

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

HR1079

4  
5 By: Representative Shepherd

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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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14 **Subtitle**

15 CONCERNING EXPULSION OF REPRESENTATIVE  
16 MICKEY GATES FROM THE MEMBERSHIP OF THE  
17 HOUSE OF REPRESENTATIVES.

18  
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

23  
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

29  
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



1  
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

11  
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

21  
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,

29  
30 NOW THEREFORE,

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

33  
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

3  
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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