

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 867

By: Senators Faris, G. Baker, Glover, D. Johnson, P. Malone, R. Thompson, Wilkinson
By: Representatives McLean, Nickels, J. Roebuck

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING ETHICS
REQUIREMENTS FOR LOBBYISTS AND PUBLIC OFFICIALS;
AMENDING PORTIONS OF ARKANSAS LAW RESULTING FROM
INITIATED ACT 1 OF 1988, INITIATED ACT 1 OF 1990,
AND INITIATED ACT 1 OF 1996; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING ETHICS
REQUIREMENTS FOR LOBBYISTS AND PUBLIC
OFFICIALS.

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

SECTION 1. Arkansas Code § 7-6-201(3), concerning the definition of "carryover funds" and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(3) "Carryover funds" means the amount of campaign funds retained from the last election by the candidate for future use but not to exceed twice the annual salary, excluding expense allowances, set by Arkansas law for the office sought;

SECTION 2. Arkansas Code § 7-6-203(g)(4), concerning the use of campaign funds as personal income and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(4)(A) For purposes of this subsection, a candidate who uses



1 campaign funds to fulfill any commitment, obligation, or expense that would
 2 exist regardless of the candidate's campaign shall be deemed to have taken
 3 campaign funds as personal income.

4 (B) The use of campaign funds to purchase a cake or other
 5 perishable item of food at a fund-raising event held by a volunteer agency,
 6 as defined in § 16-6-103, shall not be considered a taking of campaign funds
 7 as personal income.

8 (C) The use of campaign funds to purchase advertising
 9 prior to the date the final report is due to be filed thanking voters for
 10 their support shall not be considered a taking of campaign funds as personal
 11 income.

12 (D) The use of campaign funds to purchase meals, travel,
 13 or lodging for political purposes shall not be considered a taking of
 14 campaign funds as personal income.

15
 16 SECTION 3. Arkansas Code § 21-8-603, resulting from Initiated Act 1 of
 17 1988, is amended to read as follows:

18 21-8-603. Activity reports – Inspection.

19 (a)(1) Within fifteen (15) days after the end of each calendar
 20 quarter, each registered lobbyist shall file a complete and detailed
 21 statement, signed and sworn to, concerning his or her lobbying activities
 22 during the previous calendar quarter.

23 (2)(A) A registered lobbyist who lobbies members of the General
 24 Assembly shall file a monthly lobbyist activity report, signed and sworn to,
 25 for any month in which the General Assembly is in session. A quarterly report
 26 is not required if the registered lobbyist has filed monthly lobbyist
 27 activity reports for each month of the calendar quarter.

28 (B) The monthly lobbyist activity report shall be filed
 29 within ten (10) days after the end of each month.

30 (b)(1) Lobbyist activity reports shall be open to public inspection.

31 (2) All lobbyist activity reports filed after January 1, 2010,
 32 shall be filed in electronic form with the Secretary of State through the
 33 Internet.

34 (c) As part of the lobbyist activity report, a registered lobbyist
 35 shall identify by name any public servant who solicited the registered
 36 lobbyist filing the report to falsify the report under § 21-8-608.

1 (d) The Secretary of State shall provide a form to be filed
 2 simultaneously with the lobbyist activity report that:

3 (1) Is signed by a registered lobbyist under penalty of perjury
 4 under § 5-53-102; and

5 (2) Certifies that:

6 (A) The lobbyist activity report is accurate; and

7 (B)(i) The lobbyist has identified by name any public
 8 servant who solicited the lobbyist filing the report to falsify the report
 9 under § 21-8-608.

10 (ii) Knowingly failing to comply with subdivisions
 11 (c) or (d)(2)(B)(i) of this section shall be considered perjury under § 5-53-
 12 102.

13
 14 SECTION 4. Arkansas Code § 21-8-601(a)(3)(C), concerning lobbying by a
 15 public servant and resulting from Initiated Act 1 of 1988, is amended to read
 16 as follows:

17 (C)(i) Action in a person's official capacity as a public
 18 servant.

19 (ii) However, a public servant shall not act as a
 20 lobbyist as defined by § 21-8-402(11) be required to register as a lobbyist
 21 ~~if he or she:~~

22 ~~(a) Receives income from a nongovernmental~~
 23 ~~person in excess of four hundred dollars (\$400) in a quarter for lobbying; or~~

24 ~~(b) Expends or is reimbursed in excess of four~~
 25 ~~hundred dollars (\$400), regardless of the source, in a quarter for lobbying,~~
 26 ~~excluding the cost of informational material and personal travel, lodging,~~
 27 ~~meals, and dues;~~

28
 29 SECTION 5. Arkansas Code § 21-8-607, resulting from Initiated Act 1 of
 30 1988, is amended to read as follows:

31 21-8-607. Prohibited acts.

32 (a) No person shall purposely employ any lobbyist who is required to
 33 register as a registered lobbyist but is not registered pursuant to this
 34 chapter.

35 (b) No person engaging in lobbying shall:

36 (1) Influence or attempt to influence, by coercion, bribery, or

1 threat of economic sanction, any public servant in the discharge of the
2 duties of his or her office;

3 (2) Purposely provide false information to any public servant as
4 to any material fact pertaining to any legislative or administrative action;

5 (3) Purposely omit, conceal, or falsify in any manner
6 information required by the registration and lobbyist activity reports;

7 (4) Contract to receive or accept compensation that is dependent
8 in any manner upon:

9 (A) The success or failure of a legislative or
10 administrative action; or

11 (B) The outcome of any executive, legislative, or
12 administrative action relating to the solicitation or securing of a
13 procurement contract; or

14 (5)(A) Provide compensation for food or beverages at any
15 location or event at which the lobbyist is not present physically.

16 (B) Subdivision (b)(5)(A) of this section shall not apply
17 to a special event under § 21-8-402(20).

18 (c)(1) A person convicted ~~for violation of any provision of this~~
19 ~~chapter~~ of violating subsections (a) or (b) of this section is;

20 (A) ~~prohibited~~ Prohibited from acting as a registered
21 lobbyist for a period of three (3) years from the date of the conviction; and

22 (B) Subject to a fine of not less than one hundred dollars
23 (\$100) and not more than one thousand dollars (\$1,000).

24 (2) Any person violating ~~this~~ the three-year ban shall be deemed
25 guilty of ~~a~~ an additional violation of this ~~chapter~~ subchapter.

26 (d) Any person who acts as a lobbyist as defined by § 21-8-402(11) but
27 purposely fails to register within five (5) days of beginning lobbying
28 activities as required by § 21-8-601 is subject to a fine of not less than
29 five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

30 (e)(1) On a lobbyist registration form, a person acting as a lobbyist
31 shall not:

32 (A) Purposely provide false information; or

33 (B) Purposely omit information.

34 (2) A person who violates subdivision (e)(1) of this section
35 shall:

36 (A) Not be considered a registered lobbyist; and

1 (B) Be subject to a fine of not less than five hundred
 2 dollars (\$500) and not more than one thousand dollars (\$1,000).

3 (f)(1) A public servant shall not act as a lobbyist as defined by §
 4 21-8-402(11).

5 (f)(2) A person violating subdivision (f)(1) of this section
 6 shall be guilty of a Class D felony.

7 (g) A person convicted of three (3) or more violations of a provision
 8 of this subchapter shall be permanently prohibited from acting as a
 9 registered lobbyist in this state.

10
 11 SECTION 6. Arkansas Code Title 21, Chapter 8, Subchapter 6 is amended
 12 to add an additional section to read as follows:

13 21-8-608. Solicitation of false lobbyist activity report prohibited.

14 (a) It shall be unlawful for a public servant to request that a
 15 registered lobbyist include or exclude information on the lobbyist activity
 16 report that the public servant knows will make the lobbyist activity form
 17 false.

18 (b) A public appointee or public employee convicted under subsection
 19 (a) of this section shall be ineligible to hold any office or employment
 20 within state government.

21 (c) If a public appointee or public employee is convicted under
 22 subsection (a) of this section while employed by a state agency, he or she
 23 shall be removed from employment immediately.

24
 25 SECTION 7. Arkansas Code 21-8-701(a)(4), concerning persons required
 26 to file a statement of financial interest and resulting from Initiated Act 1
 27 of 1988, is amended to read as follows:

28 (4) Any agency head, department director, or division director
 29 of state government or a chief of staff or chief deputy of a constitutional
 30 officer, the Senate, or the House of Representatives;

31
 32 SECTION 8. Arkansas Code 21-8-701, resulting from Initiated Act 1 of
 33 1988, is amended to add an additional subsection to read as follows:

34 (e) All statements of financial interest filed on or after January 1,
 35 2010, shall be made publicly accessible at no charge by the Secretary of
 36 State in electronic form through the Internet.