

1 State of Arkansas
2 92nd General Assembly
3 House Caucus, 2019
4

HR 1079

5 By: Representative Shepherd
6

7 **HOUSE RESOLUTION**

8 A RESOLUTION CONCERNING EXPULSION OF REPRESENTATIVE
9 MICKEY GATES FROM THE MEMBERSHIP OF THE HOUSE OF
10 REPRESENTATIVES OF THE NINETY-SECOND GENERAL
11 ASSEMBLY.
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13
14 **Subtitle**

15 CONCERNING EXPULSION OF REPRESENTATIVE
16 MICKEY GATES FROM THE MEMBERSHIP OF THE
17 HOUSE OF REPRESENTATIVES.
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19 WHEREAS, Article 5, § 12, of the Arkansas Constitution provides that
20 each house of the General Assembly "shall have power to determine the rules
21 of its proceedings [. . .] and, with the concurrence of two-thirds, expel a
22 member"; and
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24 WHEREAS, the Arkansas Constitution and the Rules of the House of
25 Representatives of the Ninety-Second General Assembly are controlling
26 documents by which this body should conduct itself in making determinations
27 regarding discipline up to and including expulsion, by a two-thirds (2/3)
28 vote, of its members; and
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30 WHEREAS, Act 894, which was passed by the Ninety-Second General
31 Assembly during the 2019 Regular Session, amended Arkansas Code Title 21,
32 Chapter 8, Subchapter 3, to add § 21-8-305, which states in pertinent part:
33 "If a person has pleaded guilty or nolo contendere to or has been found
34 guilty of a public trust crime, he or she shall not: (1) File as a candidate
35 for a constitutional office; (2) Run as a candidate for a constitutional
36 office; or (3) Hold a constitutional office."; and



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2 WHEREAS, Act 894 of 2019 also amended Arkansas Code § 21-8-301 to
3 include a definition of "public trust crime" as a "crime prohibited under
4 Arkansas Constitution, Article 5, § 9"; and

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6 WHEREAS, Article 5, § 9, of the Arkansas Constitution lists the
7 following as prohibited crimes for service as a member of the General
8 Assembly: "embezzlement of public money, bribery, forgery, or other infamous
9 crime" and goes on to state that "infamous crime" includes "[a] felony
10 offense"; and

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12 WHEREAS, on July 29, 2019, House District 22 Representative Mickey
13 Gates entered a plea of nolo contendere to a single charge of violating
14 Arkansas Code § 26-18-202, failure to pay or file a tax return, a felony
15 offense; and

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17 WHEREAS, Representative Gates entered into a nolo contendere plea
18 agreement under which he will serve six (6) years of probation and pay
19 restitution to the State of Arkansas in an amount not less than \$74,789.89
20 for tax years 2012, 2013, and 2014; and

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22 WHEREAS, Act 894 of 2019 is not the main premise for the action
23 requested in this resolution, but it offers further support as to what the
24 Ninety-Second General Assembly considers grounds for expulsion of a sitting
25 member from the membership of the General Assembly. Action taken to punish
26 Representative Gates pursuant to this resolution is undertaken in accordance
27 with the power granted by the Arkansas Constitution to the House of
28 Representatives as the sole authority for discipline of its members,

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30 NOW THEREFORE,

31 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL
32 ASSEMBLY OF THE STATE OF ARKANSAS:

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34 THAT House District 22 Representative Mickey Gates has pleaded nolo
35 contendere to a public trust crime as defined by law, and the House of
36 Representatives finds that the plea of nolo contendere and the conduct that

1 is the subject of Representative Gates' plea agreement is unbecoming of a
2 member of the House of Representatives, and is punishable by this body; and
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4 THAT in exercise of its sole authority to discipline its members, under
5 Arkansas Constitution, Article 5, § 12, the House of Representatives hereby
6 expels House District 22 Representative Mickey Gates from the membership of
7 the House of Representatives of the Ninety-Second General Assembly.
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