

**ARKANSAS SENATE**  
92nd General Assembly - Regular Session, 2019  
**Amendment Form**

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**Subtitle of Senate Bill No. 236**

TO AMEND THE PUBLIC EMPLOYEES' POLITICAL FREEDOM ACT OF 1999.

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**Amendment No. 1 to Senate Bill 236**

Amend Senate Bill No. 236 as originally introduced:

Page 1, delete lines 8 and 9, and substitute the following:

"AN ACT TO AMEND THE PUBLIC EMPLOYEES' POLITICAL FREEDOM ACT OF 1999; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the Subtitle in its entirety, and substitute the following:

"TO AMEND THE PUBLIC EMPLOYEES' POLITICAL FREEDOM ACT OF 1999 AND TO DECLARE AN EMERGENCY."

AND

Page 1, delete line 19, and substitute the following:

"SECTION 1. Arkansas Code § 21-1-502(1) and (2), concerning definitions under the Public Employees' Political Freedom Act of 1999, are amended to read as follows:

(1)(A) "Elected public official" means an individual elected to serve in a public office, including without limitation the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Commissioner of State Lands, a member of the Senate, and a member of the House of Representatives, a state office, a county office, a local office, or a federal office.

(B) "Elected public official" shall include the staff of an elected public official;

(C) "Elected public official" does not mean an individual appointed to an office, board, or commission under this subchapter;

(2)(A) "Public employee" means any person providing services for the State of Arkansas, a county, a municipal corporation, or any other political subdivision of this state for which compensation is paid.

(B) The General Assembly recognizes the non-partisan and confidentiality requirements of legislative staff, and therefore "public employee" does not mean an employee of the General Assembly, including



without limitation an employee of the Bureau of Legislative Research and an employee of Arkansas Legislative Audit; and

SECTION 2. Arkansas Code § 21-1-503 is amended to read as follows:"

AND

Page 2, line 17, delete "allegation" and substitute "allegation of illegal activity by an elected public official"

AND

Page 2, delete line 18, and substitute the following:  
"public employee's job.

(3) A public employer is not prohibited from disciplining a public employee for disclosing information that is prohibited from disclosure by state or federal law."

AND

Page 2, delete lines 27 and 28, and substitute the following:

"(C) After a final trial, a permanent injunction; and

(D) An award of monetary damages to the public employee in the amount of fifty dollars (\$50.00) for each day of the violation.

(g)(1) The following shall adopt a policy concerning communications with elected public officials:

(A) The House of Representatives;

(B) The Senate;

(C) The Bureau of Legislative Research; and

(D) Arkansas Legislative Audit.

(2)(A) The policy adopted by the Bureau of Legislative Research shall be approved by the Legislative Council, and the policy adopted by Arkansas Legislative Audit shall be approved by the Legislative Joint Auditing Committee.

(B) The policies shall balance the nonpartisan interests of legislative staff with the need for employees of the General Assembly to communicate with elected public officials about matters of public concern, including without limitation exercising rights under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(C) The policy adopted by Arkansas Legislative Audit shall also be consistent with auditing standards, including without limitation the need to maintain independence.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that public employees face restrictions on their right to express their opinions in the workplace; that these restrictions cause fear in those public employees to use their right of free speech; and that this act is immediately necessary to ensure the public employees' freedom of speech is not restricted. Therefore, an emergency is declared to exist, and this act being immediately necessary for the

preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read the first time, rules suspended and read the second time and

By: Senator K. Hammer

MLD/MLD - 03-05-2019 10:33:04

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Secretary