

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1589

5 By: Representative Vaught  
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## For An Act To Be Entitled

8 AN ACT CONCERNING THE APPLICABILITY OF CERTAIN ETHICS  
9 LAWS TO MEMBERS OF SCHOOL DISTRICT BOARDS OF  
10 DIRECTORS; AMENDING PORTIONS OF ARKANSAS LAW  
11 RESULTING FROM INITIATED ACT 1 OF 1988; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 CONCERNING THE APPLICABILITY OF CERTAIN  
16 ETHICS LAWS TO MEMBERS OF SCHOOL DISTRICT  
17 BOARDS OF DIRECTORS; AND AMENDING  
18 PORTIONS OF ARKANSAS LAW RESULTING FROM  
19 INITIATED ACT 1 OF 1988.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 21-8-301(4), concerning the definition of  
26 "public official" applicable to certain ethics laws of the General Assembly,  
27 is amended to read as follows:

28 (4)(A) "Public official" means a person holding an elective  
29 office of any governmental body, whether elected or appointed to the office.

30 (B) "Public official" includes without limitation:

31 (i) a A person holding an elective office of any  
32 governmental body, whether elected or appointed to the office, during the  
33 time period between the date he or she is elected or appointed and the date  
34 he or she takes office; and

35 (ii) A member of a school district board of  
36 directors; and



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 2 SECTION 2. Arkansas Code § 21-8-402(9), concerning the definition of  
 3 "legislator" applicable to certain ethics laws and resulting from Initiated  
 4 Act 1 of 1988, is amended to read as follows:

- 5 (9) "Legislator" means any person who is a member of:  
 6 (A) ~~the~~ The General Assembly;  
 7 (B) a A quorum court of any county;  
 8 (C) ~~or the~~ The city council or board of directors of any  
 9 municipality; or  
 10 (D) A member of a school district board of directors.

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 12 SECTION 3. Arkansas Code § 21-8-402(17), concerning the definition of  
 13 "public official" applicable to certain ethics laws and resulting from  
 14 Initiated Act 1 of 1988, is amended to read as follows:

- 15 (17)(A) "Public official" means a legislator or any other person  
 16 holding an elective office of any governmental body, whether elected or  
 17 appointed to the office, and shall include such persons during the time  
 18 period between the date they were elected and the date they took office.  
 19 (B) "Public official" includes without limitation a member  
 20 of a school district board of directors;

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 22 SECTION 4. Arkansas Code § 21-8-802, resulting from Initiated Act 1 of  
 23 1988, is amended to read as follows:

24 21-8-802. Prohibited appearances – Exceptions.

25 (a) No legislator shall appear for compensation on behalf of another  
 26 person, firm, corporation, or entity before any entity of:

- 27 (1) State government, if the legislator is a member of the  
 28 General Assembly;  
 29 (2) The legislator's county government, if the legislator  
 30 is a member of a quorum court; ~~or~~  
 31 (3) The legislator's municipal government, if the  
 32 legislator is a member of a city council or board of directors of a  
 33 municipality; or  
 34 (4) The legislator's school district board of directors,  
 35 if the legislator is a member of a school district board of directors.

36 (b) This section shall not:

1 (1) Apply to any judicial proceeding or to any hearing or  
2 proceeding which is adversarial in nature or character;

3 (2) Apply to any hearing or proceeding on which a record is made  
4 by the entity of state government, entity of county government, ~~or~~ entity of  
5 municipal government, or school district board of directors;

6 (3) Apply to an appearance which is a matter of public record;

7 (4) Apply to ministerial actions; or

8 (5) Preclude a legislator from acting on behalf of a constituent  
9 to determine the status of a matter without accepting compensation.

10 (c) An appearance which is a matter of public record as provided in  
11 subdivision (b)(3) of this section may be made by:

12 (1)(A) Filing a written statement within twenty-four (24) hours  
13 with the agency head of the entity of state government, entity of county  
14 government, ~~or~~ entity of municipal government, or school district before  
15 which an appearance is sought.

16 (B) In the event that a written statement cannot be  
17 provided to the agency head prior to the meeting, telephonic notice must be  
18 given the agency head or his or her office; or

19 (2) Filing a quarterly statement with the agency head of the  
20 entity of state government before which an appearance is sought.

21 (d)(1) A statement filed under subsection (c) of this section shall  
22 identify the client on behalf of whom the appearance is made and contain a  
23 general statement of the action sought from the governmental body.

24 (2)(A) The statements shall be retained by the agency head and  
25 shall be a matter of public record.

26 (B) If the agency head determines that the release of the  
27 client's name would be an unwarranted invasion of individual privacy or would  
28 give advantage to competitors for bidding, the agency head may withhold the  
29 name until appropriate.

30 (e) No member of the General Assembly shall receive any income or  
31 compensation as defined in § 21-8-401 et seq., other than income and benefits  
32 from the governmental body to which he or she is duly entitled, for lobbying  
33 other members of the General Assembly by communicating directly or soliciting  
34 others to communicate with any other member with the purpose of influencing  
35 legislative action by the General Assembly.

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