

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1998

By: Representatives Nickels, Baird

## For An Act To Be Entitled

AN ACT TO AMEND CERTAIN ETHICS LAWS OF THE STATE OF ARKANSAS CONCERNING THE RECEIPT OF GIFTS BY PUBLIC SERVANTS; AMENDING PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF 1988; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND CERTAIN ETHICS LAWS OF THE STATE OF ARKANSAS CONCERNING THE RECEIPT OF GIFTS BY PUBLIC SERVANTS AND TO AMEND 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 § 21-8-402(5), concerning the definition of "gift" as applied to public servants and resulting from Initiated Act 1 of 1988, is amended to read as follows:

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

(B) The term "gift" does not include:

(i)(a) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a public servant regarding his or her official duties.

(b) Payments for travel or reimbursement for



any expenses are not informational material;

(ii) The giving or receiving of food, lodging, or ~~travel~~ transportation which bears a relationship to the public servant's office and when appearing in an official capacity is also made available to the general public;

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

(iv) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this subdivision (5)(B)(iv);

(v) Campaign contributions;

(vi) Any devise or inheritance;

~~(vii)(a) Anything with a value of one hundred dollars (\$100) or less.~~

~~(b) The value of an item shall be considered to be less than one hundred dollars (\$100) if the public servant reimburses the person from whom the item was received any amount over one hundred dollars (\$100) and the reimbursement occurs within ten (10) days from the date the item was received;~~

~~(viii)(vii)~~ (vii) Wedding presents and engagement gifts;

~~(ix)(viii)~~ (viii) A monetary or other award presented to an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics, Science, and the Arts, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of the employee's contribution to education;

~~(x)(ix)~~ (ix) Tickets to charitable fund-raising events held within this state by a nonprofit organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;

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

~~(xii)(xi)~~ (xi) An item which appointed or elected members of a specific governmental body purchase with their own personal funds and present to a fellow member of that governmental body in recognition of public

service; and

~~(xiii) Food or beverages provided at a conference--  
scheduled event that is part of the program of the conference;~~

~~(xiv) Food or beverages provided in return for  
participation in a bona fide panel, seminar, or speaking engagement at which  
the audience is a civic, social, or cultural organization or group; and~~

~~(xv)~~ (xii) (a) A monetary or other award publicly presented to an employee of state government in recognition of his or her contributions to the community and State of Arkansas when the presentation is made by the employee's supervisors or peers, individually or through a nonprofit organization which is exempt from taxation under § 501(c) of the Internal Revenue Code, and the employee's receipt of the award would not result in or create the appearance of the employee using his or her position for private gain, giving preferential treatment to any person, or losing independence or impartiality.

(b) The exception in subdivision

(5)(B) ~~(xv)~~ (xiv) (a) of this section shall not apply to an award presented to an employee of state government by a person having economic interests which may be affected by the performance or nonperformance of the employee's duties or responsibilities.

SECTION 2. Arkansas Code § 21-8-402(19) - (21), concerning the definitions of "registered lobbyist", "special event", and "state government" as applied to public servants and resulting from Initiated Act 1 of 1988, are amended to read as follows:

(19) "Registered lobbyist" means a lobbyist registered pursuant to the provisions of this subchapter and §§ 21-8-601 et seq., 21-8-701 et seq., and 21-8-801 et seq.; and

~~(20) "Special event" means a planned activity to which a specific governmental body or indentifiable group of public servants is invited; and~~

~~(21)~~ (20) "State government" means any office, department, commission, council, board, bureau, committee, legislative body, agency, or other establishment of the State of Arkansas.

SECTION 3. Arkansas Code § 21-8-604(b)(2), concerning lobbyist

activity reports and resulting from Initiated Act 1 of 1988, is amended to read as follows:

(2)(A) An itemized listing of each:

(i) Gift given to a public servant or on behalf of the public servant;

(ii) Payment for food, lodging, or travel ~~in excess of forty dollars (\$40.00)~~ on behalf of a public servant; and

(iii) Any other item paid or given to a public servant or on behalf of the public servant, except for campaign contributions, ~~having a value in excess of forty dollars (\$40.00)~~ unless consideration of equal or greater value has been given therefor. If the person receiving or to be benefiting by the item is a public employee, the person's governmental body shall be identified.

(B) Each item shall be identified by date, amount paid or value, and the name of the individual receiving or to be benefited by the item, and a description of the item;

~~(C) In the case of special events, including parties, dinners, athletic events, entertainment, and other functions, expenses need not be allocated by individuals. The information reported for a special event shall include:~~

~~(i) The date of the event;~~

~~(ii) The name of the event;~~

~~(iii) The location of the event;~~

~~(iv) The name of the governmental body or group of public servants invited;~~

~~(v) The exact amount paid by the lobbyist toward the total expenditure; and~~

~~(vi) The name of the lobbyist's employer or client making the expenditure and the names of all other lobbyists sharing in the cost of the payment;~~

SECTION 4. Arkansas Code § 21-8-607(b)(5), concerning prohibited acts by lobbyists and resulting from Initiated Act 1 of 1988, is amended to read as follows:

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

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