

HOUSE CONCURRENT RESOLUTION

EXPRESSING THE CONSENSUS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT THE PROPOSED CODE OF ETHICS FOR PUBLIC OFFICIALS CURRENTLY PENDING BEFORE THE GENERAL ASSEMBLY SHOULD BE ADDRESSED BY THE ELECTORS OF THE STATE RATHER THAN BY THE GENERAL ASSEMBLY.

WHEREAS, House Bill 1032 and Senate Bill 8 of the Third Extraordinary Session of the Seventy-Sixth General Assembly contain a proposed Code of Public Ethics applicable to state and local public officials; and

WHEREAS, since the provisions of House Bill 1032 and Senate Bill 8 apply to the individual members of the House of Representatives and the Senate as well as other public officials it would appear that members of the House and Senate would have a conflict of interest in voting on such bills; and

WHEREAS, House Bill 1032 and Senate Bill 8 would require members of certain local boards and commissions who serve without compensation to report and make public certain information which has traditionally been considered private and confidential such as a list of all real estate owned by the members and members of their immediate families, and could result in responsible members of the community being unwilling to serve on local school boards and other boards and commissions; and

WHEREAS, the implementation and administration of the proposed Code of Ethics for Public Officials will require the expenditure of several hundred thousand dollars of public funds each biennium; and

WHEREAS, it would appear that the question of whether legislation such as that contained in House Bill 1032 and Senate Bill 8 which directly affects each member of the General Assembly as well as other state and local public officials, should be determined by the electors of the state rather than by the General Assembly; and

WHEREAS, the General Assembly does not have the authority to refer the question of the enactment of such legislation to a vote of the people but Amendment #7 to the Arkansas Constitution establishes a procedure whereby the people may cause such issues to be placed on the ballot at the biennial

general election,

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRD EXTRAORDINARY SESSION OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

That it is hereby found and determined by the General Assembly that the proposed Code of Ethics for Public Officials contained in House Bill #1032 and Senate Bill 8 which are currently pending before the House of Representatives and the Senate will personally affect each and every member of the House and Senate, as well as other state and local officials; that the members of the House of Representatives and the Senate would have an apparent conflict of interest in considering and voting on such legislation; that the proposed legislation could have a serious detrimental effect on local government by making it difficult if not impossible to get responsible persons to serve on local school boards and other boards and commissions; that the implementation and administration of the proposed law establishing a Code of Ethics for Public Officials will necessitate the annual expenditure of a substantial amount of public funds; and that the ultimate decision on the enactment of such legislation should be made by the electors of the state rather than by the members of the General Assembly.

It is further found and determined by the General Assembly that it has no authority to refer issues of this nature to a vote of the people but that Amendment #7 to the Arkansas Constitution prescribes a procedure whereby the electors of the state may cause such issues to be submitted to the electors for approval or rejection at the next biennial general election.

BE IT FURTHER RESOLVED that it is the consensus of the House of Representatives and the Senate that in view of the above findings, the question of the enactment of a Code of Ethics for Public Officials as proposed in House Bill 1032 and Senate Bill 8 is a matter which should be determined by the electors of the state rather than by the General Assembly and that therefore the House of Representatives and the Senate should not consider those bills at the Third Extraordinary Session but should permit the issue to be resolved by a vote of the electors of the state.