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State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1998

By: Representatives Nickels, Baird

## For An Act To Be Entitled

AN ACT TO AMEND CERTAIN ETHICS LAWS OF THE STATE OF  
ARKANSAS CONCERNING THE RECEIPT OF GIFTS BY PUBLIC  
SERVANTS; AMENDING PORTIONS OF ARKANSAS LAW RESULTING  
FROM INITIATED ACT 1 OF 1988; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND CERTAIN ETHICS LAWS OF THE STATE  
OF ARKANSAS CONCERNING THE RECEIPT OF  
GIFTS BY PUBLIC SERVANTS AND TO AMEND  
PORTIONS OF ARKANSAS LAW RESULTING FROM  
INITIATED ACT 1 OF 1988.

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

SECTION 1. Arkansas Code § 21-8-402(5), concerning the definition of "gift" as applied to public servants and resulting from Initiated Act 1 of 1988, is amended to read as follows:

(5)(A) "Gift" means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor.

(B) The term "gift" does not include:

(i)(a) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a public servant regarding his or her official duties.

(b) Payments for travel or reimbursement for



1 any expenses are not informational material;

2 (ii) The giving or receiving of food, lodging, or  
 3 ~~travel~~ transportation which bears a relationship to the public servant's  
 4 ~~office and when appearing in an official capacity~~ is also made available to  
 5 the general public;

6 (iii) Gifts which are not used and which, within  
 7 thirty (30) days after receipt, are returned to the donor;

8 (iv) Gifts from an individual's spouse, child,  
 9 parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-  
 10 law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the  
 11 spouse of any of these persons, unless the person is acting as an agent or  
 12 intermediary for any person not covered by this subdivision (5)(B)(iv);

13 (v) Campaign contributions;

14 (vi) Any devise or inheritance;

15 ~~(vii)(a) Anything with a value of one hundred~~  
 16 ~~dollars (\$100) or less.~~

17 ~~(b) The value of an item shall be considered~~  
 18 ~~to be less than one hundred dollars (\$100) if the public servant reimburses~~  
 19 ~~the person from whom the item was received any amount over one hundred~~  
 20 ~~dollars (\$100) and the reimbursement occurs within ten (10) days from the~~  
 21 ~~date the item was received;~~

22 ~~(viii)(vii)~~ (vii) Wedding presents and engagement gifts;

23 ~~(ix)(viii)~~ (viii) A monetary or other award presented to an  
 24 employee of a public school district, the Arkansas School for the Blind, the  
 25 Arkansas School for the Deaf, the Arkansas School for Mathematics, Science,  
 26 and the Arts, a university, a college, a technical college, a technical  
 27 institute, a comprehensive life-long learning center, or a community college  
 28 in recognition of the employee's contribution to education;

29 ~~(x)(ix)~~ (ix) Tickets to charitable fund-raising events  
 30 held within this state by a nonprofit organization which is exempt from  
 31 taxation under § 501(c)(3) of the Internal Revenue Code;

32 ~~(xi)(x)~~ (x) A personalized award, plaque, or trophy with  
 33 a value of one hundred and fifty dollars (\$150) or less;

34 ~~(xii)(xi)~~ (xi) An item which appointed or elected members  
 35 of a specific governmental body purchase with their own personal funds and  
 36 present to a fellow member of that governmental body in recognition of public

1 service; and

2 ~~(xiii) Food or beverages provided at a conference-~~  
 3 ~~scheduled event that is part of the program of the conference;~~

4 ~~(xiv) Food or beverages provided in return for~~  
 5 ~~participation in a bona fide panel, seminar, or speaking engagement at which~~  
 6 ~~the audience is a civic, social, or cultural organization or group; and~~

7 ~~(xv)~~(xii)(a) A monetary or other award publicly  
 8 presented to an employee of state government in recognition of his or her  
 9 contributions to the community and State of Arkansas when the presentation is  
 10 made by the employee's supervisors or peers, individually or through a  
 11 nonprofit organization which is exempt from taxation under § 501(c) of the  
 12 Internal Revenue Code, and the employee's receipt of the award would not  
 13 result in or create the appearance of the employee using his or her position  
 14 for private gain, giving preferential treatment to any person, or losing  
 15 independence or impartiality.

16 (b) The exception in subdivision  
 17 (5)(B)~~(xv)~~(xiv)(a) of this section shall not apply to an award presented to  
 18 an employee of state government by a person having economic interests which  
 19 may be affected by the performance or nonperformance of the employee's duties  
 20 or responsibilities.

21  
 22 SECTION 2. Arkansas Code § 21-8-402(19) – (21), concerning the  
 23 definitions of "registered lobbyist", "special event", and "state government"  
 24 as applied to public servants and resulting from Initiated Act 1 of 1988, are  
 25 amended to read as follows:

26 (19) "Registered lobbyist" means a lobbyist registered pursuant  
 27 to the provisions of this subchapter and §§ 21-8-601 et seq., 21-8-701 et  
 28 seq., and 21-8-801 et seq.; and

29 ~~(20) "Special event" means a planned activity to which a~~  
 30 ~~specific governmental body or indentifiable group of public servants is~~  
 31 ~~invited; and~~

32 ~~(21)~~(20) "State government" means any office, department,  
 33 commission, council, board, bureau, committee, legislative body, agency, or  
 34 other establishment of the State of Arkansas.

35  
 36 SECTION 3. Arkansas Code § 21-8-604(b)(2), concerning lobbyist

1 activity reports and resulting from Initiated Act 1 of 1988, is amended to  
 2 read as follows:

3 (2)(A) An itemized listing of each:

4 (i) Gift given to a public servant or on behalf of  
 5 the public servant;

6 (ii) Payment for food, lodging, or travel ~~in excess~~  
 7 ~~of forty dollars (\$40.00)~~ on behalf of a public servant; and

8 (iii) Any other item paid or given to a public  
 9 servant or on behalf of the public servant, except for campaign  
 10 contributions, ~~having a value in excess of forty dollars (\$40.00)~~ unless  
 11 consideration of equal or greater value has been given therefor. If the  
 12 person receiving or to be benefiting by the item is a public employee, the  
 13 person's governmental body shall be identified.

14 (B) Each item shall be identified by date, amount paid or  
 15 value, and the name of the individual receiving or to be benefited by the  
 16 item, and a description of the item;

17 ~~(C) In the case of special events, including parties,~~  
 18 ~~dinner, athletic events, entertainment, and other functions, expenses need~~  
 19 ~~not be allocated by individuals. The information reported for a special event~~  
 20 ~~shall include:~~

21 ~~(i) The date of the event;~~

22 ~~(ii) The name of the event;~~

23 ~~(iii) The location of the event;~~

24 ~~(iv) The name of the governmental body or group of~~  
 25 ~~public servants invited;~~

26 ~~(v) The exact amount paid by the lobbyist toward the~~  
 27 ~~total expenditure; and~~

28 ~~(vi) The name of the lobbyist's employer or client~~  
 29 ~~making the expenditure and the names of all other lobbyists sharing in the~~  
 30 ~~cost of the payment;~~

31  
 32 SECTION 4. Arkansas Code § 21-8-607(b)(5), concerning prohibited acts  
 33 by lobbyists and resulting from Initiated Act 1 of 1988, is amended to read  
 34 as follows:

35 (5)(A) Provide payment for food or beverages at any location or  
 36 event at which the lobbyist is not present physically.

1                   ~~(B) Subdivision (b)(5)(A) of this section shall not apply~~  
2 ~~to a special event under § 21-8-402(20).~~

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