

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas
94th General Assembly
Regular Session, 2023

HJR 1001

By: Representatives Ray, Andrews

By: Senator Gilmore

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE PROCESS FOR SETTING SALARIES FOR ELECTED CONSTITUTIONAL OFFICERS OF THE EXECUTIVE DEPARTMENT, MEMBERS OF THE GENERAL ASSEMBLY, JUSTICES OF THE SUPREME COURT, JUDGES OF THE COURT OF APPEALS, AND PROSECUTING ATTORNEYS; TO REPEAL THE INDEPENDENT CITIZENS COMMISSION WHICH SETS SALARIES FOR ELECTED CONSTITUTIONAL OFFICERS OF THE EXECUTIVE DEPARTMENT, MEMBERS OF THE GENERAL ASSEMBLY, JUSTICES OF THE SUPREME COURT, JUDGES OF THE COURT OF APPEALS, AND PROSECUTING ATTORNEYS; AND TO AUTHORIZE THE GENERAL ASSEMBLY TO SET SALARIES FOR ELECTED CONSTITUTIONAL OFFICERS OF THE EXECUTIVE DEPARTMENT, MEMBERS OF THE GENERAL ASSEMBLY, JUSTICES OF THE SUPREME COURT, JUDGES OF THE COURT OF APPEALS, AND PROSECUTING ATTORNEYS.

Subtitle

A CONSTITUTIONAL AMENDMENT CONCERNING THE SALARIES OF ELECTED CONSTITUTIONAL OFFICERS OF THE EXECUTIVE DEPARTMENT, MEMBERS OF THE GENERAL ASSEMBLY, SUPREME COURT JUSTICES, COURT OF APPEALS JUDGES, AND PROSECUTING ATTORNEYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL



ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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

SECTION 1. Legislative findings and legislative intent.

(a) The General Assembly finds that:

(1) The independent citizens commission, which currently sets salaries for members of the General Assembly, elected constitutional officers of the executive department, justices of the Supreme Court, judges of the Court of Appeals, and prosecuting attorneys, should be repealed so that salaries for these positions are established by elected officials as opposed to unelected members of the independent citizens commission;

(2) The authority to set salaries for members of the General Assembly, elected constitutional officers of the executive department, justices of the Supreme Court, judges of the Court of Appeals, and prosecuting attorneys should be assigned to the General Assembly; and

(3) The salaries that shall be set by the General Assembly under this amendment include the salaries for the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer of State, Commissioner of State Lands, and Auditor of State and for members of the General Assembly.

(b) The General Assembly proposes this amendment under the authority of Arkansas Constitution, Amendment 70, § 2, as it constitutes a proposed amendment to the Arkansas Constitution to change the salaries for the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer of State, Commissioner of State Lands, and Auditor of State and for members of the General Assembly.

SECTION 2. Arkansas Constitution, Article 19, § 31, is amended to read as follows:

§ 31. ~~Independent citizens commission~~ Salaries for certain elected officials.

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

- ~~(1) Their positions as members of the General Assembly;~~
- ~~(2) Elected constitutional officers of the executive department;~~
- ~~(3) Justices;~~
- ~~(4) Judges; and~~
- ~~(5) Prosecuting attorneys.~~

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

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

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

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

- ~~(A) Two (2) members appointed by the Governor;~~
- ~~(B) Two (2) members appointed by the President Pro Tempore of the Senate;~~
- ~~(C) Two (2) members appointed by the Speaker of the House of Representatives; and~~
- ~~(D) One (1) member appointed by the Chief Justice of the Supreme Court.~~

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

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

- ~~(A) A chair; and~~
- ~~(B) Other officers deemed necessary by the independent citizens commission.~~

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

~~(7) A majority vote of the total membership of the independent~~

~~citizens commission is required for any action of the independent citizens commission.~~

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

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

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

~~(A) A citizen of the United States;~~

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

~~(C) A qualified elector; and~~

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

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

~~(A) A person holding civil office;~~

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

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

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

~~(a) A person holding civil office;~~

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

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

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

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

~~(1) Governor;~~

~~(2) Lieutenant Governor;~~

~~(3) Attorney General;~~

~~(4) Secretary of State;~~

- ~~(5) Treasurer of State;~~
- ~~(6) Auditor of State;~~
- ~~(7) Commissioner of State Lands;~~
- ~~(8) Member of the General Assembly;~~
- ~~(9) Chief Justice of the Supreme Court;~~
- ~~(10) Justice of the Supreme Court;~~
- ~~(11) Chief Judge of the Court of Appeals;~~
- ~~(12) Judge of the Court of Appeals;~~
- ~~(13) Circuit court judge;~~
- ~~(14) District court judge; and~~
- ~~(15) Prosecuting attorney.~~

~~(c)(1) The salaries of the positions under subsection (d) of this section;~~

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

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

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

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

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

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

~~(b) The opportunity for public comment under subdivision (c)(2)(A)(iii)(a) of this section shall not exceed forty-five (45) days.~~

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

~~(3) Upon satisfying (c)(2)(A)(i)-(iii) of this section, the independent citizens commission may file the adjusted salary with the Auditor~~

~~of State.~~

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

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

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

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

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

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

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

~~(B) The independent citizens commission may increase but not diminish the salaries for the positions under subdivisions (d)(9)-(14) of this section.~~

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

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

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

~~(h) Salaries for the positions under subsection (d) of this section shall continue as existing on November 4, 2014, until adjusted by the~~

~~independent citizens commission.~~

~~(i)(1) Initial members of the independent citizens commission shall be appointed within thirty (30) days of November 5, 2014.~~

~~(2) The President Pro Tempore of the Senate shall call the first meeting of the independent citizens commission, which shall occur within forty five (45) days of November 5, 2014.~~

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

~~(i) Shall complete an initial review of the salaries for the positions under subsection (d) of this section no later than ninety (90) days after November 5, 2014; and~~

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

~~(B) No later than ninety (90) days after November 5, 2014, the independent citizens commission shall also provide recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning the amounts to be paid to members of the General Assembly for:~~

~~(i) Per diem;~~

~~(ii) Reimbursement for expenses; and~~

~~(iii) Reimbursement for mileage.~~

~~(4)(A) After completing the initial review under subdivision (i)(3) of this section, the independent citizens commission shall meet as necessary to review the salaries of the positions under subsection (d) of this section but shall not meet less than one (1) time per year.~~

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

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

~~(1) Per diem;~~

~~(2) Reimbursement for expenses; and~~

~~(3) Reimbursement for mileage.~~

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

~~(1)(1) The General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section, so long as such amendments are germane to this section and consistent with its policy and purposes.~~

~~(2)(A) If an act of the General Assembly amends this section, the Arkansas Code Revision Commission may, by a majority vote of the Arkansas Code Revision Commission, make the following revisions to the act so long as the revisions do not change the substance or meaning of the act:~~

- ~~(i) Correct the spelling of words;~~
- ~~(ii) Change capitalization for the purpose of uniformity;~~
- ~~(iii) Correct manifest typographical and grammatical errors;~~
- ~~(iv) Correct manifest errors in references to laws and other documents;~~
- ~~(v) Correct manifest errors in internal reference numbers;~~
- ~~(vi) Number, renumber, redesignate, and rearrange this section;~~
- ~~(vii) Change internal reference numbers to agree with renumbered sections, subsections, subdivisions, or other provisions of law;~~
- ~~(viii) Insert or delete hyphens in words to follow correct grammatical usage;~~
- ~~(ix) Change numerals or symbols to words or vice versa and add figures or words if they are merely repetitions of written words or vice versa for purposes of uniformity and style;~~
- ~~(x) Change the form of nouns, pronouns, and verbs for purposes of style and grammar;~~
- ~~(xi) Correct punctuation; and~~
- ~~(xii) Change gender-specific language to gender-neutral language.~~

~~(B)(i) If more than one (1) act amending this section is enacted by the General Assembly during the same session, the Arkansas Code~~

~~Revision Commission may, by a majority vote of the Arkansas Code Revision Commission, revise this section as necessary so that all of the enactments shall be given effect, including without limitation renumbering, redesignating, and rearranging subsections and subdivisions of this section.~~

~~(ii) In the event that one (1) or more acts amending this section result in an irreconcilable conflict with one (1) or more acts amending this section enacted during the same session, the Arkansas Code Revision Commission may, by a majority vote of the Arkansas Code Revision Commission, revise this section so that the conflicting provision of the last enactment prevails.~~

~~(3) If the Arkansas Code Revision Commission makes revisions under subdivision (1)(2) of this section, the Arkansas Code Revision Commission shall file a report with the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor that:~~

~~(A) Explains the revisions made under subdivision (1)(2) of this section; and~~

~~(B) Includes the text of this section as amended by the revisions made under subdivision (1)(2) of this section.~~

~~(m)(1) Salaries for the positions under subdivision (d)(15) of this section shall continue as existing on November 4, 2014, until adjusted by the independent citizens commission.~~

~~(2) No later than thirty (30) days after March 20, 2015, the independent citizens commission shall begin a study of salaries for the positions under subdivision (d)(15) of this section.~~

~~(3) The independent citizens commission shall complete its review of the salaries for the positions under subdivision (d)(15) of this section no later than thirty (30) days after the date it begins its study under subdivision (m)(2) of this section.~~

~~(4)(A) If at the conclusion of its study under subdivision (m)(2) of this section the independent citizens commission determines that a salary revision for the positions under subdivision (d)(15) is appropriate, the independent citizens commission shall propose an adjustment under subsection (e) of this section.~~

~~(B) Initial salary revisions for the positions under subdivision (d)(15) resulting from the study under subdivision (m)(2) of this~~

~~section are not subject to subdivision (g)(3)(A) of this section.~~

(a) The General Assembly shall set salaries for the following positions:

- (1) Governor;
- (2) Lieutenant Governor;
- (3) Attorney General;
- (4) Secretary of State;
- (5) Treasurer of State;
- (6) Auditor of State;
- (7) Commissioner of State Lands;
- (8) Member of the General Assembly;
- (9) Chief Justice of the Supreme Court;
- (10) Justice of the Supreme Court;
- (11) Chief Judge of the Court of Appeals;
- (12) Judge of the Court of Appeals;
- (13) Circuit court judge;
- (14) District court judge; and
- (15) Prosecuting attorney.

(b)(1) The General Assembly shall provide that the salaries of circuit judges be uniform throughout the state.

(2)(A) Except as provided in this subdivision (b)(2), the General Assembly may increase or diminish the salaries for the positions under subsection (a) of this section.

(B) The General Assembly may increase but not diminish the salaries for the positions under subdivisions (a)(9)-(14) of this section.

(c) The salaries of the positions under subsection (a) of this section shall:

- (1) Be paid in monthly installments;
- (2) Not be subject to appropriation by the General Assembly;
- (3) Be paid from the Constitutional Officers Fund or its successor fund or fund accounts in the amount determined by the General Assembly; and
- (4) Continue as they exist on November 5, 2024, until adjusted by the General Assembly.

SECTION 3. This amendment does not affect the authority of the Senate

and the House of Representatives to provide for the payment of one or more of the following to the members of each respective chamber:

- (1) Per diem;
- (2) Reimbursement for mileage; and
- (3) Reimbursement for expenses.

SECTION 4. EFFECTIVE DATE. This amendment shall be effective on and after November 6, 2024.

SECTION 5. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this joint resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment Repealing the Independent Citizens Commission Which Sets Salaries for Elected Constitutional Officers of the Executive Department, Members of the General Assembly, Justices of the Supreme Court, Judges of the Court of Appeals, and Prosecuting Attorneys; and Authorizing the General Assembly to Set Salaries for Elected Constitutional Officers of the Executive Department, Members of the General Assembly, Justices of the Supreme Court, Judges of the Court of Appeals, and Prosecuting Attorneys".