

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 992

4
5 By: Senator Burnett

For An Act To Be Entitled

8 AN ACT TO RESTRICT A MEMBER OF A CONSTITUTIONAL
9 COMMISSION FROM SEEKING ANOTHER CIVIL OFFICE DURING
10 THE MEMBER'S TERM OF SERVICE; AND FOR OTHER PURPOSES.

Subtitle

14 TO RESTRICT A MEMBER OF A CONSTITUTIONAL
15 COMMISSION FROM SEEKING ANOTHER CIVIL
16 OFFICE DURING THE MEMBER'S TERM OF
17 SERVICE.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code Title 7, Chapter 1, is amended to add an
23 additional section to read as follows:

24 7-1-111. Members of constitutional commissions – Appointment and
25 election.

26 (a) As used in this section:

27 (1) "Member" means a member, officer, commissioner, or other
28 person appointed or elected to sit on a constitutional commission; and

29 (2)(A) "Constitutional commission" means the State Highway
30 Commission or the Arkansas State Game and Fish Commission.

31 (B) "Constitutional commission" does not include the
32 Board of Apportionment.

33 (b) A member of a constitutional commission, during the term for which
34 the member has been appointed or elected:

35 (1) Shall not file for candidacy for another civil office in
36 this state; or



1 (2) Is ineligible to be appointed or elected to another civil
2 office in this state.

3 (c) The term for which a member has been appointed or elected does not
4 expire with the member's:

5 (1) Resignation;

6 (2) Impeachment; or

7 (3) Removal from office for any reason.

8
9 SECTION 2. The subchapter heading of Arkansas Code Title 21, Chapter
10 1, Subchapter 4, is amended to read as follows:

11 Subchapter 4 – Constitutional Officers and Members or Officers of
12 Constitutional Commissions and Their Spouses

13
14 SECTION 3. Arkansas Code § 21-1-401 is amended to read as follows:
15 21-1-401. Definitions.

16 ~~For purposes of~~ As used in this subchapter:

17 (1)(A) "Constitutional commission" means the State Highway
18 Commission or the Arkansas State Game and Fish Commission.

19 (B) "Constitutional commission" does not include the
20 Board of Apportionment;

21 (2) "Constitutional officer" means Governor, Lieutenant
22 Governor, Secretary of State, Treasurer of State, Attorney General,
23 Commissioner of State Lands, Auditor of State, member of the ~~Arkansas~~ House
24 of Representatives, and member of the ~~Arkansas~~ Senate; and

25 ~~(2)(3)~~ (3) "State agency" means every board, commission, department,
26 division, institution, and other office of state government whether located
27 within the legislative, executive, or judicial branch of government and
28 including state-supported colleges and universities.

29
30 SECTION 4. Arkansas Code § 21-1-402 is amended to read as follows:
31 21-1-402. Restrictions on other employment.

32 (a)(1) Subject to any restriction or condition prescribed by the
33 Arkansas Constitution, ~~and~~ except as provided under subdivision (a)(2) of
34 this section, and unless the person resigns ~~prior to~~ before entering into the
35 employment, ~~no~~ a person elected to a constitutional office or a member or
36 officer of a constitutional commission, after being elected to the

1 constitutional office or appointed to the constitutional commission and
2 during the term for which he or she is elected or appointed, ~~may~~ shall not
3 enter into employment with:

4 (A) ~~Any state~~ A state agency;

5 (B) ~~Any public~~ A public school district of this state in a
6 noncertified position;

7 (C) ~~Any vocational~~ A vocational education school funded by
8 the state; or

9 (D) ~~Any education~~ An education service cooperative.

10 (2)(A) A constitutional officer or a member or officer of a
11 constitutional commission who was employed by a state agency, a public school
12 district of this state in a licensed or nonlicensed position, a state-
13 supported vocational education school, an education service cooperative, or a
14 state-supported college or university and who receives the prior approval of
15 the Joint Budget Committee during a legislative session or the Legislative
16 Council between legislative sessions, and the Governor, may:

17 (i) Transfer employment to or become reemployed by
18 another state agency, public school district of this state, state-supported
19 vocational education school, an ~~educational~~ education service cooperative, or
20 a state-supported college or university;

21 (ii) Change positions under his or her current
22 employer; or

23 (iii) Upon retirement from a state agency, public
24 school district of this state, state-supported vocational education school,
25 an education service cooperative, or a state-supported college or university,
26 enter into part-time or temporary employment with a state agency, public
27 school district of this state, state-supported vocational education school,
28 an ~~educational~~ education service cooperative, or a state-supported college or
29 university.

30 (B) Employment under this subdivision (a)(2) shall not be
31 approved if the employment will violate §§ 19-11-701 – 19-11-709.

32 (3)(A) Subject to ~~any~~ a restriction or condition prescribed by
33 the Arkansas Constitution, ~~any~~ a constitutional officer or member or officer
34 of a constitutional commission who was employed by a state agency ~~prior to~~
35 before being elected a constitutional officer or appointed to the
36 constitutional commission may continue the employment, ~~but~~.

1 (B)(i) However, the employment shall not ~~thereafter~~ be
 2 reclassified unless it is the result of a general reclassification affecting
 3 all positions of the class and grade equally, ~~nor shall the.~~

4 (ii) The constitutional officer or member or officer of a
 5 constitutional commission shall not receive ~~any a~~ pay increase for ~~that~~
 6 employment other than the cost-of-living increases authorized by the General
 7 Assembly ~~without,~~ unless the prior approval ~~of~~ for the pay increase has been
 8 given by the:

9 (a) Joint Budget Committee during a
 10 legislative session, ~~the~~ or Legislative Council between legislative
 11 sessions, ~~i~~ and ~~the~~

12 (b) Governor.

13 ~~No~~ A person whose spouse is elected to a constitutional office ~~may~~
 14 or appointed to a constitutional commission shall not, after the spouse is
 15 elected to the constitutional office or appointed to the constitutional
 16 commission and during the term for which the spouse is elected or appointed,
 17 enter into employment with ~~any a~~ state agency without the prior approval of
 18 the:

19 (1) Joint Budget Committee during a legislative session, ~~the~~ or
 20 Legislative Council between legislative sessions, ~~i~~ and ~~the~~

21 (2) Governor.

22 (c) This subchapter does not prohibit the spouse of ~~any a~~
 23 constitutional officer or the spouse of a member or officer of a
 24 constitutional office from being ~~elected:~~

25 (1) Elected and serving in an elected office; ~~or from being~~
 26 ~~appointed~~

27 (2) Appointed to fill ~~the~~ a vacancy in ~~any an~~ elected office.

28 ~~Any~~ A person who was employed by a state agency ~~prior to~~ before
 29 the person's spouse being elected a constitutional officer or appointed to a
 30 constitutional commission and ~~any a~~ person who entered into employment with a
 31 state agency during the spouse's service as a constitutional officer or
 32 member or officer of a constitutional commission is subject to the following:

33 (1)(A) The person's position shall not ~~thereafter~~ be
 34 reclassified unless it is ~~the result of a~~ by general reclassification
 35 affecting all positions of the class and grade equally ~~nor shall the.~~

36 (B) The person shall not be promoted or transferred while

1 the spouse serves as a ~~constitutional officer~~ or within two (2) years after
 2 the spouse leaves the constitutional office or the constitutional commission,
 3 ~~be promoted or transferred~~ without the prior approval of the:

4 (i) Joint Budget Committee during a legislative
 5 session, ~~the~~ or Legislative Council between legislative sessions; ~~and the~~

6 (ii) Governor; and

7 (2) The person shall not receive ~~any~~ a pay increase in excess of
 8 fifteen percent (15%) without the prior approval of the:

9 (A) Joint Budget Committee during a legislative session,
 10 ~~the~~ or Legislative Council between legislative sessions; ~~and the~~

11 (B) Governor.

12 (e) A former member of the General Assembly and his or her spouse
 13 shall not ~~be eligible to~~ be employed by ~~any~~ a state agency within twenty-four
 14 (24) months after the member leaves the office in ~~any~~ a job or position that:

15 (1) Was ~~newly~~ created by legislative action within the twenty-
 16 four (24) months ~~prior to~~ before the ~~member's leaving~~ member left office; or

17 (2) Had a ~~maximum salary level~~ salary-level increase of more
 18 than fifteen percent (15%) authorized by legislative action within the
 19 twenty-four (24) months ~~prior to~~ before the ~~member's leaving~~ member left
 20 office.

21 (f)(1) A former member of the General Assembly or former member or
 22 officer of a constitutional commission shall not ~~be eligible to~~ be registered
 23 as a lobbyist under § 21-8-601 et seq. until one (1) year after the
 24 expiration of the term of office for which he or she was elected.

25 (2) Subdivision (f)(1) of this section applies to all persons
 26 elected to the General Assembly or appointed to a constitutional commission
 27 on or after July 27, 2011.

28
 29 SECTION 5. Arkansas Code § 21-1-407 is amended to read as follows:
 30 21-1-407. Employment by state agency.

31 A person whose spouse is elected to a constitutional office or
 32 appointed to a constitutional commission may be employed by a state agency
 33 without the approval of the employment required by § 21-1-402(b) if the
 34 person's entry salary does not exceed the amount prescribed by Level 4 of
 35 Grade 13 of the state compensation plan found in § 21-5-209.