

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

A Bill

HOUSE BILL 1589

5 By: Representative Vaught
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE APPLICABILITY OF CERTAIN ETHICS
9 LAWS TO MEMBERS OF SCHOOL DISTRICT BOARDS OF
10 DIRECTORS; AMENDING PORTIONS OF ARKANSAS LAW
11 RESULTING FROM INITIATED ACT 1 OF 1988; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 CONCERNING THE APPLICABILITY OF CERTAIN
16 ETHICS LAWS TO MEMBERS OF SCHOOL DISTRICT
17 BOARDS OF DIRECTORS; AND AMENDING
18 PORTIONS OF ARKANSAS LAW RESULTING FROM
19 INITIATED ACT 1 OF 1988.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 21-8-301(4), concerning the definition of
26 "public official" applicable to certain ethics laws of the General Assembly,
27 is amended to read as follows:

28 (4)(A) "Public official" means a person holding an elective
29 office of any governmental body, whether elected or appointed to the office.

30 (B) "Public official" includes without limitation:

31 (i) a A person holding an elective office of any
32 governmental body, whether elected or appointed to the office, during the
33 time period between the date he or she is elected or appointed and the date
34 he or she takes office; and

35 (ii) A member of a school district board of
36 directors; and



1
 2 SECTION 2. Arkansas Code § 21-8-402(9), concerning the definition of
 3 "legislator" applicable to certain ethics laws and resulting from Initiated
 4 Act 1 of 1988, is amended to read as follows:

5 (9) "Legislator" means any person who is a member of:

6 (A) the The General Assembly;

7 (B) a A quorum court of any county;

8 (C) ~~or the~~ The city council or board of directors of any
 9 municipality; or

10 (D) A member of a school district board of directors.

11
 12 SECTION 3. Arkansas Code § 21-8-402(17), concerning the definition of
 13 "public official" applicable to certain ethics laws and resulting from
 14 Initiated Act 1 of 1988, is amended to read as follows:

15 (17)(A) "Public official" means a legislator or any other person
 16 holding an elective office of any governmental body, whether elected or
 17 appointed to the office, and shall include such persons during the time
 18 period between the date they were elected and the date they took office.

19 (B) "Public official" includes without limitation a member
 20 of a school district board of directors;

21
 22 SECTION 4. Arkansas Code § 21-8-802, resulting from Initiated Act 1 of
 23 1988, is amended to read as follows:

24 21-8-802. Prohibited appearances – Exceptions.

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

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

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

31 (3) The legislator's municipal government, if the
 32 legislator is a member of a city council or board of directors of a
 33 municipality; or

34 (4) The legislator's school district board of directors,
 35 if the legislator is a member of a school district board of directors.

36 (b) This section shall not:

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

3 (2) Apply to any hearing or proceeding on which a record is made
 4 by the entity of state government, entity of county government, ~~or~~ entity of
 5 municipal government, or school district board of directors;

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

7 (4) Apply to ministerial actions; or

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

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

12 (1)(A) Filing a written statement within twenty-four (24) hours
 13 with the agency head of the entity of state government, entity of county
 14 government, ~~or~~ entity of municipal government, or school district before
 15 which an appearance is sought.

16 (B) In the event that a written statement cannot be
 17 provided to the agency head prior to the meeting, telephonic notice must be
 18 given the agency head or his or her office; or

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

21 (d)(1) A statement filed under subsection (c) of this section shall
 22 identify the client on behalf of whom the appearance is made and contain a
 23 general statement of the action sought from the governmental body.

24 (2)(A) The statements shall be retained by the agency head and
 25 shall be a matter of public record.

26 (B) If the agency head determines that the release of the
 27 client's name would be an unwarranted invasion of individual privacy or would
 28 give advantage to competitors for bidding, the agency head may withhold the
 29 name until appropriate.

30 (e) No member of the General Assembly shall receive any income or
 31 compensation as defined in § 21-8-401 et seq., other than income and benefits
 32 from the governmental body to which he or she is duly entitled, for lobbying
 33 other members of the General Assembly by communicating directly or soliciting
 34 others to communicate with any other member with the purpose of influencing
 35 legislative action by the General Assembly.

36 **APPROVED: 03/13/2017**