

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative Sabin
6 By: Senator J. Woods
7

As Engrossed: H3/15/13

HJR 1009

8 **HOUSE JOINT RESOLUTION**

9 *TO AMEND THE ARKANSAS CONSTITUTION CONCERNING ELECTED*
10 *STATE OFFICIALS; PROHIBITING MEMBERS OF THE GENERAL*
11 *ASSEMBLY AND ELECTED CONSTITUTIONAL OFFICERS FROM*
12 *ACCEPTING GIFTS FROM LOBBYISTS; PROHIBITING MEMBERS*
13 *OF THE GENERAL ASSEMBLY FROM ESTABLISHING THEIR OWN*
14 *SALARIES; ESTABLISHING AN INDEPENDENT CITIZENS*
15 *COMMISSION TO SET SALARIES FOR MEMBERS OF THE GENERAL*
16 *ASSEMBLY, ELECTED CONSTITUTIONAL OFFICERS, AND*
17 *JUSTICES OF THE SUPREME COURT; PROHIBITING CORPORATE*
18 *CONTRIBUTIONS TO CAMPAIGNS FOR PUBLIC OFFICE;*
19 *PROHIBITING A MEMBER OF THE GENERAL ASSEMBLY FROM*
20 *REGISTERING AS A LOBBYIST UNTIL TWO (2) YEARS AFTER*
21 *THE EXPIRATION OF HIS OR HER TERM; AND ESTABLISHING*
22 *TERM LIMITS FOR MEMBERS OF THE GENERAL ASSEMBLY.*

23
24
25 **Subtitle**

26 THE ARKANSAS ELECTED OFFICIALS ETHICS,
27 TRANSPARENCY, AND FINANCIAL REFORM
28 AMENDMENT OF 2014.
29

30
31 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL
32 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
33 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
34

35 THAT the following is proposed as an amendment to the Constitution of
36 the State of Arkansas, and upon being submitted to the electors of the state



1 for approval or rejection at the next general election for Representatives
2 and Senators, if a majority of the electors voting thereon at the election
3 adopt the amendment, the amendment shall become a part of the Constitution of
4 the State of Arkansas, to wit:

5
6 SECTION 1. This amendment shall be known and may be cited as "The
7 Arkansas Elected Officials Ethics, Transparency, and Financial Reform
8 Amendment of 2014."

9
10 SECTION 2. *Article 19 of the Arkansas Constitution is amended to add*
11 *additional sections to read as follows:*

12 § 28. Campaign contributions.

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

15 (A) Accept a campaign contribution from other than:

16 (i) An individual;

17 (ii) A political party that meets the definition of
18 a political party under Arkansas law;

19 (iii) A political party that meets the petition
20 requirements for new political parties;

21 (iv) A county political party committee;

22 (v) A legislative caucus committee; or

23 (vi) An approved political action committee; or

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

26 (i) An individual;

27 (ii) A political party that meets the definition of
28 a political party under Arkansas law;

29 (iii) A political party that meets the petition
30 requirements for new political parties;

31 (iv) A county political party committee;

32 (v) A legislative caucus committee; or

33 (vi) An approved political action committee.

34 (2) A candidate may accept a campaign contribution or
35 contributions up to the maximum amount allowed by law from a prospective
36 contributor for each election, whether opposed or unopposed.

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

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

11 (A) An individual;

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

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

16 (D) A county political party;

17 (E) A legislative caucus committee; or

18 (F) An approved political action committee.

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

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

24
25 § 29. Registration as a lobbyist by former member of the General
26 Assembly.

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

30 (b) Subsection (a) of this section applies to all persons elected or
31 reelected to the General Assembly on or after November 3, 2014.

32
33 § 30. Gifts from lobbyists.

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

37 (1) Governor;

1 (2) Lieutenant Governor;

2 (3) Secretary of State;

3 (4) Treasurer of State;

4 (5) Auditor of State;

5 (6) Attorney General;

6 (7) Commissioner of State Lands; and

7 (8) Member of the General Assembly.

8 (b) As used in this section:

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

12 (B) "Gift" does not include:

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

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

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

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

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

29 (v) Food or drink available at a public group event;

30 (vi) Campaign contributions; and

31 (vii) Any devise or inheritance.

32 (c) As used in this section:

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

1 (2) "Lobbyist" means a person who:

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

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

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

17
18 § 31. Citizens commission.

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

21 (b)(1) The General Assembly shall provide by law for the creation and
22 implementation of an independent citizens commission for the purposes of
23 setting salaries of elected officials of the executive department, members of
24 the General Assembly, and Justices of the Supreme Court as provided in this
25 section.

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

28 (3) The citizens commission shall consist of nine (9) members as
29 follows:

30 (A) Three (3) members appointed by the Governor;

31 (B) Three (3) members appointed by the President Pro
32 Tempore of the Senate; and

33 (C) Three (3) members appointed by the Speaker of the
34 House of Representatives.

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

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

4 (2) A member of the commission shall be:

5 (A) A citizen of the United States;

6 (B) A resident of the State of Arkansas for at least two
7 (2) years preceding his or her appointment;

8 (C) A qualified elector; and

9 (D) At least twenty-five (25) years of age.

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

12 (A) A person holding civil office;

13 (B) A public employee;

14 (C) A person required by law to register as a lobbyist;

15 and

16 (D)(i) An immediate family member of a:

17 (a) Person holding civil office;

18 (b) Public employee; or

19 (c) Person required by law to register as a
20 lobbyist.

21 (ii) As used in subdivision (c)(3)(D)(i) of this
22 section, "immediate family member" means a person's spouse, children of the
23 person or spouse, a child's spouse, parents of the person or the spouse,
24 brothers and sisters of the person, anyone living or residing in the same
25 residence or household with the person or the spouse, and anyone acting or
26 servicing as an agent of the person.

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

29 (1) Governor;

30 (2) Lieutenant Governor;

31 (3) Attorney General;

32 (4) Secretary of State;

33 (5) Treasurer of State;

34 (6) Auditor of State;

35 (7) Commissioner of State Lands;

36 (8) Member of the General Assembly;

1 (9) Chief Justice of the Supreme Court; and

2 (10) Justice of the Supreme Court.

3 (e)(1) The salaries of the Governor, Lieutenant Governor, Attorney
4 General, Secretary of State, Treasurer of State, Auditor of State,
5 Commissioner of State Lands, members of the General Assembly, Chief Justice
6 of the Supreme Court, and Justice of the Supreme Court:

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

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

12 (2) If the commission elects to amend a salary for a position
13 under subsection (d) of this section, the citizens commission shall file the
14 amended salary with the Treasurer of State.

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

17 (f)(1) After the General Assembly has created and implemented the
18 citizens commission as provided in subsection (b) of this section, an
19 amendment to the laws creating and implementing the commission shall not be
20 valid unless the amendment is enacted by a vote of two-thirds (2/3) of each
21 house of the General Assembly.

22 (2) The General Assembly may, by a vote of two-thirds (2/3) of
23 each house of the General Assembly, provide for the payment of salaries for
24 the positions under subsection (d) of this section from a fund other than the
25 Constitutional Officers Fund or its successor fund or fund accounts.

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

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

33 (h)(1) Members of the commission shall be appointed within thirty (30)
34 days of the effective date of this section.

35 (2) The President Pro Tempore of the Senate shall call the first
36 meeting of the commission, which shall occur within forty-five (45) days of

1 the effective date of this section.

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

6 (4)(A) After completing the review under subdivision (h)(3) of
7 this section, the commission shall meet at least annually to review the
8 salaries of the positions under subsection (d) of this section.

9 (B) The commission may amend the salaries of the positions
10 under subsection (d) of this section as provided under subsection (e) of this
11 section.

12 (i) Salaries for the positions under subsection (d) of this section
13 shall continue as existing on the effective date of this section until
14 increased or diminished by the commission.

15 (j) The commission may increase or diminish the salaries for the
16 positions under subsection (d) of this section.

17
18 SECTION 3. Section 30 of Article 5 to the Arkansas Constitution is
19 amended to read as follows:

20 § 30. General and special appropriations.

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

26
27 SECTION 4. Section 4 of Article 16 to the Arkansas Constitution is
28 amended to read as follows:

29 § 4. Salaries and fees of state officers.

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

36

1 SECTION 5. Section 2 of Amendment 73 to the Constitution of Arkansas
2 is amended to read as follows:

3 § 2. Legislative Branch.

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

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

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

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

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

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

23
24 SECTION 6. Article 19, Section 11 of the Arkansas Constitution is
25 repealed.

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

28 ~~The Governor, Secretary of State, Auditor, Treasurer, Attorney General,~~
29 ~~Judges of the Supreme Court, Judges of the Circuit Court, Commissioner of~~
30 ~~State Lands, and Prosecuting Attorneys, shall each receive a salary to be~~
31 ~~established by law, which shall not be increased or diminished during their~~
32 ~~respective terms, nor shall any of them, except the Prosecuting Attorneys,~~
33 ~~after the adoption of this Constitution, receive to his own use any fees,~~
34 ~~costs, perquisites of office, or other compensation; and all fees that may~~
35 ~~hereafter be payable by law, for any service performed by any officer~~
36 ~~mentioned in this section, except Prosecuting Attorneys, shall be paid in~~

1 ~~advance into the State Treasury; Provided, That the salaries of the~~
2 ~~respective officers herein mentioned shall never exceed per annum:~~
3 ~~For Governor, the sum of \$4,000~~
4 ~~For Secretary of State, the sum of \$2,500~~
5 ~~For Treasurer of State, the sum of \$3,000~~
6 ~~For Auditor of State, the sum of \$3,000~~
7 ~~For Attorney General, the sum of \$2,500~~
8 ~~For Commissioner of State Lands, the sum of \$2,500~~
9 ~~For the Judges of the Supreme Court, each, the sum of \$4,000~~
10 ~~For Judges of the Circuit Courts, and Chancellors, each, the sum of \$3,000~~
11 ~~For Prosecuting Attorneys, the sum of \$400~~

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

15
16 ~~SECTION 7. Section 6 of Amendment 6 to the Arkansas Constitution is~~
17 ~~repealed.~~

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

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

23
24 ~~SECTION 8. Amendment 15 to the Arkansas Constitution is repealed.~~

25 ~~Salaries of state officials.~~

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

28 ~~For Governor, the sum of \$6,000.00; for Secretary of State, the sum of~~
29 ~~\$4,000.00; for Treasurer of the State, the sum of \$4,000.00; for Auditor of~~
30 ~~the State, the sum of \$4,000.00; for Attorney General, the sum of \$5,000.00;~~
31 ~~for Judge of the Circuit Courts and Chancellors, each, the sum of \$3,600.00.~~

32 ~~The members of the General Assembly shall receive as their salary the~~
33 ~~sum of One Thousand (\$1,000.00) Dollars, except the Speaker of the House of~~
34 ~~Representatives, who shall receive his salary of Eleven Hundred Dollars~~
35 ~~(\$1,100.00), for each period of two (2) years; and in addition to such salary~~
36 ~~the members of the general Assembly shall receive five cents per mile for~~

1 ~~each mile traveled in going to and returning from the seat of government over~~
2 ~~the most direct and practicable route, and provided further that when said~~
3 ~~members are required to attend an extraordinary session of the General~~
4 ~~Assembly they shall receive in addition to the salary herein provided the sum~~
5 ~~of 6.00 per day for each day they are required to attend, and mileage at the~~
6 ~~rate herein provided.~~

7
8 SECTION 9. Amendment 43 to the Arkansas Constitution is repealed.

9 ~~Salaries and expenses of judges.~~

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

16
17 SECTION 10. Section 1 to Amendment 70 of the Arkansas Constitution is
18 amended to read as follows:

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

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

36 (b) ~~The members of the General Assembly shall receive as their annual~~

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

11
12 SECTION 11. Section 3 of Amendment 70 to the Arkansas Constitution is
13 repealed.

14 ~~§ 3. Salary adjustments.~~

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

22
23 SECTION 12. Subsection (E) of Section 16 of Amendment 80 to the
24 Arkansas Constitution is amended to read as follows:

25 (E)(1) The Except as provided in subdivision (E)(2) of this section,
26 the General Assembly shall by law determine the amount and method of payment
27 of Justices and Judges. Such salaries and expenses may be increased, but not
28 diminished, during the term for which such Justices or Judges are selected or
29 elected. Salaries of Circuit Judges shall be uniform throughout the state.

30 (2) Salaries for the Chief Justice of the Supreme Court and
31 Justices of the Supreme Court:

32 (A) Shall be set by an independent citizens commission as
33 provided in Article 19, § 31 of this Constitution; and

34 (B) May be increased or diminished by the independent
35 citizens commission.

36

