

# ARKANSAS ETHICS COMMISSION

FILED

SEP 12 2017

Arkansas  
Secretary of State

## RULES ON PROHIBITION OF GIFTS FROM LOBBYISTS TO CERTAIN PUBLIC OFFICIALS UNDER Ark. Const. Art. 19, § 30

RECEIVED

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BUREAU OF  
LEGISLATIVE RESEARCH

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## § 1900 Definitions

As set forth in Ark. Const. Art. 19, § 30(b), the following terms are defined:

(a) **Administrative action** – As used in these rules, the term “administrative action” means a decision on, or proposal, consideration, or making of a rule, regulation, ratemaking proceeding, or policy action by a governmental body. “Administrative action” does not include ministerial action.

(b) **Gift** – (1) As used in these rules, the term “gift” means:

(A) Any payment, entertainment, ~~advance~~, service, or anything of value, unless consideration of equal or greater value has been given therefor; or

(B) Advance or loan.

(2) “Gift” does not include:

(i) ~~(a)~~ (A) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a person elected or appointed to an office under § 1901 of these rules regarding his or her official duties; (b) payments for travel or reimbursement for any expenses are not informational material;

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

(iii) (C) Gifts from the spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin of a person elected or appointed to an office under § 1901 of these rules, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this § 1900 ~~(b)(iii)~~ (2)(c);

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

~~(v)(a)(1)~~ (E)(1) (a) Food or drink available at a planned activity to which a specific governmental body is invited, including without limitation a governmental body to which a person elected or appointed to an office under § 1901 of these rules is not a member.

(b)(2) If a committee of the General Assembly is invited to a planned activity under this subdivision Ark. Const. Art. 19, § 30(b)(2)(B)(v)(a)(1), only members of the committee of the General Assembly may accept food or drink at the planned activity.

~~(2)(a)(b)(1)~~ As used in §1900 (b)(2)(E)(1)(a) ~~Ark. Const. Art. 19, § 30(b)(2)(B)(v)~~, “planned activity” means an event for which a written invitation is distributed electronically or by other means to the lobbyist, person acting on behalf of a lobbyist, or a person employing or contracting with a lobbyist to the members of the specific governmental body at least twenty-four (24) hours before the event.

~~(2)(b)~~ As used in ~~Ark. Const. Art. 19, § 30(b)(2)(B)(v)~~ § 1900(2)(E)(1)(a), “planned activity” does not include food or drink available at a meeting of a specific governmental body for which the person elected or appointed to an office under § 1901 of these rules is entitled to receive per diem for attendance at the meeting.

~~(e)(3)~~ A lobbyist, a person acting on behalf of a lobbyist, or a person employing or contracting with a lobbyist shall not offer or pay for food or drink at more than one (1) planned activity in a seven-day period;

~~(vi)(a)~~ (F)(1) Payments by regional or national organizations for travel to regional or national conferences at which the State of Arkansas is requested to be represented by a person or persons elected or appointed to an office under § 1901 of these rules.

~~(b)(2)~~ As used in Ark. Const. Art. 19, § 30(b)(2)(B)(vi), “travel” means transportation, lodging, and conference registration fees.

~~(e)(3)~~ This section does not prohibit the acceptance of: (1) Food, drink, informational materials, or other items included in the conference registration fee; and (2) Food and drink at events coordinated through the regional or national conference and provided to persons registered to attend the regional or national conference;

~~(vii)~~ (G) Campaign contributions;

~~(viii)~~ (H) Any devise or inheritance;

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

~~(a)(1)~~ The employment or occupation of a person elected or appointed to an office under § 1901 of these rules or his or her spouse so long as the salary, benefit, service, fee, commission, expense, or anything of value is solely connected with the person’s employment or occupation and is unrelated to and does not arise from the duties and responsibilities of the office to which the person has been elected or appointed; or

~~(b)(2)~~ Service as an officer, director, or board member of a corporation, a firm registered to do business in the state, or other organization that

files a state and federal tax return or is an affiliate of an organization that files a state and federal tax return by a person elected or appointed to an office under § 1901 of these rules or his or her spouse so long as the salary, benefit, service, fee, commission, expense, or anything of value is solely connected with the person's service as an officer, director, or board member and is unrelated to and does not arise from the duties and responsibilities of the office to which the person has been elected or appointed; and

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

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

(2) As used in this subdivision §1900(K)(1):

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

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

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

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

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

(1) The official swearing-in, inaugural, and recognition events of constitutional officers and members of the General Assembly; and

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

- (c) **Governmental body or governmental bodies** – As used in these rules, the term “governmental body” or “governmental bodies” means an office, department, commission, council, board, committee, legislative body, agency, or other

establishment of the executive, judicial, or legislative branch of the state, municipality, county, school district, improvement district, or any political district or subdivision thereof.

- (d) **Income** – As used in these rules, the term “income” means any money or anything of value received or to be received as a claim for future services, whether in the form of a retainer, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, or any other form of recompense or any combination thereof. “Income” includes a payment made under obligation for services or other value received.
- (e) **Legislative action** – As used in these rules, the term “legislative action” means introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto, or any other official action or nonaction on any bill, ordinance, law, resolution, amendment, nomination, appointment, report, or other matter pending or proposed before a committee or house of the General Assembly, a quorum court, or a city council or board of directors of a municipality.
- (f) **Legislator** – As used in these rules, the term “legislator” means a person who is a member of the General Assembly, a quorum court of a county, or the city council or board of directors of a municipality.
- (g) **Lobbying** – As used in these rules, the term “lobbying” means communicating directly or soliciting others to communicate with a public servant with the purpose of influencing legislative action or administrative action.
- (h) **Lobbyist** – As used in these rules, the term “lobbyist” means a person who: (i) Receives income or reimbursement in a combined amount of four hundred dollars (\$400) or more in a calendar quarter for lobbying one (1) or more governmental bodies; (ii) Expends four hundred dollars (\$400) or more in a calendar quarter for lobbying one (1) or more governmental bodies, excluding the cost of personal travel, lodging, meals, or dues; or (iii) Expends four hundred dollars (\$400) or more in a calendar quarter, including postage, for the express purpose of soliciting others to communicate with a public servant to influence any legislative action or administrative action of one (1) or more governmental bodies unless the communication has been filed with the Secretary of State or the communication has been published in the news media. If the communication is filed with the Secretary of State, the filing shall include the approximate number of recipients.
- (i) **Person** – As used in these rules, the term “person” means a business, individual, union, association, firm, committee, club, or other organization or group of persons. “Business” includes without limitation a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, receivership, trust, or any legal entity through which business is conducted.

- (j) **Public appointee** – As used in these rules, the term “public appointee” means an individual who is appointed to a governmental body. “Public appointee” does not include an individual appointed to an elective office.
- (k) **Public employee** – As used in these rules, the term “public employee” means an individual who is employed by a governmental body or who is appointed to serve a governmental body. “Public employee” does not include a public official or a public appointee.
- (l) **Public official** – As used in these rules, the term “public official” means a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they were elected and the date they took office.
- (m) **Public servant** – As used in these rules, the term “public servant” means all public officials, public employees, and public appointees.
- (n) **Recognized political party**- As used in these rules, the term “recognized political party” means a political party that:
  - (1)(A)(i) At the last preceding general election polled for its candidate for Governor in the state or nominees for presidential electors at least three percent (3%) of the entire vote cast for the office; or
  - (ii) Has been formed by the petition process under § 7-7-205.
  - (B) When a recognized political party fails to obtain three percent (3%) of the total votes cast in an election for the office of Governor or nominees for presidential electors, it shall cease to be a recognized political party; and
- (o) **Advance or Loan**- As used in these rules, the term “advance or loan” means a sum of money that is borrowed with the expectation that it be paid back, regardless of whether interest is charged. (B) “Advance or loan” does not include an advance or loan made in the ordinary course of business by a: (i) Financial institution; or (ii) Business that regularly and customarily extends credit.

### § 1901 Gifts from Lobbyists

As set forth in Ark. Const. Art. 19, § 30(a), persons elected or appointed to the following offices shall not knowingly or willfully solicit or accept a gift from a lobbyist, a person acting on behalf of a lobbyist, or a person employing or contracting with a lobbyist: (i) Governor; (ii) Lieutenant Governor; (iii) Secretary of State; (iv) Treasurer of State; (v) Auditor of State; (vi) Attorney General; (vii) Commissioner of State Lands; (viii) Members of the General Assembly; (ix) Chief Justice of the Supreme Court; (x) Justice of the Supreme Court; (xi) Chief Judge of the Court of Appeals; (xii) Judge of the Court of Appeals; (xiii) Circuit Court Judge; (xiv) District Court Judge; (xv) Prosecuting Attorney;

and (xvi) Member of the independent citizens commission for the purpose of setting salaries of elected constitutional officers of the executive department, members of the General Assembly, justices, and judges under Ark. Const. Art. 19, § 31.<sup>1</sup>

### **§ 1902 Penalties**

As set forth in Ark. Const. Art. 19, § 30(c)(1), a person who knowingly violates § 1901 of these rules is guilty of a Class B misdemeanor. In addition to the foregoing penalty, the General Assembly shall provide by law for Ark. Const. Art. 19, § 30 to be under the jurisdiction of the Arkansas Ethics Commission, including without limitation authorization of the following actions by the Arkansas Ethics Commission: (i) Promulgating reasonable rules to implement and administer Ark. Const. Art. 19, § 30 as necessary; (ii) Issuing advisory opinions and guidelines on the requirements of Ark. Const. Art. 19, § 30; and (iii) Investigating complaints of alleged violations of Ark. Const. Art. 19, § 30 and rendering findings and disciplinary action for such complaints.

### **§ 1903 Complaints**

- (a) In accordance with Ark. Code Ann. § 7-6-218, a complaint alleging a violation of Ark. Const. Art. 19, § 30 may be filed with the Arkansas Ethics Commission. The complaint process is the subject of Sections (V) – (X) of the Arkansas Ethics Commission’s Rules of Practice and Procedure.
- (b) If the Arkansas Ethics Commission finds a violation of Ark. Const. Art. 19, § 30, then it may (i) impose a fine of not less than fifty dollars (\$50) and not more than two thousand dollars (\$2,000), (ii) issue a public letter of caution, warning, or reprimand, (iii) order the filing or amendment of a statutorily-required disclosure form, and/or (iv) report its findings, along with such information and documents as it deems appropriate, and make recommendations to the proper law enforcement authorities.
- (c) When exercising the authority set forth in subparagraph (b)(iv), the Arkansas Ethics Commission is not required to make a finding of a violation of Ark. Const. Art. 19, § 30.

### **§ 1904 Affirmative Defense Concerning Discovery of Unintentional Violation**

- (a) It is an affirmative defense to prosecution or disciplinary action under Ark. Const. Art. 19, § 30(c)(1) and (2) that a person elected or appointed to an office under § 1901 of these rules takes one (1) of the following actions within thirty (30) days of discovering or learning of an unintentional violation of Ark. Const. Art. 19, § 30: (i) Returns the gift to the donor; or (ii) If the gift is not returnable, pays the donor consideration that is equal to or greater than the value of the gift.

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<sup>1</sup> This prohibition is also the subject of Ark. Code Ann. § 21-8-310.



- (b) The Arkansas Ethics Commission shall not proceed with an investigation of an alleged violation of Ark. Const. Art. 19, § 30 if the Arkansas Ethics Commission determines that a person would be eligible to raise the affirmative defense under Ark. Const. Art. 19, § 30(c)(3)(A). If the Arkansas Ethics Commission does not proceed with an investigation of an alleged violation, the person shall not be considered to have committed a violation.
  
- (c) This affirmative defense provision shall not be construed to authorize a person to knowingly or willfully solicit or accept a gift in violation of Ark. Const. Art 19, § 30.

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

# A Bill

SENATE BILL 169

5 By: Senator E. Williams  
6

## For An Act To Be Entitled

8 AN ACT PERMITTING THE USE OF ROOMS OR FACILITIES  
9 OWNED, OPERATED, OR OTHERWISE UTILIZED BY STATE  
10 AGENCIES AND POLITICAL SUBDIVISIONS FOR MEETINGS OF  
11 SPECIFIC GOVERNMENTAL BODIES; AMENDING THE ARKANSAS  
12 CONSTITUTION UNDER THE AUTHORITY OF ARKANSAS  
13 CONSTITUTION, ARTICLE 19, § 30; AND FOR OTHER  
14 PURPOSES.  
15  
16

## Subtitle

17  
18 PERMITTING THE USE OF ROOMS OR FACILITIES  
19 BELONGING TO STATE AGENCIES OR POLITICAL  
20 SUBDIVISIONS FOR MEETINGS OF SPECIFIC  
21 GOVERNMENTAL BODIES; AND AMENDING THE  
22 ARKANSAS CONSTITUTION UNDER ARKANSAS  
23 CONSTITUTION, ARTICLE 19, § 30.  
24  
25

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

28 SECTION 1. Pursuant to the authority under Arkansas Constitution,  
29 Article 19, § 30(d)(1), Arkansas Constitution, Article 19, § 30(b)(2)(B),  
30 concerning the definition of "gift", is amended to read as follows:

31 (B) "Gift" does not include:

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

36 (b) Payments for travel or reimbursement for any



1 expenses are not informational material;

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

4 (iii) Gifts from the spouse, child, parent, grandparent,  
5 grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law,  
6 nephew, niece, aunt, uncle, or first cousin of a person elected or appointed  
7 to an office under subsection (a) of this section, or the spouse of any of  
8 these persons, unless the person is acting as an agent or intermediary for  
9 any person not covered by this subdivision (b)(2)(B)(iii);

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

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

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

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

26 (2) As used in this subdivision (b)(2)(B)(v),  
27 "planned activity" does not include food or drink available at a meeting of a  
28 specific governmental body for which the person elected or appointed to an  
29 office under subsection (a) of this section is entitled to receive per diem  
30 for attendance at the meeting.

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

35 (vi)(a) Payments by regional or national organizations for  
36 travel to regional or national conferences at which the State of Arkansas is

1 requested to be represented by a person or persons elected or appointed to an  
2 office under subsection (a) of this section.

3 (b) As used in this subdivision (b)(2)(B)(vi),  
4 "travel" means transportation, lodging, and conference registration fees.

5 (c) This section does not prohibit the acceptance  
6 of:

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

9 (2) Food and drink at events coordinated  
10 through the regional or national conference and provided to persons  
11 registered to attend the regional or national conference;

12 (vii) Campaign contributions;

13 (viii) Any devise or inheritance;

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

16 (a) The employment or occupation of a person elected  
17 or appointed to an office under subsection (a) of this section or his or her  
18 spouse so long as the salary, benefit, service, fee, commission, expense, or  
19 anything of value is solely connected with the person's employment or  
20 occupation and is unrelated to and does not arise from the duties or  
21 responsibilities of the office to which the person has been elected or  
22 appointed; or

23 (b) Service as an officer, director, or board member  
24 of a corporation, a firm registered to do business in the state, or other  
25 organization that files a state and federal tax return or is an affiliate of  
26 an organization that files a state and federal tax return by a person elected  
27 or appointed to an office under subsection (a) of this section or his or her  
28 spouse so long as the salary, benefit, service, fee, commission, expense, or  
29 anything of value is solely connected with the person's service as an  
30 officer, director, or board member and is unrelated to and does not arise  
31 from the duties or responsibilities of the office to which the person has  
32 been elected or appointed; and

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

35 (xi)(a) The use of one (1) or more rooms or facilities  
36 owned, operated, or otherwise utilized by a state agency or political

1 subdivision of the state for the purpose of conducting a meeting of a  
2 specific governmental body.

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

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

8 (2) "State agency" means every department,  
9 division, office, board, commission, and institution of this state, including  
10 state-supported institutions of higher education.

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**APPROVED: 02/21/2017**

Stricken language would be deleted from and underlined language would be added to present law.  
Act 312 of the Regular Session

1 State of Arkansas *As Engrossed: H2/2/17 S2/8/17 S2/20/17*

2 91st General Assembly

## A Bill

3 Regular Session, 2017

HOUSE BILL 1401

4  
5 By: Representatives Gillam, M. Gray, *Eubanks, Vaught, Branscum, Rushing, Magie, Brown, Wing,*  
6 *Warren, M. Hodges*

7 By: Senator Hester

### For An Act To Be Entitled

8  
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.

### Subtitle

17  
18  
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.

25  
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 30(b),*  
31 *concerning definitions applicable to the section, is amended to read as*  
32 *follows:*

33 *(b) As used in this section:*

34 *(1)(A) "Administrative action" means a decision on, or proposal,*  
35 *consideration, or making of a rule, regulation, ratemaking proceeding, or*  
36 *policy action by a governmental body.*



1                   (B) "Administrative action" does not include ministerial  
2 action;

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

6                   (B) "Gift" does not include:

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

11                   (b) Payments for travel or reimbursement for  
12 any expenses are not informational material;

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

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

21 (b)(2)(B)(iii);

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

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

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

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

1 *twenty-four (24) hours before the event.*

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

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

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

15 *(b) As used in this subdivision (b)(2)(B)(vi),*  
16 *"travel" means transportation, lodging, and conference registration fees.*

17 *(c) This section does not prohibit the*  
18 *acceptance of:*

19 *(1) Food, drink, informational*  
20 *materials, or other items included in the conference registration fee; and*

21 *(2) Food and drink at events coordinated*  
22 *through the regional or national conference and provided to persons*  
23 *registered to attend the regional or national conference;*

24 *(vii) Campaign contributions;*

25 *(viii) Any devise or inheritance;*

26 *(ix) Salaries, benefits, services, fees,*  
27 *commissions, expenses, or anything of value in connection with:*

28 *(a) The employment or occupation of a person*  
29 *elected or appointed to an office under subsection (a) of this section or his*  
30 *or her spouse so long as the salary, benefit, service, fee, commission,*  
31 *expense, or anything of value is solely connected with the person's*  
32 *employment or occupation and is unrelated to and does not arise from the*  
33 *duties or responsibilities of the office to which the person has been elected*  
34 *or appointed; or*

35 *(b) Service as an officer, director, or board*  
36 *member of a corporation, a firm registered to do business in the state, or*



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

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

11 (xi) Nonalcoholic beverages provided to attendees  
12 at a meeting of a civic, social, or cultural organization or group;

13 (xii) Food and nonalcoholic beverages provided to  
14 participants in a bona fide panel, seminar, or speaking engagement at which  
15 the audience is a civic, social, or cultural organization or group; and

16 (xiii) Anything of value provided by a recognized  
17 political party when serving as the host of the following events to all  
18 attendees as part of attendance at the event:

19 (a) The official swearing-in, inaugural, and  
20 recognition events of constitutional officers and members of the General  
21 Assembly; and

22 (b) An official event of a recognized  
23 political party so long as all members of either house of the General  
24 Assembly affiliated with the recognized political party are invited to the  
25 official event.

26 (3) "Governmental body" or "governmental bodies" means an  
27 office, department, commission, council, board, committee, legislative body,  
28 agency, or other establishment of the executive, judicial, or legislative  
29 branch of the state, municipality, county, school district, improvement  
30 district, or any political district or subdivision thereof;

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

36 (B) "Income" includes a payment made under obligation for

1 *services or other value received;*

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

8 *(6) "Legislator" means a person who is a member of the General*  
9 *Assembly, a quorum court of a county, or the city council or board of*  
10 *directors of a municipality;*

11 *(7) "Lobbying" means communicating directly or soliciting others*  
12 *to communicate with a public servant with the purpose of influencing*  
13 *legislative action or administrative action;*

14 *(8)(A) "Lobbyist" means a person who:*

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

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

21 *~~(C)(iii)~~ Expends four hundred dollars (\$400) or more in a*  
22 *calendar quarter, including postage, for the express purpose of soliciting*  
23 *others to communicate with a public servant to influence any legislative*  
24 *action or administrative action of one (1) or more governmental bodies unless*  
25 *the communication has been filed with the Secretary of State or the*  
26 *communication has been published in the news media. If the communication is*  
27 *filed with the Secretary of State, the filing shall include the approximate*  
28 *number of recipients.*

29 *(B) "Lobbyist" does not include a recognized political*  
30 *party;*

31 *(9)(A) "Person" means a business, individual, union,*  
32 *association, firm, committee, club, or other organization or group of*  
33 *persons.*

34 *(B) As used in subdivision (b)(9)(A) of this section,*  
35 *"business" includes without limitation a corporation, partnership, sole*  
36 *proprietorship, firm, enterprise, franchise, association, organization, self-*

1 employed individual, receivership, trust, or any legal entity through which  
2 business is conducted;

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

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

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

9 (B) "Public employee" does not include a public official  
10 or a public appointee;

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

15 (13) "Public servant" means all public officials, public  
16 employees, and public appointees; and

17 (14)(A) "Recognized political party" means a political party  
18 that:

19 (i) At the last preceding general election polled  
20 for its candidate for Governor in the state or nominees for presidential  
21 electors at least three percent (3%) of the entire vote cast for the office;  
22 or

23 (ii) Has been formed by the petition process under §  
24 7-7-205.

25 (B) When a recognized political party fails to obtain  
26 three percent (3%) of the total votes cast in an election for the office of  
27 Governor or nominees for presidential electors, it shall cease to be a  
28 recognized political party.

29

30

31 SECTION 2. Arkansas Code § 21-8-402(5)(B), resulting from Initiated  
32 Act 1 of 1988, is amended to add an additional subdivision to read as  
33 follows:

34 (xvi) Anything of value provided by a political  
35 party under § 7-1-101 or § 7-7-205 when serving as the host of the following  
36 events to all attendees as part of attendance at the event:

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

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

8  
9 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
10 General Assembly of the State of Arkansas that the provisions of this act  
11 impact the behavior and conduct of public servants in this state by amending  
12 certain ethics laws; that the state's ethics laws ensure consistent and  
13 appropriate behavior by public office holders and other public servants; and  
14 that the provisions of this act should be implemented at the earliest  
15 opportunity to ensure that the conduct of public servants is consistent with  
16 the ethics laws of this state and the provisions of this act. Therefore, an  
17 emergency is declared to exist, and this act being immediately necessary for  
18 the preservation of the public peace, health, and safety shall become  
19 effective on:

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

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

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

26  
27 /s/Gillam

28  
29  
30 **APPROVED: 03/01/2017**

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

16  
17  
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.  
23  
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.

29  
 30  
 31 **APPROVED: 05/04/2017**