

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 992

By: Senator Burnett

For An Act To Be Entitled

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

Subtitle

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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

(a) As used in this section:

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

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

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

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

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



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

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

- (1) Resignation;
- (2) Impeachment; or
- (3) Removal from office for any reason.

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

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

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

21-1-401. Definitions.

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

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

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

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

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

SECTION 4. Arkansas Code § 21-1-402 is amended to read as follows:

21-1-402. Restrictions on other employment.

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

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

- (A) ~~Any state~~ A state agency;
- (B) ~~Any public~~ A public school district of this state in a noncertified position;
- (C) ~~Any vocational~~ A vocational education school funded by the state; or
- (D) ~~Any education~~ An education service cooperative.

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

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

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

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

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

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

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

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

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

(b) Governor.

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

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

(2) Governor.

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

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

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

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

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

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

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

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

(ii) Governor; and

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

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

(B) Governor.

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

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

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

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

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

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

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