

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

As Engrossed: S4/4/13

SJR 17

7 **SENATE JOINT RESOLUTION**

8 *AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROHIBITING*
9 *MEMBERS OF THE GENERAL ASSEMBLY FROM ESTABLISHING*
10 *THEIR OWN SALARIES AND PROVIDING FOR THE CREATION OF*
11 *AN INDEPENDENT CITIZENS COMMISSION CONCERNING THE*
12 *SALARIES OF THE ELECTED OFFICIALS OF THE EXECUTIVE*
13 *DEPARTMENT AND MEMBERS OF THE GENERAL ASSEMBLY; AND*
14 *REGARDING THE SALARIES FOR THE OFFICES OF GOVERNOR,*
15 *LIEUTENANT GOVERNOR, ATTORNEY GENERAL, SECRETARY OF*
16 *STATE, TREASURER OF STATE, COMMISSIONER OF STATE*
17 *LANDS, AND AUDITOR OF STATE AND FOR MEMBERS OF THE*
18 *GENERAL ASSEMBLY AS AUTHORIZED BY SECTION 2 OF*
19 *AMENDMENT 70 OF THE ARKANSAS CONSTITUTION.*

20
21
22 **Subtitle**

23 THE ARKANSAS INDEPENDENT CITIZENS
24 COMMISSION AMENDMENT OF 2014.
25

26
27 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE
28 STATE OF ARKANSAS AND BY THE THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
29 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
30

31 THAT the following is proposed as an amendment to the Constitution of
32 the State of Arkansas, and upon being submitted to the electors of the state
33 for approval or rejection at the next general election for Representatives
34 and Senators, if a majority of the electors voting thereon at the election
35 adopt the amendment, the amendment shall become a part of the Constitution of
36 the State of Arkansas, to wit:



1
2 SECTION 1. This amendment shall be known and may be cited as "The
3 Arkansas Independent Citizens Commission Amendment of 2014".

4
5 SECTION 2. *Article 19 of the Arkansas Constitution is amended to add*
6 *an additional section to read as follows:*

7 § 31. Citizens commission.

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

10 (b)(1) There is created an independent citizens commission for the
11 purposes of setting salaries of elected officials of the executive department
12 and members of the General Assembly as provided in this section.

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

15 (3) The citizens commission shall consist of nine (9) members as
16 follows:

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

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

20 (C) Three (3) members appointed by the Speaker of the
21 House of Representatives.

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

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

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

28 (A) A citizen of the United States;

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

31 (C) A qualified elector; and

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

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

35 (A) A person holding civil office;

36 (B) A public employee;

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

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

3 (a) Person holding civil office;

4 (b) Public employee; or

5 (c) Person required by law to register as a
6 lobbyist.

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

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

15 (1) Governor;

16 (2) Lieutenant Governor;

17 (3) Attorney General;

18 (4) Secretary of State;

19 (5) Treasurer of State;

20 (6) Auditor of State;

21 (7) Commissioner of State Lands; and

22 (8) Member of the General Assembly.

23 (e)(1) The salaries of the positions under subsection (d) of this
24 section:

25 (A) Shall not be subject to appropriation by the General
26 Assembly; and

27 (B) Shall be paid from the Constitutional Officers Fund or
28 its successor fund or fund accounts in the amount determined by the
29 commission.

30 (2) If the commission elects to adjust a salary for a position
31 under subsection (d) of this section, the citizens commission shall file the
32 adjusted salary with the Treasurer of State.

33 (3) An adjustment to a salary shall be effective thirty (30)
34 days after it is filed with the Treasurer of State.

35 (f)(1) The citizens commission, by a majority vote of the total
36 membership of the commission cast during its first regularly scheduled

1 meeting of each calendar year, may authorize payment to its members of a
2 stipend not to exceed eighty-five dollars (\$85.00) per day for each meeting
3 attended or for any day while performing any proper business of the
4 commission.

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

7 (g) The commission may increase or diminish the salaries for the
8 positions under subsection (d) of this section.

9 (h) Salaries for the positions under subsection (d) of this section
10 shall continue as existing on the effective date of this section until
11 adjusted by the commission.

12 (i)(1) Initial members of the commission shall be appointed within
13 thirty (30) days of the effective date of this section.

14 (2) The President Pro Tempore of the Senate shall call the first
15 meeting of the commission, which shall occur within forty-five (45) days of
16 the effective date of this section.

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

21 (4)(A) After completing the review under subdivision (i)(3) of
22 this section, the commission shall meet as necessary to review the salaries
23 of the positions under subsection (d) of this section.

24 (B) The commission may adjust the salaries of the
25 positions under subsection (d) of this section as it deems necessary.

26 (j) The General Assembly, in the same manner as required for
27 amendment of laws initiated by the people, may amend this section, so long as
28 such amendments are germane to this section and consistent with its policy
29 and purposes.

30
31 SECTION 3. Section 16 of Article 5 of the Arkansas Constitution is
32 repealed.

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

34 ~~Each member of the General Assembly shall receive six dollars per day~~
35 ~~for his services during the first sixty days of any regular session of the~~
36 ~~General Assembly, and if any regular session shall be extended, such member~~

1 ~~shall serve without further per diem. Each member of the General Assembly~~
2 ~~shall also receive ten cents per mile for each mile traveled in going to and~~
3 ~~returning from the seat of government, over the most direct and practicable~~
4 ~~route. When convened in extraordinary session by the Governor, they shall~~
5 ~~each receive three dollars per day for their services during the first~~
6 ~~fifteen days, and if such extraordinary session shall extend beyond fifteen~~
7 ~~days, they shall receive no further per diem. They shall be entitled to the~~
8 ~~same mileage for any extraordinary session as herein provided for regular~~
9 ~~sessions. The terms of all members of the General Assembly shall begin on the~~
10 ~~day of their election, and they shall receive no compensation, perquisite or~~
11 ~~allowance whatever, except as herein provided.~~

12
13 SECTION 4. Section 29 of Article 5 of the Arkansas Constitution is
14 amended to read as follows:

15 § 29. Appropriations.

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

22
23 SECTION 5. Section 30 of Article 5 to the Arkansas Constitution is
24 amended to read as follows:

25 § 30. General and special appropriations.

26 ~~The~~ Except as provided in Arkansas Constitution, Article 19, Section
27 31, the general appropriation bill shall embrace nothing but appropriations
28 for the ordinary expenses of the executive, legislative and judicial
29 departments of the State; all other appropriations shall be made by separate
30 bills, each embracing but one subject.

31
32 SECTION 6. Section 4 of Article 16 to the Arkansas Constitution is
33 amended to read as follows:

34 § 4. Salaries and fees of state officers.

35 ~~The~~ Except as provided in Arkansas Constitution, Article 19, Section
36 31, the General Assembly shall fix the salaries and fees of all officers in

1 the State; and no greater salary or fee than that fixed by law shall be paid
 2 to any officer, employee, or other person, or at any rate other than par
 3 value; and the number and salaries of the clerks and employees of the
 4 different departments of the State shall be fixed by law.

5
 6 SECTION 7. Section 12 of Article 16 of the Arkansas Constitution is
 7 amended to read as follows:

8 § 12. Disbursement of funds – Appropriation required.

9 ~~No~~ Except as provided in Arkansas Constitution, Article 19, Section 31,
 10 no money shall be paid out of the treasury until the same shall have been
 11 appropriated by law; and then only in accordance with said appropriation.
 12

13 SECTION 8. Section 11 of Article 19 of the Arkansas Constitution is
 14 repealed.

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

17 ~~The Governor, Secretary of State, Auditor, Treasurer, Attorney General,~~
 18 ~~Judges of the Supreme Court, Judges of the Circuit Court, Commissioner of~~
 19 ~~State Lands, and Prosecuting Attorneys, shall each receive a salary to be~~
 20 ~~established by law, which shall not be increased or diminished during their~~
 21 ~~respective terms, nor shall any of them, except the Prosecuting Attorneys,~~
 22 ~~after the adoption of this Constitution, receive to his own use any fees,~~
 23 ~~costs, perquisites of office, or other compensation; and all fees that may~~
 24 ~~hereafter be payable by law, for any service performed by any officer~~
 25 ~~mentioned in this section, except Prosecuting Attorneys, shall be paid in~~
 26 ~~advance into the State Treasury; Provided, That the salaries of the~~
 27 ~~respective officers herein mentioned shall never exceed per annum:~~
 28 ~~For Governor, the sum of \$4,000~~
 29 ~~For Secretary of State, the sum of \$2,500~~
 30 ~~For Treasurer of State, the sum of \$3,000~~
 31 ~~For Auditor of State, the sum of \$3,000~~
 32 ~~For Attorney General, the sum of \$2,500~~
 33 ~~For Commissioner of State Lands, the sum of \$2,500~~
 34 ~~For the Judges of the Supreme Court, each, the sum of \$4,000~~
 35 ~~For Judges of the Circuit Courts, and Chancellors, each, the sum of \$3,000~~
 36 ~~For Prosecuting Attorneys, the sum of \$400~~

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

4
5 SECTION 9. Section 6 of Amendment 6 to the Arkansas Constitution is
6 repealed.

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

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

12
13 SECTION 10. Amendment 15 to the Arkansas Constitution is repealed.

14 ~~Salaries of state officials.~~

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

17 ~~For Governor, the sum of \$6,000.00; for Secretary of State, the sum of~~
18 ~~\$4,000.00; for Treasurer of the State, the sum of \$4,000.00; for Auditor of~~
19 ~~the State, the sum of \$4,000.00; for Attorney General, the sum of \$5,000.00;~~
20 ~~for Judge of the Circuit Courts and Chancellors, each, the sum of \$3,600.00.~~

21 ~~The members of the General Assembly shall receive as their salary the~~
22 ~~sum of One Thousand (\$1,000.00) Dollars, except the Speaker of the House of~~
23 ~~Representatives, who shall receive his salary of Eleven Hundred Dollars~~
24 ~~(\$1,100.00), for each period of two (2) years; and in addition to such salary~~
25 ~~the members of the general Assembly shall receive five cents per mile for~~
26 ~~each mile traveled in going to and returning from the seat of government over~~
27 ~~the most direct and practicable route, and provided further that when said~~
28 ~~members are required to attend an extraordinary session of the General~~
29 ~~Assembly they shall receive in addition to the salary herein provided the sum~~
30 ~~of 6.00 per day for each day they are required to attend, and mileage at the~~
31 ~~rate herein provided.~~

32
33 SECTION 11. Section 1 of Amendment 70 of the Arkansas Constitution is
34 amended to read as follows:

35 § 1. Executive Department and General Assembly - ~~Salaries—~~
36 ~~Restrictions on reimbursements.~~

1 (a) No official of the Executive Department shall be reimbursed by the
2 State of Arkansas for any expenses except those reasonably connected to their
3 official duties and only if such reimbursement is made for documented
4 expenses actually incurred and from the regular budget appropriated for the
5 official's office. Such restrictions on expense reimbursement are of a
6 general application and also are intended specifically to prohibit the
7 appropriation and use of public relations funds. ~~The annual salaries of the~~
8 ~~Executive Department, which shall be paid in monthly installments, shall be~~
9 ~~as follows: the Governor, the sum of \$60,000; the Lieutenant Governor, the~~
10 ~~sum of \$29,000; the Secretary of State, the sum of \$37,500; the Treasurer of~~
11 ~~State, the sum of \$37,000; the Attorney General, the sum of \$50,000; the~~
12 ~~Commissioner of State Lands, the sum of \$37,500; and the Auditor of State,~~
13 ~~the sum of \$37,500.~~ Except as provided herein in this Constitution, such
14 officials of the Executive Department shall not receive any other income from
15 the State of Arkansas, whether in the form of salaries or expenses.

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

27
28 SECTION 12. Section 3 of Amendment 70 to the Arkansas Constitution is
29 repealed.

30 ~~§ 3. Salary adjustments.~~

31 ~~The salaries of the Executive Department officials and members of the~~
32 ~~General Assembly provided for in Section 1 or 2 of this amendment or adjusted~~
33 ~~pursuant to this section may be increased annually through subsequent~~
34 ~~appropriations by the General Assembly by an amount not to exceed the average~~
35 ~~percentage increase in the Consumer Price Index for All Urban Consumers or~~
36 ~~its successor, as published by the United States Department of Labor, for the~~

