

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas

As Engrossed: S3/18/99, S3/19/99, S4/6/99

2 82nd General Assembly

A Bill

3 Regular Session, 1999

SENATE BILL 824

4

5 By: Senators Webb, Riggs, Bisbee, Walters, DeLay, Wooldridge, Roebuck

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For An Act To Be Entitled

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"AN ACT TO REVISE THE CODE OF ETHICS FOR MEMBERS OF
10 THE GENERAL ASSEMBLY AND STAFF AND TO ESTABLISH
11 CERTAIN GUIDELINES FOR LOBBYISTS; AND FOR OTHER
12 PURPOSES. "

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Subtitle

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"TO REVISE THE CODE OF ETHICS FOR MEMBERS
16 OF THE GENERAL ASSEMBLY AND STAFF AND TO
17 ESTABLISH CERTAIN GUIDELINES FOR
18 LOBBYISTS. "

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

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23

SECTION 1. Arkansas Code 21-8-402 is amended to read as follows:

24

"21-8-402. Definitions.

25

As used in subchapters 4, ~~5 [repealed]~~, and 6-8 of this chapter, unless the
26 context otherwise requires:

27

(1)(A) 'Administrative action' means any decision on, or proposal,
28 consideration, or making of any rule, regulation, ratemaking proceeding, or
29 policy action by a governmental body.

30

(B) 'Administrative action' does not include ministerial action;

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(2) 'Business' means any corporation, partnership, sole proprietorship,
32 firm, enterprise, franchise, association, organization, self-employed
33 individual, receivership, trust, or any legal entity through which business is
34 conducted;

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(3) 'County government' means any office, department, commission,
36 council, board, bureau, committee, legislative body, agency, or other

1 establishment of a county;

2 (4) 'Family' means an individual's spouse, children of that individual
3 or his or her spouse, or brothers, sisters, or parents of the individual or
4 his or her spouse individual who is a spouse, natural or adopted child,
5 parent, brother, sister, brother-in-law, sister-in-law, mother-in-law, father-
6 in-law, son-in-law, or daughter-in-law;

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

10 (B) ~~The term 'gift' does not include:~~

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

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

16 (ii) ~~The giving or receiving of food, lodging, or travel~~
17 ~~which bears a relationship to the public servant's office and when appearing~~
18 ~~in an official capacity;~~

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

21 (iv) ~~Gifts from an individual's spouse, child, parent,~~
22 ~~grandparent, grandchild, brother, sister, parent-in-law, brother-in-law,~~
23 ~~sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of~~
24 ~~any of these persons, unless the person is acting as an agent or intermediary~~
25 ~~for any person not covered by this paragraph;~~

26 (v) ~~Campaign contributions;~~

27 (vi) ~~Any devise or inheritance;~~

28 (vii) ~~Anything with a value of less than one hundred~~
29 ~~dollars (\$100);~~

30 (6) (5) 'Governmental body' means any office, department, commission,
31 council, board, committee, legislative body, agency, or other establishment of
32 the executive, judicial, or legislative branch of the state, municipality,
33 county, school district, improvement district, or any political district or
34 subdivision thereof;

35 (7)(6) 'Income' or 'compensation' means any money or anything of value
36 received, or to be received as a claim for future services, whether in the

1 form of a retainer, fee, salary, expense, allowance, forbearance, forgiveness,
2 interest, dividend, royalty, rent, or any other form of recompense or any
3 combination thereof;

4 ~~(8)~~(7) 'Legislative action' means introduction, sponsorship,
5 consideration, debate, amendment, passage, defeat, approval, veto, or any
6 other official action or non action on any bill, ordinance, law, resolution,
7 amendment, nomination, appointment, report, or other matter pending or
8 proposed before a committee or house of the General Assembly, a quorum court,
9 or a city council or board of directors of a municipality;

10 ~~(9)~~(8) 'Legislator' means any person who is a member of the General
11 Assembly, a quorum court of any county, or the city council or board of
12 directors of any municipality;

13 (10) 'Lobbying' means communicating directly or soliciting others to
14 communicate with any public servant with the purpose of influencing
15 legislative action or administrative action;

16 (11) 'Lobbyist' means a person who:

17 (A) Receives income or reimbursement in a combined amount of two
18 hundred fifty dollars (\$250) or more in a calendar quarter for lobbying one
19 (1) or more governmental bodies; or

20 (B) Expends two hundred fifty dollars (\$250) or more in a
21 calendar quarter for lobbying one (1) or more governmental bodies, excluding
22 the cost of personal travel, lodging, meals, or dues; or

23 (C) Expends two hundred fifty dollars (\$250) or more in a
24 calendar quarter, including postage, for the express purpose of soliciting
25 others to communicate with any public servant to influence any legislative
26 action or administrative action of one (1) or more governmental bodies unless
27 the communication has been filed with the Secretary of State or the
28 communication has been published in the news media. If the communication is
29 filed with the Secretary of State, the filing shall include the approximate
30 number of recipients; or

31 (D) An individual who receives no compensation to engage in
32 lobbying and who does not make expenditures or incur obligations for lobbying
33 to a single member of the General Assembly in an amount to exceed one hundred
34 and twenty dollars (\$120) or in an aggregate amount in excess of five hundred
35 dollars (\$500) in a calendar year;

36 ~~(12)~~(9) 'Municipal government' means any office, department,

1 commission, council, board, bureau, committee, legislative body, agency, or
2 other establishment of a municipality;

3 ~~(13)~~(10) 'Person' means a business, individual, corporation, union,
4 association, firm, partnership, committee, club, or other organization or
5 group of persons;

6 ~~(14)~~(11)(A) 'Public appointee' means an individual who is appointed to
7 a governmental body--;

8 (B) 'Public appointee' shall not include an individual appointed
9 to an elective office;

10 ~~(15)~~ (12)(A) 'Public employee' means an individual who is employed by a
11 governmental body or who is appointed to serve a governmental body--;

12 (B) 'Public employee' shall not include public officials or
13 public appointees;

14 ~~(16)~~(13) 'Public official' means a legislator or any other person
15 holding an elective office of any governmental body, whether elected or
16 appointed to the office;

17 ~~(17)~~(14) 'Public servant' means all public officials, public employees,
18 and public appointees;

19 ~~(18)~~(15) 'Registered lobbyist' means a lobbyist registered pursuant to
20 the provisions of subchapters 4, 5 ~~[repealed]~~, and 6-8 of this chapter; and

21 ~~(19)~~(16) 'State government' means any office, department, commission,
22 council, board, bureau, committee, legislative body, agency, or other
23 establishment of the State of Arkansas--;

24 (17)(A) 'Anything of value' or 'thing of value' means:

25 (i) A pecuniary item, including money, a bank bill, or a
26 bank note;

27 (ii) A promissory note, bill of exchange, an order, a
28 draft, warrant, check, or bond given for the payment of money;

29 (iii) A contract, agreement, promise, or other obligation
30 for an advance, a conveyance, forgiveness of indebtedness, deposit,
31 distribution, loan, payment, gift, pledge, or transfer of money;

32 (iv) A stock, bond, note, or other investment interest in
33 an entity;

34 (v) A receipt given for the payment of money or other
35 property;

36 (vi) A chose-in-action;

1 (vii) A gift, tangible good, chattel, or an interest in a
2 gift, tangible good, or chattel;

3 (viii) A loan or forgiveness of indebtedness;

4 (ix) A work of art, an antique, or a collectible;

5 (x) An automobile or other means of personal
6 transportation;

7 (xi) Real property or an interest in real property,
8 including title to realty, a fee simple or partial interest in realty
9 including present, future, contingent, or vested interests in realty, a
10 leasehold interest, or other beneficial interest in realty;

11 (xii) An honorarium or compensation for services;

12 (xiii) A promise or offer of employment; and

13 (xiv) Any other item that is of pecuniary or compensatory
14 worth to a person.

15 (B) 'Anything of value' or 'thing of value' does not mean:

16 (i) Printed informational or promotional material, not to
17 exceed ten dollars (\$10) in monetary value;

18 (ii) Items of nominal value, not to exceed ten dollars
19 (\$10), containing or displaying promotional material;

20 (iii) A personalized plaque or trophy with a value that
21 does not exceed one hundred fifty dollars (\$150);

22 (iv) Educational material of a nominal value directly
23 related to the public official's, public member's, or public employee's
24 official responsibilities;

25 (v) An honorary degree bestowed upon a public official,
26 public member, or public employee from a public or private university or
27 college;

28 (vi) Promotional or marketing items offered to the general
29 public on the same terms and conditions without regard to status as a public
30 official or public employee;

31 (vii) A campaign contribution properly received and
32 reported;

33 (viii) Food or beverages provided in return for
34 participation in a panel, seminar or speaking engagement; or

35 (ix) Tickets to high school or collegiate sporting events
36 in the state if the tickets have been offered to all members of the General

1 Assembly.

2 (18) 'Expenditure' means a purchase, payment, loan, forgiveness of a
3 loan, an advance, in-kind contribution or expenditure, a deposit, transfer of
4 funds, gift of money or anything of value for any purpose, and a payment to a
5 lobbyist for compensation, for expenses, or lobbying, including the direct
6 payment of expenses incurred at the request or suggestion of a lobbyist;

7 (19) 'Financial Interest' means any relationship to a business in which
8 a member of the General Assembly or a member of his or her family is an
9 officer, director or owns more than a ten percent (10%) interest.

10 (20) 'Lobbyist's principal' means the person on whose behalf and for
11 whose benefit the lobbyist engages in lobbying and who directly employs,
12 appoints, or retains a lobbyist to engage in lobbying. However, a lobbyist's
13 principal does not include a person who belongs to an association or
14 organization that employs a lobbyist, nor an employee, officer, or shareholder
15 of a person who employs a lobbyist. If a membership association or
16 organization is a lobbyist's principal, the association or organization shall
17 register and report under the provisions of this chapter. A person is
18 considered a lobbyist's principal only as to the public office or public body
19 to which he has authorized, pursuant to this chapter, a lobbyist to engage in
20 lobbying;

21 (21) 'Public body' means the General Assembly, any department of the
22 State, or any state board, commission, agency, or authority, including
23 committees of any such body, by whatever name known;

24 (22) 'Voluntary membership organization' means an organization composed
25 of persons who are members thereof on a voluntary basis and who, as a
26 condition of membership, are required to make regular payments to the
27 organization; and

28 (23) 'Official capacity' means activities which:

29 (A) Arise because of the position held by the public official or
30 public employee;

31 (B) Involve matters which fall within the official responsibility
32 of the agency, the public official, or the public employee; and

33 (C) Are services the agency would normally provide and for which
34 the public official or public employee would be subject to expense
35 reimbursement by the agency with which the public official or public employee
36 is associated."

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SECTION 2. Arkansas Code 21-8-604(b) is amended to read as follows:

"(b) The reports shall contain:

(1)(A) The total of all expenditures made or incurred by the registered lobbyist or on behalf of the registered lobbyist by his or her employer during the preceding period.

(B) These totals shall be itemized according to financial category and employers and clients, including food and refreshments, entertainment, living accommodations, advertising, printing, postage, travel, telephone, and other expenses or services.

(C) Registered lobbyists shall not be required to report office expenses other than office expenses specifically required to be reported under this section.

(D) Registered lobbyists are not required to report unreimbursed personal living and travel expenses not incurred directly for lobbying;

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

(i) ~~Gift~~Thing of value given to a public servant or on behalf of the public servant; and

(ii) Payment for food, lodging, or travel; ~~in excess of twenty-five dollars (\$25.00) on behalf of a public servant; and~~

~~(iii) Any other item paid or given to a public servant or on behalf of the public servant, except for campaign contributions, having a value in excess of twenty-five dollars (\$25.00) unless consideration of equal or greater value has been given therefor.~~

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

~~(C) In the case of special events, including parties, dinners, athletic events, entertainment, and other functions, expenses need not be allocated by individuals, but the date of the event, location, name of the governmental body or groups of public servants invited, and total expense shall be stated;~~

(3) ~~A detailed statement of any money loaned or promised or line of credit established to a public servant or to anyone on behalf of the public servant in excess of twenty-five dollars (\$25.00) per individual. Money loaned~~

1 or a line of credit established that is issued in the ordinary course of
2 business by a financial institution or a person who regularly and customarily
3 extends credit shall not be required to be disclosed; and

4 (4) A statement detailing the direct business association or
5 partnership with any public servant before whom the lobbyist may engage in
6 lobbying."

7
8 SECTION 3. Arkansas Code 21-8-607 is amended to read as follows:

9 "21-8-607. Prohibited acts.

10 (a) No person shall purposely employ any lobbyist who is required to
11 register as a registered lobbyist but is not registered pursuant to this
12 chapter.

13 (b) No person engaging in lobbying shall:

14 (1) Influence or attempt to influence, by coercion, bribery, or
15 threat of economic sanction, any public servant in the discharge of the duties
16 of his or her office;

17 (2) Purposely provide false information to any public servant as
18 to any material fact pertaining to any legislative or administrative action;

19 (3) Purposely omit, conceal, or falsify in any manner information
20 required by the registration and lobbyist activity reports.

21 (c) A lobbyist or a person acting on behalf of a lobbyist shall not
22 offer, solicit, facilitate, or provide to or on behalf of any member of the
23 General Assembly, executive branch, or any employee of either agency any of
24 the following:

25 (1) Lodging;

26 (2) Transportation;

27 (3) Entertainment;

28 (4) Food, meals, beverages, money; or

29 (5) Any other thing of value.

30 (d) Subsection (c) of this section does not apply to the furnishing of
31 lodging, transportation, entertainment, food, meals, beverages, or any other
32 thing of value which also is furnished on the same terms or at the same
33 expense to a member of the general public without regard to status as a member
34 of the General Assembly or public employee.

35 (e) Except as otherwise provided under subsection (d) of this section,
36 no lobbyist or lobbyist's principal may offer, solicit, facilitate, or provide

1 to a member of the General Assembly or employee of a legislative agency
2 lodging, transportation, entertainment, food, meals, beverages, any other
3 thing of value, or an invitation to a function paid for by a lobbyist's
4 principal, except for:

5 (1) Employees of a legislative agency may receive food, meal, or
6 beverages if all employees of that legislative agency are invited to receive
7 the food, meal or beverages; and

8 (2) Members of the General Assembly, a function to which a
9 member of the General Assembly is invited if the entire membership of the
10 House, the Senate, or the General Assembly is invited, or one of the
11 committees of the General Assembly of which the legislator is a member is
12 invited. However, the Speaker of the House and President Pro Tempore of the
13 Senate may be included in an invitation to one (1) of the above groups.

14 (f) No lobbyist, lobbyist's principal, or person acting on behalf of a
15 lobbyist or lobbyist's principal may jointly or cumulatively provide to a
16 member of the General Assembly pursuant to subsection (e) the value of
17 lodging, transportation, entertainment, food, meals, beverages, or any other
18 thing of value.

19 (g) The provisions of this section do not apply to a member of the
20 General Assembly or employee of a legislative agency who pays for his lodging,
21 transportation, entertainment, meals, food, beverages, or any other thing of
22 value at a function to which he has been invited by a lobbyist's principal or
23 to a member of the General Assembly or employee of a legislative agency who
24 pays the face value of a ticket to attend a ticketed event sponsored by a
25 lobbyist's principal when the ticketed event is open to the general public.

26 (h) Notwithstanding any other provisions of this section, a member of
27 the General Assembly or employee of a legislative agency may accept lodging,
28 transportation, entertainment, food, meals, beverages, any other thing of
29 value, or an invitation to a function paid for by a lobbyist's principal if it
30 is provided to the member of the General Assembly or employee of a legislative
31 agency solely on the basis that the spouse of the member of the General
32 Assembly or employee of a legislative agency is an official or employee of the
33 providing lobbyist's principal and the spouse's receipt of the lodging,
34 transportation, entertainment, food, meals, beverages, any other thing of
35 value, or invitation is purely incidental to the spouse's office or employment
36 with the lobbyist's principal and the member of the General Assembly or

1 employee of a legislative agency is receiving it only as the spouse of an
2 official or employee of the providing lobbyist's principal.

3 (i) A lobbyist or lobbyist's principal may not solicit or accept
4 compensation dependent in any manner upon the passage or defeat of any pending
5 or proposed legislation, covered agency actions, or covered gubernatorial
6 actions. A lobbyist's principal may not employ, appoint, or retain a lobbyist
7 for compensation dependent in any manner upon the passage or defeat of any
8 pending or proposed legislation, covered agency actions, or covered
9 gubernatorial actions.

10 (j) A lobbyist or lobbyist's principal may not cause the introduction
11 of legislation, covered agency actions, or covered gubernatorial actions for
12 the purpose of obtaining employment to engage in lobbying in support of or in
13 opposition to the action.

14 (k) A lobbyist or lobbyist's principal may not serve as a member of a
15 state board or state commission, except that any lobbyist serving as a member
16 of a state board or a state commission before January 1, 2000, may continue to
17 serve as a member of the same state board or state commission until the end of
18 his current term.

19 (l) A lobbyist, a lobbyist's principal, or a person acting on behalf of
20 a lobbyist or a lobbyist's principal may not host events to raise funds for
21 members of the General Assembly. No public official may solicit a lobbyist, a
22 lobbyist's principal, or a person acting on behalf of a lobbyist or a
23 lobbyist's principal to host a fundraising event for the member of the General
24 Assembly.

25 (m) A lobbyist, a lobbyist's principal, or a person acting on behalf of
26 a lobbyist or a lobbyist's principal may not offer, facilitate, or provide a
27 loan to or on behalf of a member of the General Assembly unless the lobbyist's
28 principal is a financial institution authorized to transact business in the
29 State and makes the loan in the ordinary course of business.

30 ~~(e)-(n)~~ (1) Any person convicted for violation of any provision of this
31 subchapter is prohibited from acting as a registered lobbyist for a period of
32 three (3) years from the date of the conviction.

33 (2) Any person violating this three-year ban shall be deemed
34 guilty of a violation of ~~this chapter~~ 21-8-403(a)(2)(B) and shall be
35 permanently banned from being a registered lobbyist in Arkansas."

36

1 SECTION 4. Arkansas Code 21-8-801 is amended to read as follows:

2 "21-8-801. Prohibited acts generally.

3 (a)(1) No public servant member of the General Assembly or employee of
 4 a legislative agency shall solicit or receive from a lobbyist, lobbyist's
 5 principal or a person acting on behalf of a lobbyist or a lobbyist's
 6 principal, other than income and benefits from the governmental body to which
 7 he or she is entitled, for the performance of the duties and responsibilities
 8 of his or her office or position any of the following:

9 (A) Lodging;

10 (B) Transportation;

11 (C) Entertainment;

12 (D) Food, meals, beverages, money; or

13 (E) Any other thing of value;

14 (1)-(2) No other public servant shall Receive receive a gift
 15 anything of value or compensation as defined in subchapter 4 of this chapter,
 16 other than income and benefits from the governmental body to which he or she
 17 is duly entitled, for the performance of the duties and responsibilities of
 18 his or her office or position;

19 (2)(b) No public servant shall Purposely purposely use or
 20 disclose to any other person or entity confidential government information
 21 acquired by him or her in the course of and by reason of the public servant's
 22 official duties, to secure anything of material value or benefit for himself
 23 or herself or his or her family.

24 (c) Subsection (a) of this section does not apply to the furnishing of
 25 lodging, transportation, entertainment, food, meals, beverages, any other
 26 thing of value, or any other thing of value which also is furnished on the
 27 same terms or at the same expense to a member of the general public without
 28 regard to status as a member of the General Assembly or employee of a
 29 legislative agency.

30 (d) Except as otherwise provided under subsection (c) of this section,
 31 no member of the General Assembly or employee of a legislative agency may
 32 accept lodging, transportation, entertainment, food, meals, beverages, any
 33 other thing of value, or an invitation to a function paid for by a lobbyist's
 34 principal, except for:

35 (1) Employees of a legislative agency may receive food, meal, or
 36 beverages if all employees of that legislative agency are invited to receive

1 the food, meal or beverages; and

2 (2) Members of the General Assembly, a function to which a
3 member of the General Assembly is invited if the entire membership of the
4 House, the Senate, or the General Assembly is invited, or one of the
5 committees of the General Assembly of which the legislator is a member is
6 invited. However, the Speaker of the House and President Pro Tempore of the
7 Senate may be included in an invitation to one (1) of the above groups.

8 (e) Any public official who is required to file a statement of
9 financial interests and who accepts lodging, transportation, entertainment,
10 food, meals, beverages, or any other thing of value under subsection (d) shall
11 report on his statement of financial interests the things of value received.

12 (f) The provisions of this section do not apply to a member of the
13 General Assembly or employee of a legislative agency who pays for his lodging,
14 transportation, entertainment, meals, food, beverages, or any other thing of
15 value at a function to which he has been invited by a lobbyist's principal or
16 to a member of the General Assembly or employee of a legislative agency who
17 pays the face value of a ticket to attend a ticketed event sponsored by a
18 lobbyist's principal when the ticketed event is open to the general public.

19 (g) Notwithstanding any other provisions of this section, a member of
20 the General Assembly or employee of a legislative agency may accept lodging,
21 transportation, entertainment, food, meals, beverages, any other thing of
22 value, or an invitation to a function paid for by a lobbyist's principal if it
23 is provided to the member of the General Assembly or employee of a legislative
24 agency solely on the basis that the spouse of the member of the General
25 Assembly or employee of a legislative agency is an official or employee of the
26 providing lobbyist's principal and the spouse's receipt of the lodging,
27 transportation, entertainment, food, meals, beverages, any other thing of
28 value, or invitation is purely incidental to the spouse's office or employment
29 with the lobbyist's principal and the member of the General Assembly or
30 employee of a legislative agency is receiving it only as the spouse of an
31 official or employee of the providing lobbyist's principal."

32 (h)(1) No member of the General Assembly shall participate in the
33 discussion of a question in committee, or on the floor of the Senate or House,
34 or vote in committee or on the floor of the Senate or House on any matter in
35 which the member of the General Assembly knows:

36 (A) He or she, or any member of his or her family, or a business

1 in which the member of the General Assembly has a financial interest, will
 2 derive a benefit as a result of legislative action. This prohibition does not
 3 apply when the matter provides a benefit to the member of the General
 4 Assembly, his or her family, or business associate, as a member of a business,
 5 profession, occupation or other group, that is no greater than the benefit
 6 which accrues generally to other members of like business, profession,
 7 occupation, or other group. The member of the General Assembly shall have his
 8 or her abstention noted of record.

9 (B) Will specifically relate to a business which employs the
 10 member of the General Assembly or in which he or she receives compensation as
 11 an attorney or consultant. The member of the General Assembly shall have his
 12 or her abstention noted of record.

13 (2) However, a member of the General Assembly may participate and vote
 14 on any matter pending before a committee or on the floor of the Senate or
 15 House if the member of the General Assembly has disclosed any compensation or
 16 financial interest he or she may have regarding the matter. Disclosure shall
 17 be made when a member of the General Assembly enters a written statement upon
 18 the Senate or House Journal, or with the staff of the appropriate interim
 19 committee detailing the source of compensation and/or the financial interest
 20 held.

21
 22 SECTION 5. Arkansas Code 10-3-311 is amended to read as follows:

23 "10-3-311. Gifts and donations.

24 The Arkansas Legislative Council is authorized to accept gifts, grants,
 25 contributions, and donations from the federal government or from private
 26 persons, associations, or corporations for use in making studies and in
 27 performing the functions and duties of the Legislative Council as prescribed
 28 by law and in accordance with 21-8-801."

29
 30 SECTION 6. Arkansas Code 7-6-217(c)(1) is amended to read as follows:

31 "(c)(1) No member of the commission shall be a federal, state, or local
 32 government official or employee, an elected public official, a candidate for
 33 public office, a lobbyist as defined in § 21-8-402~~(11)~~(22), or an officer or
 34 paid employee of an organized political party as defined in § 7-1-101(1)."

35
 36 SECTION 7. A member of the General Assembly shall not serve as a

1 Lobbyist during the time the official holds office and for one (1) year after
 2 such public service ends.

3 (b) The provisions of this section shall not apply to those persons
 4 registered as a lobbyist on January 15, 1999 with the Secretary of State.

5
 6 SECTION 8. Arkansas Code 21-8-403 is amended to read as follows:

7 "21-8-403. Penalty.

8 (a)(1) Any person public servant who violates any provision of
 9 subchapters 4, 5 [repealed], and 6-8 of this chapter shall be deemed guilty of
 10 a Class A misdemeanor.

11 (2)(A) Any lobbyist who violates any provision of subchapters 4
 12 and 6-8 of this chapter shall be deemed guilty of a Class A misdemeanor.

13 (B) Any lobbyist violating the three (3) year ban under 21-
 14 8-607(p) shall be deemed guilty of a Class D felony.

15 (3) Any other person who violates any provision of subchapters 4
 16 and 6-8 of this chapter shall be guilty of a Class A misdemeanor.

17 (b) The culpable mental state required shall be a purposeful
 18 violation."

19
 20 SECTION 9. The Arkansas Ethics Commission is hereby authorized to
 21 investigate any complaints or allegations of violations of these provisions
 22 and to make findings thereon. In the investigation of such matters, the
 23 Commission is specifically given all authority and powers as granted to it
 24 under the provisions of Arkansas Code 7-6-217 and 7-6-218.

25
 26 SECTION 10. Arkansas Code 21-8-701(d) is amended to read as follows:

27 "(d) The statement of financial interest shall include the following:

28 (1) The name of the public servant and his or her spouse and all
 29 names under which they do business;

30 (2) The reasons for filing the statement of financial interest;

31 ~~(2)~~ (3)(A) Identification of each employer and of each other
 32 source of income amounting to more than one thousand dollars (\$1,000) annually
 33 received by the person or his or her spouse in their own names, or by any
 34 other person for the use or benefit of the public servant or his or her
 35 spouse, and a brief description of the nature of the services for which the
 36 compensation was received, except that this subdivision (d)(2) shall not be

1 construed to require the disclosure of individual items of income that
2 constitute a portion of the gross income of the business or profession from
3 which the public servant or his or her spouse derives income; and

4 (B) In addition thereto, identification of each source of
5 income as described above of more than twelve thousand five hundred dollars
6 (\$12,500), except that this shall not be construed to require the disclosure
7 of individual items of income that constitute a portion of the gross income of
8 the business or profession from which the public servant or his or her spouse
9 derives income;

10 ~~(3)~~ (4)(A) The name of every business in which the public servant
11 and his or her spouse, or any other person for the use or benefit of the
12 public servant or his or her spouse, have an investment or holdings of over
13 one thousand dollars (\$1,000) at fair market value as of the date last day of
14 the statement previous calendar year; and

15 (B) In addition thereto, identification of each source as
16 described above which has a fair market value of over twelve thousand five
17 hundred dollars (\$12,500) ~~on the date of the statement~~ as of the last day of
18 the previous calendar year;

19 ~~(4)~~ (5) Every office or directorship held by the public servant
20 or his or her spouse, in any business, corporation, firm, or enterprise
21 subject to jurisdiction of a regulatory agency of this state, or of any of its
22 political subdivisions;

23 ~~(5)~~ (6)(A) The name and address of each creditor to whom the
24 value of five thousand dollars (\$5,000) or more was personally owed or
25 personally obligated and is still outstanding by the public servant.

26 (B)(i) Loans made in the ordinary course of business by
27 either a financial institution or a person who regularly and customarily
28 extends credit shall not be required to be disclosed.

29 (ii) Debts owed to the members of the public
30 servant's family need not be included;

31 ~~(6)~~ (7)(A) The name and address of each guarantor or co-maker,
32 other than a member of the public servant's family, who has guaranteed a debt
33 of the public servant that is still outstanding.

34 (B)(i) This requirement shall be applicable only to debt
35 guaranties for debts assumed or arising after January 1, 1989.

36 (ii) Guaranteed debts existing prior to January 1,

1 1989, which are extended or refinanced shall become subject to disclosure in
2 the annual financing statement due to be filed after the conclusion of the
3 year in which such extension or refinancing occurred;

4 ~~(7) The source, date, and description of each gift of more than~~
5 ~~one hundred dollars (\$100) received by the public servant or his or her~~
6 ~~spouse;~~

7 (8) Each nongovernmental source of payment of the public
8 servant's expenses for food, lodging, or travel which bears a relationship to
9 the public servant's office when the public servant is appearing in his or her
10 official capacity when the expenses incurred exceed one hundred fifty dollars
11 (\$150). The public servant shall identify the name and business address of the
12 person or organization paying the public servant's expenses and the date and
13 nature of that expenditure if not compensated by the entity for which the
14 public servant serves;

15 (9) Any public servant who is employed by any business which is
16 under direct regulation or subject to direct control by the governmental body
17 which he serves shall set out such employment and the fact that the business
18 is regulated by or subject to control of the governmental body on the
19 statement of financial interest; and

20 (10) If a public servant or any business in which he or she or his
21 or her spouse is an officer, director, stockholder owning more than ten
22 percent (10%) of the stock of the company, owner, trustee, or partner shall
23 sell any goods or services having a total annual value in excess of one
24 thousand dollars (\$1,000) to the governmental body in which the public servant
25 serves or is employed, then the public servant shall set out in detail the
26 goods or services sold, the governmental body to which they were sold, and the
27 compensation paid for each category of goods or services sold."

28
29 SECTION 11. All provisions of this act of a general and permanent
30 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
31 Code Revision Commission shall incorporate the same in the Code.

32
33 SECTION 12. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without
36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

2

3 SECTION 13. All laws and parts of laws in conflict with this act are
4 hereby repealed

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/s/ Webb

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