shall not thereafter be increased or diminished during their respective terms. Until otherwise provided by law, the judges of the Supreme Court shall each receive a salary of Seven thousand five hundred dollars per annum.~~

SECTION 12. Amendment 15 to the Arkansas Constitution is repealed.

~~Salaries of state officials.~~

~~The annual salaries of the State and District Officers hereinafter mentioned, which shall be paid in monthly installments, shall be as follows:~~

~~For Governor, the sum of \$6,000.00; for Secretary of State, the sum of \$4,000.00; for Treasurer of the State, the sum of \$4,000.00; for Auditor of the State, the sum of \$4,000.00; for Attorney General, the sum of \$5,000.00; for Judge of the Circuit Courts and Chancellors, each, the sum of \$3,600.00.~~

~~The members of the General Assembly shall receive as their salary the sum of One Thousand (\$1,000.00) Dollars, except the Speaker of the House of Representatives, who shall receive his salary of Eleven Hundred Dollars (\$1,100.00), for each period of two (2) years; and in addition to such salary the members of the general Assembly shall receive five cents per mile for each mile traveled in going to and returning from the seat of government over the most direct and practicable route, and provided further that when said members are required to attend an extraordinary session of the General Assembly they shall receive in addition to the salary herein provided the sum of 6.00 per day for each day they are required to attend, and mileage at the rate herein provided.~~

SECTION 13. Amendment 43 to the Arkansas Constitution is repealed.

~~Salaries and expenses of judges.~~

~~The General Assembly shall by law determine the amount and method of payment of salaries and expenses of the judges of the Supreme Court, Circuit Courts, Chancery Courts, and Municipal Courts of Arkansas; provided such salaries and expenses may be increased but not diminished during the term for which such judges are elected; provided further that the salaries of Circuit and Chancery Judges shall be uniform throughout the state.~~

SECTION 14. Section 1 of Amendment 70 of the Arkansas Constitution is

amended to read as follows:

~~§ 1. Executive Department and General Assembly – Salaries—
Restrictions on reimbursements.~~

(a) No official of the Executive Department shall be reimbursed by the State of Arkansas for any expenses except those reasonably connected to their official duties and only if such reimbursement is made for documented expenses actually incurred and from the regular budget appropriated for the official's office. Such restrictions on expense reimbursement are of a general application and also are intended specifically to prohibit the appropriation and use of public relations funds. ~~The annual salaries of the Executive Department, which shall be paid in monthly installments, shall be as follows: the Governor, the sum of \$60,000; the Lieutenant Governor, the sum of \$29,000; the Secretary of State, the sum of \$37,500; the Treasurer of State, the sum of \$37,000; the Attorney General, the sum of \$50,000; the Commissioner of State Lands, the sum of \$37,500; and the Auditor of State, the sum of \$37,500.~~ Except as provided herein in this Constitution, such officials of the Executive Department shall not receive any other income from the State of Arkansas, whether in the form of salaries or expenses.

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

SECTION 15. Section 3 of Amendment 70 to the Arkansas Constitution is repealed.

~~§ 3. Salary adjustments.~~

~~The salaries of the Executive Department officials and members of the General Assembly provided for in Section 1 or 2 of this amendment or adjusted pursuant to this section may be increased annually through subsequent appropriations by the General Assembly by an amount not to exceed the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor, for the two years immediately preceding the year of the salary appropriation.~~

SECTION 16. Subsection 16(E) of Amendment 80 to the Arkansas Constitution, concerning the salary and expenses of Justices and Judges, is amended to read as follows:

(E) The General Assembly shall by law determine the amount and method of payment of expenses of Justices and Judges. Such ~~salaries and~~ expenses may be increased, but not diminished, during the term for which such Justices or Judges are selected or elected. ~~Salaries of Circuit Judges shall be uniform throughout the state.~~

SECTION 17. Severability.

In the event any section, subsection, subdivision, paragraph,

subparagraph, item, sentence, clause, phrase, or word of this amendment is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this amendment, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this amendment.

SECTION 18. Effective date.

This amendment shall be effective on November 5, 2014.”

AND

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Page 13, delete lines 1 through 6

The Amendment was read _____

By: Representative Sabin

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Chief Clerk