

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1589

By: Representative Vaught

For An Act To Be Entitled

AN ACT CONCERNING THE APPLICABILITY OF CERTAIN ETHICS LAWS TO MEMBERS OF SCHOOL DISTRICT BOARDS OF DIRECTORS; AMENDING PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF 1988; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE APPLICABILITY OF CERTAIN ETHICS LAWS TO MEMBERS OF SCHOOL DISTRICT BOARDS OF DIRECTORS; AND AMENDING PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF 1988.

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

SECTION 1. Arkansas Code § 21-8-301(4), concerning the definition of "public official" applicable to certain ethics laws of the General Assembly, is amended to read as follows:

(4)(A) "Public official" means a person holding an elective office of any governmental body, whether elected or appointed to the office.

(B) "Public official" includes without limitation:

(i) a A person holding an elective office of any governmental body, whether elected or appointed to the office, during the time period between the date he or she is elected or appointed and the date he or she takes office; and

(ii) A member of a school district board of directors; and



SECTION 2. Arkansas Code § 21-8-402(9), concerning the definition of "legislator" applicable to certain ethics laws and resulting from Initiated Act 1 of 1988, is amended to read as follows:

- (9) "Legislator" means any person who is a member of:
- (A) ~~the~~ The General Assembly;
 - (B) a A quorum court of any county;
 - (C) ~~or the~~ The city council or board of directors of any municipality; or
 - (D) A member of a school district board of directors.

SECTION 3. Arkansas Code § 21-8-402(17), concerning the definition of "public official" applicable to certain ethics laws and resulting from Initiated Act 1 of 1988, is amended to read as follows:

- (17)(A) "Public official" means a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they were elected and the date they took office.
- (B) "Public official" includes without limitation a member of a school district board of directors;

SECTION 4. Arkansas Code § 21-8-802, resulting from Initiated Act 1 of 1988, is amended to read as follows:

21-8-802. Prohibited appearances – Exceptions.

(a) No legislator shall appear for compensation on behalf of another person, firm, corporation, or entity before any entity of:

- (1) State government, if the legislator is a member of the General Assembly;
- (2) The legislator's county government, if the legislator is a member of a quorum court; ~~or~~
- (3) The legislator's municipal government, if the legislator is a member of a city council or board of directors of a municipality; or
- (4) The legislator's school district board of directors, if the legislator is a member of a school district board of directors.

(b) This section shall not:

(1) Apply to any judicial proceeding or to any hearing or proceeding which is adversarial in nature or character;

(2) Apply to any hearing or proceeding on which a record is made by the entity of state government, entity of county government, ~~entity of municipal government~~, or school district board of directors;

(3) Apply to an appearance which is a matter of public record;

(4) Apply to ministerial actions; or

(5) Preclude a legislator from acting on behalf of a constituent to determine the status of a matter without accepting compensation.

(c) An appearance which is a matter of public record as provided in subdivision (b)(3) of this section may be made by:

(1)(A) Filing a written statement within twenty-four (24) hours with the agency head of the entity of state government, entity of county government, ~~entity of municipal government~~, or school district before which an appearance is sought.

(B) In the event that a written statement cannot be provided to the agency head prior to the meeting, telephonic notice must be given the agency head or his or her office; or

(2) Filing a quarterly statement with the agency head of the entity of state government before which an appearance is sought.

(d)(1) A statement filed under subsection (c) of this section shall identify the client on behalf of whom the appearance is made and contain a general statement of the action sought from the governmental body.

(2)(A) The statements shall be retained by the agency head and shall be a matter of public record.

(B) If the agency head determines that the release of the client's name would be an unwarranted invasion of individual privacy or would give advantage to competitors for bidding, the agency head may withhold the name until appropriate.

(e) No member of the General Assembly shall receive any income or compensation as defined in § 21-8-401 et seq., other than income and benefits from the governmental body to which he or she is duly entitled, for lobbying other members of the General Assembly by communicating directly or soliciting others to communicate with any other member with the purpose of influencing legislative action by the General Assembly.

APPROVED: 03/13/2017