

As Engrossed: 2/28/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT III OF 1995
HOUSE BILL 1783

4 **By: Representatives Flanagin, von Gremp, Schexnayder, *Argue and Ferrell***

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 21-8-802 TO MAKE IT AN
9 UNLAWFUL CONFLICT OF INTEREST FOR MEMBERS OF THE GENERAL
10 ASSEMBLY TO RECEIVE OUTSIDE COMPENSATION TO LOBBY BEFORE
11 THE GENERAL ASSEMBLY WITH PURPOSE TO INFLUENCE LEGISLATIVE
12 ACTION; AND FOR OTHER PURPOSES."

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Subtitle

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

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23 SECTION 1. Arkansas Code § 21-8-802 is amended to read as follows:

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"21-8-802. Prohibited appearances - Exceptions.

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

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(1) State government if the legislator is a member of the General Assembly;

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(2) The legislator's county government if the legislator is a member of a quorum court; or

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(3) The legislator's municipal government if the legislator is a member of a city council or board of directors of a municipality.

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(b) This section shall not:

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

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(2) Apply to any hearing or proceeding on which a record is made

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1 by the entity of state government, county government, or municipal government;

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

3 (4) Apply to ministerial actions; or

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

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

8 (1) Filing a written statement within twenty-four (24) hours with
9 the agency head of the entity of state government, county government, or
10 municipal government before which an appearance is sought. In the event that a
11 written statement cannot be provided to the agency head prior to the meeting,
12 telephonic notice must be given the agency head or his office; or

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

15 (d) A statement filed under subsection (c) of this section shall
16 identify the client on behalf of whom the appearance is made and contain a
17 general statement of the action sought from the governmental body. The
18 statements shall be retained by the agency head and shall be a matter of
19 public record. If the agency head determines that the release of the client's
20 name would be an unwarranted invasion of individual privacy or would give
21 advantage to competitors for bidding, the agency head may withhold the name
22 until appropriate.

23 (e) No member of the General Assembly shall receive any income or
24 compensation as defined in subchapter 4 of this chapter, other than income and
25 benefits from the governmental body to which he or she is duly entitled, for
26 lobbying other members of the General Assembly by communicating directly or
27 soliciting others to communicate with any other member with the purpose of
28 influencing legislative action by the General Assembly."
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30 SECTION 2. All provisions of this act of general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 3. If any provisions of this act or the application thereof to
35 any person or circumstance is held invalid, the invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provisions or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 /s/Rep Flanagan, et al

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10 APPROVED: 4-10-95

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