

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1401

5 By: Representatives Gillam, M. Gray
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AMEND CERTAIN ARKANSAS ETHICS LAWS;
10 AMENDING ARTICLE 19, § 30, OF THE ARKANSAS
11 CONSTITUTION UNDER THE AUTHORITY GRANTED BY ARKANSAS
12 CONSTITUTION, ARTICLE 19, § 30(D); AMENDING A PORTION
13 OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF
14 1988; TO DECLARE AN EMERGENCY; AND FOR OTHER
15 PURPOSES.
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Subtitle

18 TO AMEND CERTAIN ARKANSAS ETHICS LAWS,
19 ARTICLE 19, § 30, OF THE ARKANSAS
20 CONSTITUTION, AND PORTIONS OF LAW
21 RESULTING FROM INITIATED ACT 1 OF 1988;
22 AND TO DECLARE AN EMERGENCY.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Under the authority granted by Arkansas Constitution
29 Article 19, Section 30(d), Arkansas Constitution Article 19, Section
30 30(b)(2), concerning the definition of the term "gift", is amended to read as
31 follows:

32 (2)(A) "Gift" means any payment, entertainment, advance,
33 services, or anything of value, unless consideration of equal or greater
34 value has been given therefor.

35 (B) "Gift" does not include:

36 (i)(a) Informational material ~~such as~~ including



1 books, reports, pamphlets, calendars, ~~or~~ periodicals, and transportation for
 2 tours or briefings informing a person elected or appointed to an office under
 3 subsection (a) of this section regarding his or her official duties or
 4 furthering the person's understanding of issues affecting the people of the
 5 State of Arkansas.

6 (b) ~~Payments~~ Except as provided in subdivision
 7 (b)(2)(A)(i)(a) of this section, payments for travel or reimbursement for any
 8 expenses are not informational material;

9 (ii) Gifts that are not used and which, within
 10 thirty (30) days after receipt, are returned to the donor;

11 (iii) Gifts from the spouse, child, parent,
 12 grandparent, grandchild, brother, sister, parent-in-law, brother-in-law,
 13 sister-in-law, nephew, niece, aunt, uncle, or first cousin of a person
 14 elected or appointed to an office under subsection (a) of this section, or
 15 the spouse of any of these persons, unless the person is acting as an agent
 16 or intermediary for any person not covered by this subdivision

17 (b)(2)(B)(iii);

18 (iv) Anything of value that is readily available to
 19 the general public at no cost;

20 (v)(a)(1) Food or drink available at a planned
 21 activity to which a specific governmental body is invited, including without
 22 limitation a governmental body to which a person elected or appointed to an
 23 office under subsection (a) of this section is not a member.

24 (2) If a committee of the General
 25 Assembly is invited to a planned activity under subdivision
 26 (b)(2)(B)(v)(a)(1) of this section, only members of the committee of the
 27 General Assembly may accept food or drink at the planned activity.

28 (b)(1) As used in this subdivision
 29 (b)(2)(B)(v), "planned activity" means an event for which a written
 30 invitation is distributed electronically or by other means by the lobbyist,
 31 person acting on behalf of a lobbyist, or a person employing or contracting
 32 with a lobbyist to the members of the specific governmental body at least
 33 twenty-four (24) hours before the event.

34 (2) As used in this subdivision
 35 (b)(2)(B)(v), "planned activity" does not include food or drink available at
 36 a meeting of a specific governmental body for which the person elected or

1 appointed to an office under subsection (a) of this section is entitled to
 2 receive per diem for attendance at the meeting.

3 (c) A lobbyist, a person acting on behalf of a
 4 lobbyist, or a person employing or contracting with a lobbyist shall not
 5 offer or pay for food or drink at more than one (1) planned activity in a
 6 seven-day period;

7 (vi)(a) Payments by regional or national
 8 organizations for travel to regional or national conferences at which the
 9 State of Arkansas is requested to be represented by a person or persons
 10 elected or appointed to an office under subsection (a) of this section.

11 (b) As used in this subdivision

12 (b)(2)(B)(vi)~~;~~

13 (1) "Regional or national conferences"

14 means events:

15 (A) Held by regional or national

16 organizations that have been in operation for at least three (3) years;

17 (B) For which a conference

18 registration fee is charged;

19 (C) For which an agenda is

20 prepared and distributed to prospective and registered conference attendees;

21 and

22 (D) Attended by constitutional

23 officers or members of the legislature from at least one (1) other state;

24 (2) ~~"travel"~~ "Travel" means

25 transportation, lodging, and conference registration fees.

26 ~~(c) This section does not prohibit the~~

27 ~~acceptance of:~~

28 ~~(1)(vii)~~ Food, drink, informational materials, or

29 other items included in the ~~conference~~ registration fee for a regional or

30 national conference under this subdivision (b)(2)(B)(vi); ~~and~~

31 ~~(2)(viii)~~ Food, ~~and~~ drink, and transportation at

32 events coordinated through ~~the~~ a regional or national conference under this

33 subdivision (b)(2)(B)(vi) and provided to persons registered to attend the

34 regional or national conference;

35 ~~(vii)(ix)~~ Campaign contributions;

36 ~~(viii)(x)~~ Any devise or inheritance;

1 ~~(ix)~~(xi) Salaries, benefits, services, fees,
 2 commissions, expenses, or anything of value in connection with:

3 (a) The employment or occupation of a person
 4 elected or appointed to an office under subsection (a) of this section or his
 5 or her spouse so long as the salary, benefit, service, fee, commission,
 6 expense, or anything of value is solely connected with the person's
 7 employment or occupation and is unrelated to and does not arise from the
 8 duties or responsibilities of the office to which the person has been elected
 9 or appointed; or

10 (b) Service as an officer, director, or board
 11 member of a corporation, a firm registered to do business in the state, or
 12 other organization that files a state and federal tax return or is an
 13 affiliate of an organization that files a state and federal tax return by a
 14 person elected or appointed to an office under subsection (a) of this section
 15 or his or her spouse so long as the salary, benefit, service, fee,
 16 commission, expense, or anything of value is solely connected with the
 17 person's service as an officer, director, or board member and is unrelated to
 18 and does not arise from the duties or responsibilities of the office to which
 19 the person has been elected or appointed; ~~and~~

20 ~~(x)~~(xii) A personalized award, plaque, or trophy
 21 with a value of one hundred fifty dollars (\$150) or less;

22 (xiii)(a) International travel paid for or arranged
 23 by a foreign nation which bears a relationship to the office of a person
 24 elected or appointed to an office under subsection (a) and when appearing in
 25 an official capacity.

26 (b) As used in subdivision (b)(2)(B)(xiii)(a)
 27 of this section, "international travel" means transportation, food, and
 28 lodging;

29 (xiv)(a) Domestic and international travel paid for
 30 or arranged by the United States Government or an agency of the United States
 31 Government which bears a relationship to the office of a person elected or
 32 appointed to an office under subsection (a) and when appearing in an official
 33 capacity.

34 (b) As used in subdivision (b)(2)(B)(xiv)(a)
 35 of this section, "domestic and international travel" means transportation,
 36 food, and lodging;

(xv) Nonalcoholic beverages provided for:

(a) Attendance at a meeting of a civil, social, or cultural organization or group; or

(b) Participation in a bona fide panel, seminar, or speaking engagement at which the audience is a civic, social, or cultural organization or group; and

(xvi) Anything of value provided by the host of the following events as part of attendance at the event:

(a) The official swearing-in and inaugural events of constitutional officers, members of the General Assembly, and justices of the Supreme Court; and

(b) The official recognition events of the:

(1) President Pro Tempore of the Senate; and

(2) Speaker of the House of Representatives.

SECTION 2. Under the authority granted by Arkansas Constitution Article 19, Section 30(d), Arkansas Constitution Article 19, Section 30(c)(3)(A), concerning an affirmative defense to prosecution or disciplinary action, is amended to read as follows:

(3)(A) It is an affirmative defense to prosecution or disciplinary action under subdivisions (c)(1) and (2) of this section that a person elected or appointed to an office under subsection (a) of this section takes one (1) of the following actions within ~~thirty (30)~~ ten (10) business days of discovering or learning of an unintentional violation of this section:

(i) Returns the gift to the donor; or

(ii) If the gift is not returnable, pays the donor consideration that is equal to or greater than the value of the gift.

SECTION 3. Arkansas Code § 7-6-229(a), concerning an affirmative defense to prosecution or disciplinary action, is amended to read as follows:

(a) It is an affirmative defense to prosecution or disciplinary action if a person required to file a report under this subchapter amends the report within ~~thirty (30)~~ ten (10) business days of discovering or learning of an

1 unintentional error in the report.

2
 3 SECTION 4. Arkansas Code § 21-8-402(5)(B) is amended to add an
 4 additional subdivision to read as follows:

5 (xvi) Anything of value provided by the host of the
 6 following events as part of attendance at the event:

7 (a) The official swearing-in and inaugural
 8 events of constitutional officers, members of the General Assembly, and
 9 justices of the Supreme Court; and

10 (b) The official recognition events of the:

11 (1) President Pro Tempore of the Senate;

12 and

13 (2) Speaker of the House of

14 Representatives.

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 16 SECTION 5. Arkansas Code § 21-8-701(f)(1), concerning an affirmative
 17 defense to prosecution or disciplinary action and resulting from Initiated
 18 Act 1 of 1988, is amended to reads as follows:

19 (f)(1) It is an affirmative defense to prosecution or disciplinary
 20 action if a person required to file a statement of financial interest under
 21 this subchapter amends the statement of financial interest within ~~thirty (30)~~
 22 ten (10) business days of discovering or learning of an unintentional error
 23 in the statement of financial interest.

24
 25 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
 26 General Assembly of the State of Arkansas that the provisions of this act
 27 impact the behavior and conduct of public servants in this state by amending
 28 certain ethics laws, including laws impacting prosecution and complaints for
 29 violations of certain ethics laws; and that the provisions of this act should
 30 be implemented at the earliest opportunity to ensure that the conduct of
 31 public servants is consistent with the ethics laws of this state and the
 32 provisions of this act. Therefore, an emergency is declared to exist, and
 33 this act being immediately necessary for the preservation of the public
 34 peace, health, and safety shall become effective on:

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is
4 overridden, the date the last house overrides the veto.

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