

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

# A Bill

Call Item 2  
HOUSE BILL 1001

5 By: Representative Gillam  
6 By: Senator J. Dismang  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO ARKANSAS  
10 CONSTITUTION, ARTICLE 19, § 30, TO INTEGRATE AND  
11 INCORPORATE THE PROVISIONS OF ACTS 2017, NOS. 207,  
12 312, AND 1108 INTO ARKANSAS CONSTITUTION, ARTICLE 19,  
13 § 30; TO DECLARE AN EMERGENCY; AND FOR OTHER  
14 PURPOSES.  
15

## Subtitle

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18 TO INTEGRATE AND INCORPORATE THE  
19 PROVISIONS OF ACTS 2017, NOS. 207, 312,  
20 AND 1108 INTO ARKANSAS CONSTITUTION,  
21 ARTICLE 19, § 30; AND TO DECLARE AN  
22 EMERGENCY.  
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. LEGISLATIVE INTENT. (a) The General Assembly finds that:

28 (1) Arkansas Constitution, Article 19, § 30(d) empowers the  
29 General Assembly to amend Arkansas Constitution, Article 19, § 30, so long as  
30 the amendments are germane to the section and consistent with its policy and  
31 purposes;

32 (2) Three (3) separate acts of the regular session of the  
33 Ninety-First General Assembly, Acts 2017, Nos. 207, 312, and 1108, amended  
34 Arkansas Constitution, Article 19, § 30;

35 (3) All of these acts were enacted independently of the others,  
36 and the acts do not reflect the language added by the other amendatory acts;



1           (4) Arkansas Code § 1-2-207, which addresses codification upon  
 2 the passage of multiple acts amending the same subject matter, only  
 3 references amendments to the Arkansas Code and uncodified acts and does not  
 4 address the treatment of acts amending the Arkansas Constitution;

5           (5) The applicability of Arkansas Code § 1-2-303(d)(1),  
 6 concerning nonsubstantive technical corrections to provisions of the Arkansas  
 7 Code and acts of the General Assembly made under the direction of the  
 8 Arkansas Code Revision Commission, is equally uncertain;

9           (6) It is unclear whether the Arkansas Code Revision Commission  
 10 may exercise its authority under Arkansas Code §§ 1-2-207 and 1-2-303 and  
 11 make the customary technical corrections, such as changes to numbering and  
 12 formatting, that are made by the Arkansas Code Revision Commission to acts of  
 13 the General Assembly that amend the same section of law; and

14           (7) Without technical corrections to the conflicting language,  
 15 Arkansas Constitution, Article 19, § 30, will not read coherently and will be  
 16 difficult to interpret, utilize, and cite.

17           (b) The intent of this act is to:

18           (1) Supersede certain provisions of Acts 2017, Nos. 207, 312,  
 19 and 1108 that conflict with or substantively duplicate the provisions of this  
 20 act; and

21           (2) Enact certain provisions of Acts 2017, Nos. 207, 312, and  
 22 1108 in a format that integrates and incorporates certain provisions of the  
 23 three (3) acts by restating certain provisions in a coherent, cohesive, and  
 24 comprehensive manner.

25           (c) This act does not modify or supersede:

26           (1) Any emergency clause or effective date clause of Acts 2017,  
 27 Nos. 207, 312, and 1108; or

28           (2) Sections within Acts 2017, Nos. 207, 312, and 1108 that are  
 29 not within this act.

30  
 31           SECTION 2. Under the authority granted by Arkansas Constitution  
 32 Article 19, Section 30(d), Arkansas Constitution, Article 19, Section 30(b),  
 33 concerning definitions applicable to the section, is amended to integrate the  
 34 provisions of Acts 2017, Nos. 207, 312, and 1108, to read as follows:

35           (b) As used in this section:

36           (1)(A) “Administrative action” means a decision on, or proposal,

1 consideration, or making of a rule, regulation, ratemaking proceeding, or  
 2 policy action by a governmental body.

3 (B) "Administrative action" does not include ministerial  
 4 action;

5 (2)(A) "Gift" means ~~any payment;~~

6 (i) Any payment, entertainment, advance, services  
 7 service, or anything of value, unless consideration of equal or greater value  
 8 has been given therefor; or

9 (ii) Any advance or loan.

10 (B) "Gift" does not include:

11 (i)(a) Informational material such as books,  
 12 reports, pamphlets, calendars, or periodicals informing a person elected or  
 13 appointed to an office under subsection (a) of this section regarding his or  
 14 her official duties.

15 (b) Payments for travel or reimbursement for  
 16 any expenses are not informational material;

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

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

25 (b)(2)(B)(iii);

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

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

32 (2) If a committee of the General  
 33 Assembly is invited to a planned activity under subdivision

34 (b)(2)(B)(v)(a)(1) of this section, only members of the committee of the  
 35 General Assembly may accept food or drink at the planned activity.

36 (b)(1) As used in this subdivision

1 (b)(2)(B)(v), “planned activity” means an event for which a written  
 2 invitation is distributed electronically or by other means by the lobbyist,  
 3 person acting on behalf of a lobbyist, or a person employing or contracting  
 4 with a lobbyist to the members of the specific governmental body at least  
 5 twenty-four (24) hours before the event.

6 (2) As used in this subdivision  
 7 (b)(2)(B)(v), “planned activity” does not include food or drink available at  
 8 a meeting of a specific governmental body for which the person elected or  
 9 appointed to an office under subsection (a) of this section is entitled to  
 10 receive per diem for attendance at the meeting.

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

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

19 (b) As used in this subdivision (b)(2)(B)(vi),  
 20 “travel” means transportation, lodging, and conference registration fees.

21 (c) This section does not prohibit the  
 22 acceptance of:

23 (1) Food, drink, informational  
 24 materials, or other items included in the conference registration fee; and

25 (2) Food and drink at events coordinated  
 26 through the regional or national conference and provided to persons  
 27 registered to attend the regional or national conference;

28 (vii) Campaign contributions;

29 (viii) Any devise or inheritance;

30 (ix) Salaries, benefits, services, fees,  
 31 commissions, expenses, or anything of value in connection with:

32 (a) The employment or occupation of a person  
 33 elected or appointed to an office under subsection (a) of this section or his  
 34 or her spouse so long as the salary, benefit, service, fee, commission,  
 35 expense, or anything of value is solely connected with the person’s  
 36 employment or occupation and is unrelated to and does not arise from the

1 duties or responsibilities of the office to which the person has been elected  
 2 or appointed; or

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

13 (x) A personalized award, plaque, or trophy with a  
 14 value of one hundred fifty dollars (\$150) or less;

15 (xi)(a) The use of one (1) or more rooms or  
 16 facilities owned, operated, or otherwise utilized by a state agency or  
 17 political subdivision of the state for the purpose of conducting a meeting of  
 18 a specific governmental body.

19 (b) As used in this subdivision (b)(2)(B)(xi):

20 (1) "Rooms or facilities" includes  
 21 without limitation property belonging to a state agency or political  
 22 subdivision used in connection with a meeting of a specific governmental body  
 23 such as projectors, microphones, and computer equipment; and

24 (2) "State agency" means every  
 25 department, division, office, board, commission, and institution of this  
 26 state, including state-supported institutions of higher education;

27 (xii) Nonalcoholic beverages provided to attendees  
 28 at a meeting of a civic, social, or cultural organization or group;

29 (xiii) Food and nonalcoholic beverages provided to  
 30 participants in a bona fide panel, seminar, or speaking engagement at which  
 31 the audience is a civic, social, or cultural organization or group; and

32 (xiv) Anything of value provided by a recognized  
 33 political party when serving as the host of the following events to all  
 34 attendees as part of attendance at the event:

35 (a) The official swearing-in, inaugural, and  
 36 recognition events of constitutional officers and members of the General

1 Assembly; and

2 (b) An official event of a recognized  
 3 political party so long as all members of either house of the General  
 4 Assembly affiliated with the recognized political party are invited to the  
 5 official event;

6 (3) "Governmental body" or "governmental bodies" means an  
 7 office, department, commission, council, board, committee, legislative body,  
 8 agency, or other establishment of the executive, judicial, or legislative  
 9 branch of the state, municipality, county, school district, improvement  
 10 district, or any political district or subdivision thereof;

11 (4)(A) "Income" means any money or anything of value received or  
 12 to be received as a claim for future services, whether in the form of a  
 13 retainer, fee, salary, expense, allowance, forbearance, forgiveness,  
 14 interest, dividend, royalty, rent, or any other form of recompense or any  
 15 combination thereof.

16 (B) "Income" includes a payment made under obligation for  
 17 services or other value received;

18 (5) "Legislative action" means introduction, sponsorship,  
 19 consideration, debate, amendment, passage, defeat, approval, veto, or any  
 20 other official action or nonaction on any bill, ordinance, law, resolution,  
 21 amendment, nomination, appointment, report, or other matter pending or  
 22 proposed before a committee or house of the General Assembly, a quorum court,  
 23 or a city council or board of directors of a municipality;

24 (6) "Legislator" means a person who is a member of the General  
 25 Assembly, a quorum court of a county, or the city council or board of  
 26 directors of a municipality;

27 (7) "Lobbying" means communicating directly or soliciting others  
 28 to communicate with a public servant with the purpose of influencing  
 29 legislative action or administrative action;

30 (8)(A) "Lobbyist" means a person who:

31 ~~(A)(i)~~ Receives income or reimbursement in a combined  
 32 amount of four hundred dollars (\$400) or more in a calendar quarter for  
 33 lobbying one (1) or more governmental bodies;

34 ~~(B)(ii)~~ Expends four hundred dollars (\$400) or more in a  
 35 calendar quarter for lobbying one (1) or more governmental bodies, excluding  
 36 the cost of personal travel, lodging, meals, or dues; or

1                   ~~(C)(iii)~~ Expends four hundred dollars (\$400) or more in a  
2 calendar quarter, including postage, for the express purpose of soliciting  
3 others to communicate with a public servant to influence any legislative  
4 action or administrative action of one (1) or more governmental bodies unless  
5 the communication has been filed with the Secretary of State or the  
6 communication has been published in the news media. If the communication is  
7 filed with the Secretary of State, the filing shall include the approximate  
8 number of recipients.

9                   (B) "Lobbyist" does not include a recognized political  
10 party;

11                   (9)(A) "Person" means a business, individual, union,  
12 association, firm, committee, club, or other organization or group of  
13 persons.

14                   (B) As used in subdivision (b)(9)(A) of this section,  
15 "business" includes without limitation a corporation, partnership, sole  
16 proprietorship, firm, enterprise, franchise, association, organization, self-  
17 employed individual, receivership, trust, or any legal entity through which  
18 business is conducted;

19                   (10)(A) "Public appointee" means an individual who is appointed  
20 to a governmental body.

21                   (B) "Public appointee" does not include an individual  
22 appointed to an elective office;

23                   (11)(A) "Public employee" means an individual who is employed by  
24 a governmental body or who is appointed to serve a governmental body.

25                   (B) "Public employee" does not include a public official  
26 or a public appointee;

27                   (12) "Public official" means a legislator or any other person  
28 holding an elective office of any governmental body, whether elected or  
29 appointed to the office, and shall include such persons during the time  
30 period between the date they were elected and the date they took office; ~~and~~

31                   (13) "Public servant" means all public officials, public  
32 employees, and public appointees;

33                   (14)(A) "Recognized political party" means a political party  
34 that:

35                   (i) At the last preceding general election polled  
36 for its candidate for Governor in the state or nominees for presidential

1 electors at least three percent (3%) of the entire vote cast for the office;  
 2 or

3 (ii) Has been formed by the petition process under §  
 4 7-7-205.

5 (B) When a recognized political party fails to obtain  
 6 three percent (3%) of the total votes cast in an election for the office of  
 7 Governor or nominees for presidential electors, it shall cease to be a  
 8 recognized political party; and

9 (15)(A) "Advance or loan" means a sum of money that is borrowed  
 10 with the expectation that it be paid back, regardless of whether interest is  
 11 charged.

12 (B) "Advance or loan" does not include an advance or loan  
 13 made in the ordinary course of business by a:

14 (i) Financial institution; or

15 (ii) Business that regularly and customarily extends  
 16 credit.

17  
 18 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
 19 General Assembly of the State of Arkansas that this act is intended to avoid  
 20 difficulties in interpreting, utilizing, and citing Arkansas Constitution,  
 21 Article 19, § 30, created by the passage of Acts 2017, Nos. 207, 312, and  
 22 1108; that this act enacts certain provisions of those acts in a format that  
 23 integrates and incorporates them by restating certain provisions of the three  
 24 (3) acts in a coherent, cohesive, and comprehensive manner; and that to avoid  
 25 confusion in the law, this act should be effective on the same date as Acts  
 26 2017, Nos. 207 and 1108. Therefore, an emergency is declared to exist, and  
 27 this act being necessary for the preservation of the public peace, health,  
 28 and safety shall become effective on July 31, 2017.