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2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H2/2/17

A Bill

HOUSE BILL 1401

5 By: Representatives Gillam, M. Gray, *Eubanks, Vaught, Branscum, Rushing, Magie, Brown, Wing,*
6 *Warren*

7 By: Senator Hester
8

For An Act To Be Entitled

9
10 AN ACT TO AMEND CERTAIN ARKANSAS ETHICS LAWS;
11 AMENDING ARTICLE 19, § 30, OF THE ARKANSAS
12 CONSTITUTION UNDER THE AUTHORITY GRANTED BY ARKANSAS
13 CONSTITUTION, ARTICLE 19, § 30(D); AMENDING A PORTION
14 OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF
15 1988; TO DECLARE AN EMERGENCY; AND FOR OTHER
16 PURPOSES.
17
18

Subtitle

19
20 TO AMEND CERTAIN ARKANSAS ETHICS LAWS,
21 ARTICLE 19, § 30, OF THE ARKANSAS
22 CONSTITUTION, AND PORTIONS OF LAW
23 RESULTING FROM INITIATED ACT 1 OF 1988;
24 AND TO DECLARE AN EMERGENCY.
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26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Under the authority granted by Arkansas Constitution
30 Article 19, Section 30(d), Arkansas Constitution Article 19, Section
31 30(b)(2), concerning the definition of the term "gift", is amended to read as
32 follows:

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

36 (B) "Gift" does not include:



1 (i)(a) Informational material ~~such as~~ including
2 books, reports, pamphlets, calendars, ~~or~~ periodicals, and transportation for
3 tours or briefings informing a person elected or appointed to an office under
4 subsection (a) of this section regarding his or her official duties or
5 furthering the person's understanding of issues affecting the people of the
6 State of Arkansas.

7 (b) ~~Payments~~ Except as provided in subdivision
8 (b)(2)(A)(i)(a) of this section, payments for travel or reimbursement for any
9 expenses are not informational material;

10 (ii) Gifts that are not used and which, within
11 thirty (30) days after receipt, are returned to the donor;

12 (iii) Gifts from the spouse, child, parent,
13 grandparent, grandchild, brother, sister, parent-in-law, brother-in-law,
14 sister-in-law, nephew, niece, aunt, uncle, or first cousin of a person
15 elected or appointed to an office under subsection (a) of this section, or
16 the spouse of any of these persons, unless the person is acting as an agent
17 or intermediary for any person not covered by this subdivision

18 (b)(2)(B)(iii);

19 (iv) Anything of value that is readily available to
20 the general public at no cost;

21 (v)(a)(1) Food or drink available at a planned
22 activity to which a specific governmental body is invited, including without
23 limitation a governmental body to which a person elected or appointed to an
24 office under subsection (a) of this section is not a member.

25 (2) If a committee of the General
26 Assembly is invited to a planned activity under subdivision
27 (b)(2)(B)(v)(a)(1) of this section, only members of the committee of the
28 General Assembly may accept food or drink at the planned activity.

29 (b)(1) As used in this subdivision
30 (b)(2)(B)(v), "planned activity" means an event for which a written
31 invitation is distributed electronically or by other means by the lobbyist,
32 person acting on behalf of a lobbyist, or a person employing or contracting
33 with a lobbyist to the members of the specific governmental body at least
34 twenty-four (24) hours before the event.

35 (2) As used in this subdivision
36 (b)(2)(B)(v), "planned activity" does not include food or drink available at

1 a meeting of a specific governmental body for which the person elected or
2 appointed to an office under subsection (a) of this section is entitled to
3 receive per diem for attendance at the meeting.

4 (c) A lobbyist, a person acting on behalf of a
5 lobbyist, or a person employing or contracting with a lobbyist shall not
6 offer or pay for food or drink at more than one (1) planned activity in a
7 seven-day period;

8 (vi)(a) Payments by regional or national
9 organizations for travel to regional or national conferences at which the
10 State of Arkansas is requested to be represented by a person or persons
11 elected or appointed to an office under subsection (a) of this section.

12 (b) As used in this subdivision

13 (b)(2)(B)(vi)~~;~~

14 (1) "Regional or national conferences"

15 means events:

16 (A) Held by regional or national
17 organizations that have been in operation for at least three (3) years;

18 (B) For which a conference
19 registration fee is charged;

20 (C) For which an agenda is
21 prepared and distributed to prospective and registered conference attendees;
22 and

23 (D) Attended by constitutional
24 officers or members of the legislature from at least one (1) other state;

25 (2) "travel" "Travel" means
26 transportation, lodging, and conference registration fees.

27 ~~(c) This section does not prohibit the~~
28 ~~acceptance of:~~

29 ~~(1)(vii) Food, drink, informational materials, or~~
30 ~~other items included in the conference registration fee for a regional or~~
31 ~~national conference under this subdivision (b)(2)(B)(vi); and~~

32 ~~(2)(viii) Food, and drink, and transportation at~~
33 ~~events coordinated through the a regional or national conference under this~~
34 ~~subdivision (b)(2)(B)(vi) and provided to persons registered to attend the~~
35 ~~regional or national conference;~~

36 ~~(vii)(ix) Campaign contributions;~~

1 ~~(viii)~~(x) Any devise or inheritance;
2 ~~(ix)~~(xi) Salaries, benefits, services, fees,
3 commissions, expenses, or anything of value in connection with:

4 (a) The employment or occupation of a person
5 elected or appointed to an office under subsection (a) of this section or his
6 or her spouse so long as the salary, benefit, service, fee, commission,
7 expense, or anything of value is solely connected with the person's
8 employment or occupation and is unrelated to and does not arise from the
9 duties or responsibilities of the office to which the person has been elected
10 or appointed; or

11 (b) Service as an officer, director, or board
12 member of a corporation, a firm registered to do business in the state, or
13 other organization that files a state and federal tax return or is an
14 affiliate of an organization that files a state and federal tax return by a
15 person elected or appointed to an office under subsection (a) of this section
16 or his or her spouse so long as the salary, benefit, service, fee,
17 commission, expense, or anything of value is solely connected with the
18 person's service as an officer, director, or board member and is unrelated to
19 and does not arise from the duties or responsibilities of the office to which
20 the person has been elected or appointed; ~~and~~

21 ~~(x)~~(xii) A personalized award, plaque, or trophy
22 with a value of one hundred fifty dollars (\$150) or less;

23 (xiii)(a) International travel paid for or arranged
24 by a foreign nation which bears a relationship to the office of a person
25 elected or appointed to an office under subsection (a) and when appearing in
26 an official capacity.

27 (b) As used in subdivision (b)(2)(B)(xiii)(a)
28 of this section, "international travel" means transportation, food, and
29 lodging;

30 (xiv)(a) Domestic and international travel paid for
31 or arranged by the United States Government or an agency of the United States
32 Government which bears a relationship to the office of a person elected or
33 appointed to an office under subsection (a) and when appearing in an official
34 capacity.

35 (b) As used in subdivision (b)(2)(B)(xiv)(a)
36 of this section, "domestic and international travel" means transportation,

1 food, and lodging;

2 (xv) Nonalcoholic beverages provided for:

3 (a) Attendance at a meeting of a civil,
4 social, or cultural organization or group; or

5 (b) Participation in a bona fide panel,
6 seminar, or speaking engagement at which the audience is a civic, social, or
7 cultural organization or group; and

8 (xvi) Anything of value provided by the host of the
9 following events as part of attendance at the event:

10 (a) The official swearing-in and inaugural
11 events of constitutional officers, members of the General Assembly, and
12 justices of the Supreme Court; and

13 (b) The official recognition events of the:

14 (1) President Pro Tempore of the Senate;
15 and
16 (2) Speaker of the House of
17 Representatives.

18
19 SECTION 2. Under the authority granted by Arkansas Constitution
20 Article 19, Section 30(d), Arkansas Constitution Article 19, Section
21 30(c)(3)(A), concerning an affirmative defense to prosecution or disciplinary
22 action, is amended to read as follows:

23 (3)(A) It is an affirmative defense to prosecution or
24 disciplinary action under subdivisions (c)(1) and (2) of this section that a
25 person elected or appointed to an office under subsection (a) of this section
26 takes one (1) of the following actions within ~~thirty (30)~~ ten (10) business
27 days of discovering or learning of an unintentional violation of this
28 section:

29 (i) Returns the gift to the donor; or

30 (ii) If the gift is not returnable, pays the donor
31 consideration that is equal to or greater than the value of the gift.

32
33 SECTION 3. Arkansas Code § 21-8-402(5)(B) is amended to add an
34 additional subdivision to read as follows:

35 (xvi) Anything of value provided by the host of the
36 following events as part of attendance at the event:

1 (a) The official swearing-in and inaugural
2 events of constitutional officers, members of the General Assembly, and
3 justices of the Supreme Court; and

4 (b) The official recognition events of the:

5 (1) President Pro Tempore of the Senate;

6 and

7 (2) Speaker of the House of

8 Representatives.

9
10 SECTION 4. Arkansas Code § 21-8-701(f)(1), concerning an affirmative
11 defense to prosecution or disciplinary action and resulting from Initiated
12 Act 1 of 1988, is amended to reads as follows:

13 (f)(1) It is an affirmative defense to prosecution or disciplinary
14 action if a person required to file a statement of financial interest under
15 this subchapter amends the statement of financial interest within ~~thirty (30)~~
16 ten (10) business days of discovering or learning of an unintentional error
17 in the statement of financial interest.

18
19 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that the provisions of this act
21 impact the behavior and conduct of public servants in this state by amending
22 certain ethics laws, including laws impacting prosecution and complaints for
23 violations of certain ethics laws; and that the provisions of this act should
24 be implemented at the earliest opportunity to ensure that the conduct of
25 public servants is consistent with the ethics laws of this state and the
26 provisions of this act. Therefore, an emergency is declared to exist, and
27 this act being immediately necessary for the preservation of the public
28 peace, health, and safety shall become effective on:

29 (1) The date of its approval by the Governor;

30 (2) If the bill is neither approved nor vetoed by the Governor,
31 the expiration of the period of time during which the Governor may veto the
32 bill; or

33 (3) If the bill is vetoed by the Governor and the veto is
34 overridden, the date the last house overrides the veto.

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36 /s/Gillam