

1 State of Arkansas *As Engrossed: H3/15/13 H4/3/13 H4/6/13 S4/18/13*
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative Sabin
6 By: Senator J. Woods
7

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 OF THE*
12 *EXECUTIVE DEPARTMENT FROM ACCEPTING GIFTS FROM*
13 *LOBBYISTS, AND DEFINING KEY TERMS RELATING TO THAT*
14 *PROHIBITION; PROHIBITING MEMBERS OF THE GENERAL*
15 *ASSEMBLY FROM SETTING THEIR OWN SALARIES AND THE*
16 *SALARIES OF ELECTED CONSTITUTIONAL OFFICERS OF THE*
17 *EXECUTIVE DEPARTMENT, JUSTICES, AND JUDGES;*
18 *ESTABLISHING A SEVEN-MEMBER INDEPENDENT CITIZENS*
19 *COMMISSION TO SET SALARIES FOR MEMBERS OF THE GENERAL*
20 *ASSEMBLY, ELECTED CONSTITUTIONAL OFFICERS OF THE*
21 *EXECUTIVE DEPARTMENT, JUSTICES, AND JUDGES;*
22 *ESTABLISHING THE APPOINTMENT PROCESS FOR MEMBERS OF*
23 *THE INDEPENDENT CITIZENS COMMISSION, AND PROHIBITING*
24 *MEMBERS OF THE INDEPENDENT CITIZENS COMMISSION FROM*
25 *ACCEPTING GIFTS FROM LOBBYISTS; PROHIBITING CERTAIN*
26 *CONTRIBUTIONS, INCLUDING CONTRIBUTIONS BY*
27 *CORPORATIONS, TO CANDIDATES FOR PUBLIC OFFICE;*
28 *PROHIBITING A MEMBER OF THE GENERAL ASSEMBLY FROM*
29 *REGISTERING AS A LOBBYIST UNTIL TWO (2) YEARS AFTER*
30 *THE EXPIRATION OF HIS OR HER TERM; AND ESTABLISHING*
31 *TERM LIMITS FOR MEMBERS OF THE GENERAL ASSEMBLY.*

32
33
34 **Subtitle**

35 THE ARKANSAS ELECTED OFFICIALS ETHICS,
36 TRANSPARENCY, AND FINANCIAL REFORM



1 AMENDMENT OF 2014.
2
3

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL
5 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
6 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
7

8 THAT the following is proposed as an amendment to the Constitution of
9 the State of Arkansas, and upon being submitted to the electors of the state
10 for approval or rejection at the next general election for Representatives
11 and Senators, if a majority of the electors voting thereon at the election
12 adopt the amendment, the amendment shall become a part of the Constitution of
13 the State of Arkansas, to wit:
14

15 *SECTION 1. This amendment shall be known and may be cited as "The*
16 *Arkansas Elected Officials Ethics, Transparency, and Financial Reform*
17 *Amendment of 2014".*
18

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

21 *§ 28. Contributions.*

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

24 *(A) Accept a contribution from other than:*

25 *(i) An individual;*

26 *(ii) A political party that meets the definition of*
27 *a political party under Arkansas Code § 7-1-101;*

28 *(iii) A political party that meets the requirements*
29 *of Arkansas Code § 7-7-205;*

30 *(iv) A county political party committee;*

31 *(v) A legislative caucus committee; or*

32 *(vi) An approved political action committee; or*

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

35 *(i) An individual;*

36 *(ii) A political party that meets the definition of*

1 a political party under Arkansas Code § 7-1-101;

2 (iii) A political party that meets the requirements
3 of Arkansas Code § 7-7-205;

4 (iv) A county political party committee;

5 (v) A legislative caucus committee; or

6 (vi) An approved political action committee.

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

10 (b)(1) It is unlawful for an individual, a political party that meets
11 the definition of a political party under Arkansas Code § 7-1-101, a
12 political party that meets the requirements of Arkansas Code § 7-7-205, a
13 county political party committee, a legislative caucus committee, or an
14 approved political action committee to make a contribution to a candidate for
15 public office, or to a person acting on the candidate's behalf, that in the
16 aggregate exceeds the maximum amount allowed by law.

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

20 (A) An individual;

21 (B) A political party that meets the definition of a
22 political party under Arkansas Code § 7-1-101;

23 (C) A political party that meets the requirements of
24 Arkansas Code § 7-7-205;

25 (D) A county political party committee;

26 (E) A legislative caucus committee; or

27 (F) An approved political action committee.

28 (c) As used in this section:

29 (1)(A) "Approved political action committee" means any person
30 that:

31 (i) Receives contributions from one (1) or more
32 persons in order to make contributions to a candidate, ballot question
33 committee, legislative question committee, political party, county political
34 party committee, or other political action committee;

35 (ii) Does not accept any contribution or cumulative
36 contributions in excess of five thousand dollars (\$5,000) from any person in

1 any calendar year; and

2 (iii) Registers pursuant to Arkansas Code § 7-6-215
3 prior to making contributions.

4 (B) "Approved political action committee" does not include
5 an organized political party as defined in § 7-1-101, a county political
6 party committee, the candidate's own campaign committee, an exploratory
7 committee, or a ballot question committee or legislative question committee
8 as defined in § 7-9-402;

9 (2) "Candidate" means an individual who has knowingly and
10 willingly taken affirmative action, including solicitation of funds, for the
11 purpose of seeking nomination for or election to any public office;

12 (3)(A) "Contribution" or "contributions" means, whether direct
13 or indirect, advances, deposits, or transfers of funds, contracts, or
14 obligations, whether or not legally enforceable, payments, gifts,
15 subscriptions, assessments, payment for services, dues, advancements,
16 forbearance, loans, or pledges or promises of money or anything of value,
17 whether or not legally enforceable, to a candidate, committee, or holder of
18 elective office made for the purpose of influencing the nomination or
19 election of any candidate.

20 (B)(i) "Contribution" or "contributions" includes the
21 purchase of tickets for events such as dinners, luncheons, rallies, and
22 similar fundraising events; the granting of discounts or rebates by
23 television and radio stations and newspapers not extended on an equal basis
24 to all candidates for the same office; and any payments for the services of
25 any person serving as an agent of a candidate or committee by a person other
26 than the candidate or committee or persons whose expenditures the candidates
27 or committee must report under Arkansas law.

28 (ii) "Contribution" or "contributions" further
29 includes any transfer of anything of value received by a committee from
30 another committee.

31 (C) "Contribution" or "contributions" does not include
32 noncompensated, nonreimbursed, volunteer personal services or travel;

33 (4) "County political party committee" means a person that:

34 (A) Is organized at the county level for the purpose of
35 supporting its affiliate party and making contributions;

36 (B) Is recognized by an organized political party, as

1 defined in Arkansas Code § 7-1-101, as being affiliated with that political
2 party;

3 (C) Receives contributions from one (1) or more persons in
4 order to make contributions to a candidate, ballot question committee,
5 legislative question committee, political party, political action committee,
6 or other county political party committee;

7 (D) Does not accept any contribution or cumulative
8 contributions in excess of five thousand dollars (\$5,000) from any person in
9 any calendar year; and

10 (E) Registers pursuant to Arkansas Code § 7-6-226 prior to
11 making contributions;

12 (5)(A) "Election" means each election held to nominate or elect
13 a candidate to any public office, including school elections.

14 (B) For the purposes of this section, a preferential
15 primary, a general primary, a special election, and a general election shall
16 each constitute a separate election;

17 (6) "Expenditure" or "expenditures" means a purchase, payment,
18 distribution, gift, loan, or advance of money or anything of value, and a
19 contract, promise, or agreement to make an expenditure, made for the purpose
20 of influencing the nomination or election of any candidate;

21 (7)(A) "Exploratory committee" means a person that receives
22 contributions which are held to be transferred to the campaign of a single
23 candidate in an election.

24 (B) "Exploratory committee" does not include:

25 (i) A political party:

26 (a) That meets the definition of a political
27 party under Arkansas Code § 7-1-101; or

28 (b) A political party that meets the
29 requirements of Arkansas Code § 7-7-205; or

30 (ii) The candidate's own campaign committee;

31 (8)(A) "Legislative caucus committee" means a person that is
32 composed exclusively of members of the General Assembly, that elects or
33 appoints officers and recognizes identified legislators as members of the
34 organization, and that exists for research and other support of policy
35 development and interests that the membership hold in common.

36 (B) "Legislative caucus committee" includes, but is not

1 limited to, a political party caucus of the General Assembly, the Senate, or
2 the House of Representatives.

3 (C) An organization whose only nonlegislator members are
4 the Lieutenant Governor or the Governor is a "legislative caucus committee"
5 for the purposes of this section;

6 (9)(A) "Person" means any individual, proprietorship, firm,
7 partnership, joint venture, syndicate, labor union, business trust, company,
8 corporation, association, committee, or any other organization or group of
9 persons acting in concert.

10 (B) "Person" includes:

11 (i) A political party that meets the definition of a
12 political party under Arkansas Code § 7-1-101 or a political party that meets
13 the requirements of Arkansas Code § 7-7-205;

14 (ii) A county political party committee; and

15 (iii) A legislative caucus committee; and

16 (10) "Public office" means an office created by or under
17 authority of the laws of the State of Arkansas or of a subdivision thereof
18 that is filled by the voters, except a federal office.

19 (d)(1) A person who knowingly violates this section is guilty of a
20 Class A misdemeanor.

21 (2) In addition to the penalty under subdivision (d)(1) of this
22 section, the General Assembly shall provide by law for this section to be
23 under the jurisdiction of the Arkansas Ethics Commission, including without
24 limitation authorization of the following actions by the Arkansas Ethics
25 Commission:

26 (A) Promulgating reasonable rules to implement and
27 administer this section as necessary;

28 (B) Issuing advisory opinions and guidelines on the
29 requirements of this section; and

30 (C) Investigating complaints of alleged violations of this
31 section and rendering findings and disciplinary action for such complaints.

32 (e)(1) Except as provided in subdivision (e)(2) of this section, the
33 General Assembly, in the same manner as required for amendment of laws
34 initiated by the people, may amend this section so long as such amendments
35 are germane to this section and consistent with its policy and purposes.

36 (2) The General Assembly may amend subsection (d) of this

1 section by a majority vote of each house.

2
3 § 29. Registration as a lobbyist by a former member of the General
4 Assembly.

5 (a) A former member of the General Assembly shall not be eligible to
6 be registered as a lobbyist under Arkansas Code § 21-8-601 et seq. until two
7 (2) years after the expiration of the term of office for which he or she was
8 elected.

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

11 (c)(1) A person who knowingly violates this section is guilty of a
12 Class D felony.

13 (2) In addition to the penalty under subdivision (c)(1) of this
14 section, the General Assembly shall provide by law for this section to be
15 under the jurisdiction of the Arkansas Ethics Commission, including without
16 limitation authorization of the following actions by the Arkansas Ethics
17 Commission:

18 (A) Promulgating reasonable rules to implement and
19 administer this section as necessary;

20 (B) Issuing advisory opinions and guidelines on the
21 requirements of this section; and

22 (C) Investigating complaints of alleged violations of this
23 section and rendering findings and disciplinary action for such complaints.

24 (d)(1) Except as provided in subdivision (d)(2) of this section, the
25 General Assembly, in the same manner as required for amendment of laws
26 initiated by the people, may amend this section so long as such amendments
27 are germane to this section and consistent with its policy and purposes.

28 (2) The General Assembly may amend subsection (c) of this
29 section by a majority vote of each house.

30
31 § 30. Gifts from lobbyists.

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

36 (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;

7 (8) Member of the General Assembly; and

8 (9) Member of the independent citizens commission for the
9 purpose of setting salaries of elected constitutional officers of the
10 executive department, members of the General Assembly, justices, and judges
11 under Article 19, § 31, of this Constitution.

12 (b) As used in this section:

13 (1)(A) "Administrative action" means a decision on, or proposal,
14 consideration, or making of a rule, regulation, ratemaking proceeding, or
15 policy action by a governmental body.

16 (B) "Administrative action" does not include
17 ministerial action;

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

21 (B) "Gift" does not include:

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

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

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

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

36 (b)(2)(B)(iii);

1 (iv) Anything of value that is readily available to
2 the general public at no cost;

3 (v) Food or drink available at a planned activity to
4 which a specific governmental body is invited;

5 (vi) Payments by regional or national organizations
6 for travel to regional or national conferences at which the State of Arkansas
7 is requested to be represented by a person or persons elected or appointed to
8 an office under subsection (a) of this section;

9 (vii) Campaign contributions; and

10 (viii) Any devise or inheritance;

11 (3) "Governmental body" or "governmental bodies" means an
12 office, department, commission, council, board, committee, legislative body,
13 agency, or other establishment of the executive, judicial, or legislative
14 branch of the state, municipality, county, school district, improvement
15 district, or any political district or subdivision thereof;

16 (4)(A) "Income" means any money or anything of value received or
17 to be received as a claim for future services, whether in the form of a
18 retainer, fee, salary, expense, allowance, forbearance, forgiveness,
19 interest, dividend, royalty, rent, or any other form of recompense or any
20 combination thereof.

21 (B) "Income" includes a payment made under obligation for
22 services or other value received;

23 (5) "Legislative action" means introduction, sponsorship,
24 consideration, debate, amendment, passage, defeat, approval, veto, or any
25 other official action or nonaction on any bill, ordinance, law, resolution,
26 amendment, nomination, appointment, report, or other matter pending or
27 proposed before a committee or house of the General Assembly, a quorum court,
28 or a city council or board of directors of a municipality;

29 (6) "Legislator" means a person who is a member of the General
30 Assembly, a quorum court of a county, or the city council or board of
31 directors of a municipality;

32 (7) "Lobbying" means communicating directly or soliciting others
33 to communicate with a public servant with the purpose of influencing
34 legislative action or administrative action;

35 (8) "Lobbyist" means a person who:

36 (A) Receives income or reimbursement in a combined amount

1 of four hundred dollars (\$400) or more in a calendar quarter for lobbying one
2 (1) or more governmental bodies;

3 (B) Expends four hundred dollars (\$400) or more in a
4 calendar quarter for lobbying one (1) or more governmental bodies, excluding
5 the cost of personal travel, lodging, meals, or dues; or

6 (C) Expends four hundred dollars (\$400) or more in a
7 calendar quarter, including postage, for the express purpose of soliciting
8 others to communicate with a public servant to influence any legislative
9 action or administrative action of one (1) or more governmental bodies unless
10 the communication has been filed with the Secretary of State or the
11 communication has been published in the news media. If the communication is
12 filed with the Secretary of State, the filing shall include the approximate
13 number of recipients;

14 (9)(A) "Person" means a business, individual, union,
15 association, firm, committee, club, or other organization or group of
16 persons.

17 (B) As used in subdivision (b)(9)(A) of this section,
18 "business" includes without limitation a corporation, partnership, sole
19 proprietorship, firm, enterprise, franchise, association, organization, self-
20 employed individual, receivership, trust, or any legal entity through which
21 business is conducted;

22 (10)(A) "Public appointee" means an individual who is appointed
23 to a governmental body.

24 (B) "Public appointee" does not include an individual
25 appointed to an elective office;

26 (11)(A) "Public employee" means an individual who is employed by
27 a governmental body or who is appointed to serve a governmental body.

28 (B) "Public employee" does not include a public official
29 or a public appointee;

30 (12) "Public official" means a legislator or any other person
31 holding an elective office of any governmental body, whether elected or
32 appointed to the office, and shall include such persons during the time
33 period between the date they were elected and the date they took office; and

34 (13) "Public servant" means all public officials, public
35 employees, and public appointees.

36 (c)(1) A person who knowingly violates this section is guilty of a

1 Class B misdemeanor.

2 (2) In addition to the penalty under subdivision (c)(1) of this
3 section, the General Assembly shall provide by law for this section to be
4 under the jurisdiction of the Arkansas Ethics Commission, including without
5 limitation authorization of the following actions by the Arkansas Ethics
6 Commission:

7 (A) Promulgating reasonable rules to implement and
8 administer this section as necessary;

9 (B) Issuing advisory opinions and guidelines on the
10 requirements of this section; and

11 (C) Investigating complaints of alleged violations of this
12 section and rendering findings and disciplinary action for such complaints.

13 (d)(1) Except as provided in subdivision (d)(2) of this section, the
14 General Assembly, in the same manner as required for amendment of laws
15 initiated by the people, may amend this section so long as such amendments
16 are germane to this section and consistent with its policy and purposes.

17 (2) The General Assembly may amend subsection (c) of this
18 section by a majority vote of each house.

19
20 § 31. Independent citizens commission.

21 (a) As provided in this section, members of the General Assembly shall
22 have no authority to set salaries for:

23 (1) Their positions as members of the General Assembly;

24 (2) Elected constitutional officers of the executive department;

25 (3) Justices; and

26 (4) Judges.

27 (b)(1) There is created an independent citizens commission for the
28 purpose of setting salaries of elected constitutional officers of the
29 executive department, members of the General Assembly, justices, and judges
30 as provided in this section.

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

33 (B) A person shall not serve more than two (2) terms on
34 the independent citizens commission.

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

1 (A) Two (2) members appointed by the Governor;

2 (B) Two (2) members appointed by the President Pro Tempore
3 of the Senate;

4 (C) Two (2) members appointed by the Speaker of the House
5 of Representatives; and

6 (D) One (1) member appointed by the Chief Justice of the
7 Supreme Court.

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

10 (5) The independent citizens commission shall elect from its
11 membership:

12 (A) A chair; and

13 (B) Other officers deemed necessary by the independent
14 citizens commission.

15 (6) Four (4) members of the independent citizens commission
16 shall constitute a quorum for the purpose of transacting business.

17 (7) A majority vote of the total membership of the independent
18 citizens commission is required for any action of the independent citizens
19 commission.

20 (8) The office of the Auditor of State shall provide staff
21 assistance as may be requested by the independent citizens commission.

22 (c)(1) In making appointments to the independent citizens commission,
23 the Governor, the President Pro Tempore of the Senate, the Speaker of the
24 House of Representatives, and the Chief Justice of the Supreme Court shall
25 consider racial, gender, and geographical diversity.

26 (2) A member of the independent citizens commission shall be:

27 (A) A citizen of the United States;

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

30 (C) A qualified elector; and

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

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

34 (A) A person holding civil office;

35 (B) An employee of the State of Arkansas;

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

1 (D)(i) An immediate family member of:

2 (a) A person holding civil office;

3 (b) An employee of the State of Arkansas; or

4 (c) A person required by law to register as a
5 lobbyist.

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

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

14 (1) Governor;

15 (2) Lieutenant Governor;

16 (3) Attorney General;

17 (4) Secretary of State;

18 (5) Treasurer of State;

19 (6) Auditor of State;

20 (7) Commissioner of State Lands;

21 (8) Member of the General Assembly;

22 (9) Chief Justice of the Supreme Court;

23 (10) Justice of the Supreme Court;

24 (11) Chief Judge of the Court of Appeals;

25 (12) Judge of the Court of Appeals;

26 (13) Circuit court judge; and

27 (14) District court judge.

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

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

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

35 (2)(A) If the independent citizens commission proposes to adjust
36 a salary for a position under subsection (d) of this section, the independent

1 citizens commission shall:

2 (i) Provide notice to the public of the proposed
3 salary adjustment;

4 (ii) Make available to the public any data reviewed
5 by the independent citizens commission in determining the proposed salary
6 adjustment; and

7 (iii) Afford the public a reasonable opportunity to
8 provide public comment on the proposed salary adjustment.

9 (B) A proposed salary adjustment of the independent
10 citizens commission shall not be considered a rule under the Arkansas
11 Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

12 (3) Upon satisfying (e)(2)(A)(i)-(iii) of this section, the
13 independent citizens commission may file the adjusted salary with the Auditor
14 of State.

15 (4) An adjustment to a salary shall be effective ten (10) days
16 after it is filed with the Auditor of State.

17 (5) When considering whether or not to adjust a salary for a
18 position under subsection (d) of this section, the independent citizens
19 commission shall include in its considerations the overall economic condition
20 of the state at that time.

21 (f)(1)(A) The independent citizens commission, by a majority vote of
22 the total membership of the independent citizens commission cast during its
23 first regularly scheduled meeting of each calendar year, may authorize
24 payment to its members of a stipend not to exceed eighty-five dollars
25 (\$85.00) per day for each meeting attended or for any day while performing
26 any proper business of the independent citizens commission.

27 (B) Stipends shall be paid by the Auditor of State from
28 funds available for that purpose.

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

31 (g)(1) The independent citizens commission shall provide that the
32 salaries of circuit judges be uniform throughout the state.

33 (2)(A) Except as provided in this subdivision (g)(2), the
34 independent citizens commission may increase or diminish the salaries for the
35 positions under subsection (d) of this section.

36 (B) The independent citizens commission may increase but

1 not diminish the salaries for the positions under subdivisions (d)(9)-(14) of
2 this section.

3 (3)(A) Except as provided in subdivision (g)(3)(B) of this
4 section, no single adjustment at any one (1) time to a salary by the
5 independent citizens commission shall exceed fifteen percent (15%) of the
6 salary to be increased or diminished.

7 (B) Salary adjustments resulting from the initial review
8 of the independent citizens commission under subdivision (i)(3) of this
9 section shall not be subject to subdivision (g)(3)(A) of this section.

10 (4) The independent citizens commission shall provide for
11 salaries to be paid in monthly installments.

12 (h) Salaries for the positions under subsection (d) of this section
13 shall continue as existing on November 4, 2014, until adjusted by the
14 independent citizens commission.

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

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

20 (3)(A) The independent citizens commission:

21 (i) Shall complete an initial review of the salaries
22 for the positions under subsection (d) of this section no later than ninety
23 (90) days after the effective date of this section; and

24 (ii) May file any adjustments in salary resulting
25 from the initial review with the Auditor of State upon satisfying
26 (e)(2)(A)(i)-(iii) of this section.

27 (B) No later than ninety (90) days after the effective
28 date of this section, the independent citizens commission shall also provide
29 recommendations to the President Pro Tempore of the Senate and the Speaker of
30 the House of Representatives concerning the amounts to be paid to members of
31 the General Assembly for:

32 (i) Per diem;

33 (ii) Reimbursement for expenses; and

34 (iii) Reimbursement for mileage.

35 (4)(A) After completing the initial review under subdivision
36 (i)(3) of this section, the independent citizens commission shall meet as

1 necessary to review the salaries of the positions under subsection (d) of
2 this section but shall not meet less than one (1) time per year.

3 (B) The independent citizens commission may adjust the
4 salaries of the positions under subsection (d) of this section as provided in
5 this section as it deems necessary.

6 (j) No later than ninety (90) days before the commencement of a
7 regular session, the independent citizens commission shall provide
8 recommendations to the President Pro Tempore of the Senate and the Speaker of
9 the House of Representatives concerning the amounts to be paid to members of
10 the General Assembly for:

11 (1) Per diem;

12 (2) Reimbursement for expenses; and

13 (3) Reimbursement for mileage.

14 (k) The independent citizens commission shall be subject to the
15 Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

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

20
21 SECTION 3. Section 2 of Amendment 73 of the Arkansas Constitution is
22 amended to read as follows:

23 § 2. Legislative Branch.

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

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

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

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

36 (3) The years of service in both the Senate and the House of

1 Representatives shall be added together and included to determine the total
2 number of years in office.

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

7
8 SECTION 4. Section 16 of Article 5 of the Arkansas Constitution is
9 repealed.

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

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

25
26 SECTION 5. Section 29 of Article 5 of the Arkansas Constitution is
27 amended to read as follows:

28 § 29. Appropriations.

29 ~~No~~ Except as provided in Arkansas Constitution, Article 19, § 31, no
30 money shall be drawn from the treasury except in pursuance of specific
31 appropriation made by law, the purpose of which shall be distinctly stated in
32 the bill, and the maximum amount which may be drawn shall be specified in
33 dollars and cents; and no appropriations made by the General Assembly after
34 December 31, 2008, shall be for a longer period than one (1) fiscal year.

35
36 SECTION 6. Section 30 of Article 5 of the Arkansas Constitution is

1 amended to read as follows:

2 § 30. General and special appropriations.

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

8

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

11 § 4. Salaries and fees of state officers.

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

18

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

21 § 12. Disbursement of funds – Appropriation required.

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

25

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

28 ~~§ 11. Salaries of state officers – Increase or decrease during term~~
29 ~~prohibited – Fees.~~

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

1 ~~hereafter by payable by law, for any service performed by any officer~~
2 ~~mentioned in this section, except Prosecuting Attorneys, shall be paid in~~
3 ~~advance into the State Treasury; Provided, That the salaries of the~~
4 ~~respective officers herein mentioned shall never exceed per annum:~~
5 ~~For Governor, the sum of \$4,000~~
6 ~~For Secretary of State, the sum of \$2,500~~
7 ~~For Treasurer of State, the sum of \$3,000~~
8 ~~For Auditor of State, the sum of \$3,000~~
9 ~~For Attorney General, the sum of \$2,500~~
10 ~~For Commissioner of State Lands, the sum of \$2,500~~
11 ~~For the Judges of the Supreme Court, each, the sum of \$4,000~~
12 ~~For Judges of the Circuit Courts, and Chancellors, each, the sum of \$3,000~~
13 ~~For Prosecuting Attorneys, the sum of \$400~~

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

17
18 ~~SECTION 10. Section 6 of Amendment 6 to the Arkansas Constitution is~~
19 ~~repealed.~~

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

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

25
26 ~~SECTION 11. Section 2 of Amendment 9 to the Arkansas Constitution is~~
27 ~~repealed.~~

28 ~~§ 2.—Compensation of judges.~~

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

35
36 ~~SECTION 12. Amendment 15 to the Arkansas Constitution is repealed.~~

1 ~~Salaries of state officials.~~

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

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

8 ~~The members of the General Assembly shall receive as their salary the~~
9 ~~sum of One Thousand (\$1,000.00) Dollars, except the Speaker of the House of~~
10 ~~Representatives, who shall receive his salary of Eleven Hundred Dollars~~
11 ~~(\$1,100.00), for each period of two (2) years; and in addition to such salary~~
12 ~~the members of the general Assembly shall receive five cents per mile for~~
13 ~~each mile traveled in going to and returning from the seat of government over~~
14 ~~the most direct and practicable route, and provided further that when said~~
15 ~~members are required to attend an extraordinary session of the General~~
16 ~~Assembly they shall receive in addition to the salary herein provided the sum~~
17 ~~of 6.00 per day for each day they are required to attend, and mileage at the~~
18 ~~rate herein provided.~~

19
20 ~~SECTION 13. Amendment 43 to the Arkansas Constitution is repealed.~~

21 ~~Salaries and expenses of judges.~~

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

28
29 ~~SECTION 14. Section 1 of Amendment 70 of the Arkansas Constitution is~~
30 ~~amended to read as follows:~~

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

33 ~~(a) No official of the Executive Department shall be reimbursed by the~~
34 ~~State of Arkansas for any expenses except those reasonably connected to their~~
35 ~~official duties and only if such reimbursement is made for documented~~
36 ~~expenses actually incurred and from the regular budget appropriated for the~~

1 official's office. Such restrictions on expense reimbursement are of a
2 general application and also are intended specifically to prohibit the
3 appropriation and use of public relations funds. ~~The annual salaries of the~~
4 ~~Executive Department, which shall be paid in monthly installments, shall be~~
5 ~~as follows: the Governor, the sum of \$60,000; the Lieutenant Governor, the~~
6 ~~sum of \$29,000; the Secretary of State, the sum of \$37,500; the Treasurer of~~
7 ~~State, the sum of \$37,000; the Attorney General, the sum of \$50,000; the~~
8 ~~Commissioner of State Lands, the sum of \$37,500; and the Auditor of State,~~
9 ~~the sum of \$37,500. Except as provided herein in this Constitution, such~~
10 ~~officials of the Executive Department shall not receive any other income from~~
11 ~~the State of Arkansas, whether in the form of salaries or expenses.~~

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

23
24 SECTION 15. Section 3 of Amendment 70 to the Arkansas Constitution is
25 repealed.

26 ~~§ 3. Salary adjustments.~~

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

34
35 SECTION 16. Subsection 16(E) of Amendment 80 to the Arkansas
36 Constitution, concerning the salary and expenses of Justices and Judges, is

1 amended to read as follows:

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

7

8 SECTION 17. Severability.

9 In the event any section, subsection, subdivision, paragraph,
10 subparagraph, item, sentence, clause, phrase, or word of this amendment is
11 declared or adjudged to be invalid or unconstitutional, such declaration or
12 adjudication shall not affect the remaining portions of this amendment, which
13 shall remain in full force and effect as if the portion so declared or
14 adjudged invalid or unconstitutional was not originally a part of this
15 amendment.

16

17 SECTION 18. Effective date.

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

19

20 /s/Sabin

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36