

State of Arkansas

As Engrossed: H4/2/99

82nd General Assembly

A Bill

Regular Session, 1999

HOUSE BILL 2158

By: Representatives Agee, Elliott

For An Act To Be Entitled

"AN ACT TO PROHIBIT PUBLIC EMPLOYEES OF STATE AND
LOCAL GOVERNMENTS AND SCHOOL EMPLOYEES FROM LOBBYING
WHILE EMPLOYED AND ON DUTY OR WHILE RECEIVING
REIMBURSEMENT FOR TRAVEL EXPENSES; AND FOR OTHER
PURPOSES. "

Subtitle

"TO PROHIBIT PUBLIC EMPLOYEES AND SCHOOL
EMPLOYEES FROM LOBBYING WHILE EMPLOYED
AND ON DUTY OR WHILE RECEIVING
REIMBURSEMENT FOR TRAVEL EXPENSES. "

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

SECTION 1. Definitions.

As used in this act, unless the context otherwise requires:

(1) "County government" means any office, department, commission,
board, committee, agency, or other establishment of a county in Arkansas;

(2) "Income" or "compensation" 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;

(3) "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

1 proposed before a committee or house of the General Assembly, a quorum court,
2 or a city council or board of directors of a municipality or a school
3 district;

4 (4) "Lobby" means to communicate directly to or solicit others to
5 communicate with any public servant with the purpose of influencing
6 legislative action;

7 (5) "Municipal government" means any office, department, commission,
8 board, committee, agency, or other establishment of a city of the first class,
9 city of the second class or incorporated town;

10 (6)(A) "Public employee" means an individual who is a state employee or
11 who is employed by and receives compensation from a municipal government or a
12 county government; and

13 (B) "Public employee" shall not include public officials or
14 public appointees within the meaning of Arkansas Code § 21-8-402;

15 (7) "School employee" means an individual who is employed by and
16 receives compensation from a school district in Arkansas; and

17 (8) "State employee" means all employees of the State of Arkansas
18 employed, on a full-time or part-time basis, by a state office, agency,
19 department, board, commission, or state institution of higher education
20 earning in excess of one thousand five hundred dollars (\$1500) during the
21 preceding calendar year as wages or salary.

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23 SECTION 2. (a) No public employee or school employee shall lobby during
24 a time in which they are also at work or on duty with the public employer and
25 receiving income or compensation for that time period.

26 (b) No public employee or school employee shall travel to lobby and
27 receive a payment for or reimbursement of travel expenses from a state office,
28 agency, department, board, commission, or state institution of higher
29 education or a municipal or county government or from a school district for
30 the same trip in which the lobbying occurs.

31 (c)(1) Any public employee or school employee shall not be in violation
32 of this act if:

33 (1) He or she is engaged in testifying before a legislative
34 committee or house of the General Assembly, a quorum court, or a city council
35 or board of directors of a municipality or school district at the request of
36 that body for factual or informational purposes or as an expert witness;

1 (2) He or she is designated as the single contact person or
2 governmental liaison by the director, department head, or president of the
3 state office, agency, department, board, commission, or state institution of
4 higher education, or by the county judge or mayor for county or municipal
5 government, or by the superintendent of a school district; or
6 (3) He or she receives any payment or reimbursement for travel expenses
7 which is not paid from any public funds.

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9 SECTION 3. (a) Any public employee or school employee who violates any
10 provision of Section 2 of this act shall be deemed guilty of a Class A
11 misdemeanor.

12 (b) The culpable mental state required shall be a purposeful violation.
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14 SECTION 4. The prosecuting attorney of the district wherein an alleged
15 violation occurred shall have the authority to investigate the alleged
16 violations of this act.

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18 SECTION 5. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.
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22 SECTION 6. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.
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28 SECTION 7. All laws and parts of laws in conflict with this act are
29 hereby repealed.

30 /s/ Agee, et al
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