

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

State of Arkansas

As Engrossed: S3/15/99 S3/31/99 S4/5/99

82nd General Assembly

# A Bill

Regular Session, 1999

SENATE BILL 943

By: Senators Harriman, Riggs, Wooldridge, DeLay, Roebuck

## For An Act To Be Entitled

"AN ACT TO PROHIBIT PUBLIC SERVANTS FROM SOLICITING, ACCEPTING, OR AGREEING TO ACCEPT ANY GIFT UNLESS THE GIFT IS ON ACCOUNT OF A PERSONAL, PROFESSIONAL, OR BUSINESS RELATIONSHIP INDEPENDENT OF THE OFFICIAL STATUS OF THE RECIPIENT; AND FOR OTHER PURPOSES. "

## Subtitle

"AN ACT TO PROHIBIT PUBLIC SERVANTS FROM SOLICITING, ACCEPTING OR AGREEING TO ACCEPT ANY GIFT UNLESS THE GIFT IS ON ACCOUNT OF A PERSONAL, PROFESSIONAL, OR BUSINESS RELATIONSHIP INDEPENDENT OF THE OFFICIAL STATUS OF THE RECIPIENT. "

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

SECTION 1. Arkansas Code 7-6-203(c) which excepts a candidate's own contribution from his personal funds and personal loans made by financial institutions to a candidate from the limitation on campaign contributions is amended to read as follows:

"(c) The limitation shall not apply to a candidate's own contribution from his personal funds or to personal loans made by financial institutions to the candidate and applied to his campaign. Provided, however, gifts to a candidate may not be used to avoid or defeat the limitations on campaign contributions contained in this section."

SECTION 2. Arkansas Code 21-8-402(5)(B) is amended to read as follows:

1                   “(B) The term "gift" does not include:

2                   (i)(a) Informational material such as books, reports,  
3 pamphlets, calendars, or periodicals informing a public servant regarding his  
4 or her official duties.

5                   (b) Payments for travel or reimbursement for  
6 any expenses are not informational material;

7                   (ii) The giving or receiving of food, lodging, or  
8 travel which ~~bears a relationship to the public servant's office and when~~  
9 ~~appearing in an official capacity~~ does not exceed two hundred fifty dollars  
10 (\$250);

11                   ~~(vii)(iii)~~ Anything which is not food, lodging, or  
12 travel and which has with a value of less than one hundred dollars (\$100) or  
13 less;

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

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

21                   ~~(v)(vi)~~ Campaign contributions;

22                   ~~(vi)(vii)~~ Any devise or inheritance;

23                   ~~(viii)~~ Wedding presents;

24                   ~~(ix)~~ Tickets to in-state athletic, sporting, or  
25 charitable events, regularly attended by members of the public, which are  
26 received from the organizer of the event;

27                   ~~(x)~~ The providing of food, lodging, or travel by a  
28 nongovernmental source, other than a registered lobbyist, which is necessary  
29 for a public servant to attend a meeting directly related to his or her  
30 official duties which does not exceed five hundred dollars (\$500); and

31                   ~~(xi)~~ The providing of food, lodging, or travel  
32 provided by a political party in connection with a fundraising, political, or  
33 campaign event which does not exceed one thousand five hundred dollars  
34 (\$1,500). ”

35  
36                   SECTION 3. Arkansas Code 21-8-701(d)(7) and (8), which include

information required to be included in the statement of financial interest are amended to read as follows:

~~"(7)(8)~~ The source, date, reasonable fair market value, and description of each gift, as defined in Arkansas Code § 21-8-402(5), ~~of more than one hundred dollars (\$100)~~ received by the public servant or his or her spouse or gift worth more than two hundred fifty dollars (\$250) received by his or her dependent children;

~~(8)(9)~~ Each nongovernmental source of payment of the public servant's expenses for food, lodging, or travel ~~which bears a relationship to the public servant's office when the public servant is appearing in his or her official capacity~~ when the expenses incurred exceed ~~one hundred fifty one hundred~~ hundred dollars ~~(\$150)(100)~~. The public servant shall identify the name and business address of the person or organization paying the public servant's expenses and the date, amount and nature of that expenditure if not compensated by the entity for which the public servant serves;"

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

"21-8-801. Prohibited acts generally.

(a) No public servant shall:

(1) Solicit, accept, or agree to accept ~~Receive a gift, or compensation~~ as defined in subchapter 4 of this chapter, ~~other than income and benefits from the governmental body to which he or she is duly entitled, for the performance of the duties and responsibilities of his or her office or position~~ unless such gift is conferred on account of a personal, professional, or business relationship independent of the official status of the recipient;

(2) Except as expressly provided by statute, solicit, accept, or agree to accept any compensation, as defined in subchapter 4 of this chapter, for the performance of the duties and responsibilities of his or her office or position, other than such income, benefits, or reimbursements the person is entitled to receive from the governmental body which he or she serves; or

~~(2)(3)~~ Purposely use or disclose to any other person or entity confidential government information acquired by him or her in the course of and by reason of the public servant's official duties, to secure anything of material value or benefit for himself or herself or his or her family.

(b) No person shall:

(1) Offer, confer, or agree to confer a gift, as defined in

1 subchapter 4 of this chapter, to a public servant, the receipt of which is  
2 prohibited by subsection (a)(1) of this section; or  
3 (2) Offer, confer, or agree to confer any compensation, as  
4 defined in subchapter 4 of this chapter, to a public servant, the receipt of  
5 which is prohibited by subsection (a)(2) of this section."  
6

7 SECTION 5. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.  
10

11 SECTION 6. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.  
16

17 SECTION 7. All laws and parts of laws in conflict with this act are  
18 hereby repealed.  
19

20 SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the  
21 Eighty-second General Assembly that confusion and uncertainty exists  
22 concerning the ethical responsibilities of public officials who receive gifts  
23 from persons other than family members; that the unsettled state of the law  
24 exposes public officials to charges of ethical impropriety for the receipt of  
25 gifts for which no exercise of official action in favor of anyone was  
26 contemplated or even possible; and that consequently, public confidence in the  
27 integrity of public officials, the political parties, and the agencies and  
28 instrumentalities of the State of Arkansas and its political subdivisions is  
29 undermined. Therefore, an emergency is declared to exist and this act being  
30 immediately necessary for the preservation of the public peace, health and  
31 safety shall become effective on the date of its approval by the Governor. If  
32 the bill is neither approved nor vetoed by the Governor, it shall become  
33 effective on the expiration of the period of time during which the Governor  
34 may veto the bill. If the bill is vetoed by the Governor and the veto is  
35 overridden, it shall become effective on the date the last house overrides the  
36 veto.

*/s/ Harri man*

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