

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2729

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5 By: Representatives Petrus, Thyer
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For An Act To Be Entitled

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9 AN ACT TO AMEND ARKANSAS ETHICS LAWS CONCERNING
10 THE DEFINITION OF "GIFT"; AMENDING A PORTION OF
11 ARKANSAS CODE RESULTING FROM INITIATED ACT 1 OF
12 1988; AND FOR OTHER PURPOSES.
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Subtitle

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15 AN ACT TO AMEND ARKANSAS ETHICS LAWS
16 CONCERNING THE DEFINITION OF "GIFT".
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 21-8-402(5), concerning the definition of
22 "gift" and resulting from Initiated Act 1 of 1988, is amended to read as
23 follows:

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

27 (B) The term "gift" does not include:

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

31 (b) Payments for travel or reimbursement for any expenses are not
32 informational material;

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

36 (iii) Gifts which are not used and which, within



1 thirty (30) days after receipt, are returned to the donor;

2 (iv) Gifts from an individual's spouse, child,
 3 parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-
 4 law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the
 5 spouse of any of these persons, unless the person is acting as an agent or
 6 intermediary for any person not covered by this subdivision (5)(B)(iv);

7 (v) Campaign contributions;

8 (vi) Any devise or inheritance;

9 (vii)(a) Anything with a value of one hundred
 10 dollars (\$100) or less.

11 (b) The value of an item shall be considered to be less than one
 12 hundred dollars (\$100) if the public servant reimburses the person from whom
 13 the item was received any amount over one hundred dollars (\$100) and the
 14 reimbursement occurs within ten (10) days from the date the item was
 15 received;

16 (viii) Wedding presents and engagement gifts;

17 (ix) A monetary or other award presented to an
 18 employee of a public school district, the Arkansas School for the Blind, the
 19 Arkansas School for the Deaf, the Arkansas School for Mathematics, Science,
 20 and the Arts, a university, a college, a technical college, a technical
 21 institute, a comprehensive life-long learning center, or a community college
 22 in recognition of the employee's contribution to education;

23 (x) Tickets to charitable fund-raising events held
 24 within this state by a nonprofit organization which is exempt from taxation
 25 under § 501(c)(3) of the Internal Revenue Code;

26 (xi) A personalized award, plaque, or trophy with a
 27 value of one hundred and fifty dollars (\$150) or less;

28 (xii) An item which appointed or elected members of
 29 a specific governmental body or employees of an appointed or elected
 30 governmental official purchase with their own personal funds and present to a
 31 fellow member of that governmental body or official in recognition of public
 32 service;

33 (xiii) Food or beverages provided at a conference-
 34 scheduled event that is part of the program of the conference; and

35 (xiv) Food or beverages provided in return for
 36 participation in a bona fide panel, seminar, or speaking engagement at which

1 the audience is a civic, social, or cultural organization or group; and.

2 ~~(xv)(a) A monetary or other award publicly presented~~
3 ~~to an employee of state government in recognition of his or her contributions~~
4 ~~to the community and State of Arkansas when the presentation is made by the~~
5 ~~employee's supervisors or peers, individually or through a nonprofit~~
6 ~~organization which is exempt from taxation under § 501(c) of the Internal~~
7 ~~Revenue Code, and the employee's receipt of the award would not result in or~~
8 ~~create the appearance of the employee using his or her position for private~~
9 ~~gain, giving preferential treatment to any person, or losing independence or~~
10 ~~impartiality.~~

11 ~~(b) The exception in subdivision (5)(B)(xv)(a)~~
12 ~~of this section shall not apply to an award presented to an employee of state~~
13 ~~government by a person having economic interests which may be affected by the~~
14 ~~performance or nonperformance of the employee's duties or responsibilities.~~

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