

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.

State of Arkansas  
87th General Assembly  
Regular Session, 2009

*As Engrossed: S3/11/09*

## A Bill

SENATE BILL 867

By: Senators Faris, G. Baker, Glover, 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.

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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;

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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.

*/s/ Faris*

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