

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

As Engrossed: S3/11/09 S3/23/09

87th General Assembly

A Bill

Regular Session, 2009

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 activities associated with the office sought or held by the
14 candidate or public official shall not be considered a taking of campaign
15 funds as personal income.
16

17 SECTION 3. Arkansas Code § 21-8-603, resulting from Initiated Act 1 of
18 1988, is amended to read as follows:

19 21-8-603. Activity reports – Inspection.

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

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

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

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

32 (2) Beginning January 1, 2010, all lobbyist activity reports
33 that are required to be filed with the Secretary of State shall be filed in
34 electronic form through the Internet.

35 (c) The Secretary of State shall provide a form to be filed
36 simultaneously with the lobbyist activity report that:

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

3 (2) Certifies that the lobbyist activity report is accurate.
4

5 SECTION 4. Arkansas Code § 21-8-607, resulting from Initiated Act 1 of
6 1988, is amended to read as follows:

7 21-8-607. Prohibited acts.

8 (a) No person shall purposely employ any lobbyist who is required to
9 register as a registered lobbyist but is not registered pursuant to this
10 chapter.

11 (b) No person engaging in lobbying shall:

12 (1) Influence or attempt to influence, by coercion, bribery, or
13 threat of economic sanction, any public servant in the discharge of the
14 duties of his or her office;

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

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

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

21 (A) The success or failure of a legislative or
22 administrative action; or

23 (B) The outcome of any executive, legislative, or
24 administrative action relating to the solicitation or securing of a
25 procurement contract; or

26 (5)(A) Provide payment for food or beverages at any location or
27 event at which the lobbyist is not present physically.

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

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

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

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

36 (2) Any person violating ~~this~~ the three-year ban shall be deemed

1 guilty of ~~a~~ an additional violation of this ~~chapter~~ subchapter.

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

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

8 (A) Purposely provide false information; or

9 (B) Purposely omit information.

10 (2) A person who violates subdivision (e)(1) of this section
11 shall:

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

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

15 (f) A person convicted of three (3) or more violations of a
16 provision of this subchapter shall be permanently prohibited from acting as a
17 registered lobbyist in this state.

18 (g) An expunged record shall not serve as the basis for
19 disqualification under this section.

20
21 SECTION 5. Arkansas Code 21-8-701(a)(4), concerning persons required
22 to file a statement of financial interest and resulting from Initiated Act 1
23 of 1988, is amended to read as follows:

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

27
28 SECTION 6. Arkansas Code 21-8-701, resulting from Initiated Act 1 of
29 1988, is amended to add an additional subsection to read as follows:

30 (e) All statements of financial interest filed on or after January 1,
31 2010, shall be made publicly accessible at no charge by the Secretary of
32 State in electronic form through the Internet.

33 /s/ Faris
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