

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/8/13
A Bill

SENATE BILL 331

By: Senator D. Sanders
By: Representative Baird

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING RESTRICTIONS ON THE EMPLOYMENT OF FORMER STATE OFFICIALS AND FORMER STATE EMPLOYEES; TO HOLD JUDGES TO THE SAME EMPLOYMENT RESTRICTIONS AS OTHER STATE OFFICIALS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING RESTRICTIONS ON THE EMPLOYMENT OF FORMER STATE OFFICIALS AND FORMER STATE EMPLOYEES; AND TO HOLD JUDGES TO THE SAME EMPLOYMENT RESTRICTIONS AS OTHER STATE OFFICIALS.

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

SECTION 1. Arkansas Code § 21-1-402, concerning restrictions on other employment, is amended to add two additional subsections to read as follows:

(g) The Governor, Lieutenant Governor, Secretary of State, Attorney General, Treasurer of State, Auditor of State, and Commissioner of State Lands are not eligible to be registered as lobbyists under § 21-8-601 et seq. until one (1) year after the expiration of the respective terms of office to which they were elected.

(h) An individual employed in the office of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Treasurer of State, Auditor of State, or Commissioner of State Lands is not eligible to be registered as



a lobbyist under § 21-8-601 et seq. until one (1) year after the expiration of the individual's employment in that office.

SECTION 2. Arkansas Code § 21-8-102 is amended to read as follows:

21-8-102. Restrictions on employment of former state ~~regulatory~~ officials and former state employees.

(a) As used in this section, "~~state regulatory official~~" means:

~~(1) A member of the Arkansas Public Service Commission;~~

~~(2) The Executive Director of the Arkansas Public Service~~

~~Commission;~~

~~(3) The Insurance Commissioner;~~

~~(4) A deputy commissioner of the State Insurance Department;~~

~~(5) The Bank Commissioner;~~

~~(6) A Deputy Bank Commissioner;~~

~~(7) The Securities Commissioner; and~~

~~(8) A Deputy Securities Commissioner~~

(1) "State employee" means an individual employed in the office

of:

(A) The Governor;

(B) The Lieutenant Governor;

(C) The Attorney General;

(D) The Secretary of State;

(E) The Auditor of State;

(F) The Treasurer of State;

(G) The Commissioner of State Lands;

(H) A justice of the Supreme Court;

(I) A judge of the Court of Appeals;

(J) A judge of a circuit court; or

(K) a judge of a district court; and

(2) "State official" means:

(A) The Governor;

(B) The Lieutenant Governor;

(C) The Attorney General;

(D) The Secretary of State;

(E) The Auditor of State;

(F) The Treasurer of State;

(G) The Commissioner of State Lands;

(H) A justice of the Supreme Court;

(I) A judge of the Court of Appeals;

(J) A judge of a circuit court;

(K) a judge of a district court;

(L) An executive head of a state agency;

(M) The chief deputy of an executive head of a state agency; and

(N) A member of the Arkansas Public Service Commission

(b) A former state ~~regulatory~~ official or former state employee shall not knowingly act as a principal or agent for anyone other than the state in connection with any of the following if ~~the former state regulatory official~~ he or she participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while serving in that capacity and the state is a party or has a direct or substantial interest:

- (1) A judicial, administrative, or other proceeding, application, request for a ruling, or other determination;
- (2) A contract;
- (3) A claim; or
- (4) A charge or controversy.

(c) A former state ~~regulatory~~ official or former state employee shall not knowingly act as a principal or agent for anyone other than the state within one (1) year after cessation of ~~the former state regulatory official's~~ his or her employment with the state agency in connection with any of the following if the matters were within the former state ~~regulatory~~ official's or former state employee's official responsibility and the state is a party or has a direct or substantial interest:

- (1) A judicial, administrative, or other proceeding, application, request for a ruling, or other determination;
- (2) A contract;
- (3) A claim; or
- (4) A charge or controversy.

(d) A former state ~~regulatory~~ official or former state employee who knowingly violates this section shall be guilty of a Class A misdemeanor.

SECTION 3. Arkansas Code Title 23, Chapter 2, Subchapter 1, is amended to add an additional section to read as follows:

23-2-113. Registration as lobbyist – Time limit for eligibility.

A member of the Arkansas Public Service Commission is not eligible to be registered as a lobbyist under § 21-8-601 et seq. until one (1) year after the expiration of the individual's service on the commission.

SECTION 4. Arkansas Code Title 25, Chapter 16, Subchapter 1, is amended to add an additional section to read as follows:

25-16-103. Registration of certain agency officials as lobbyists.

An individual employed as an executive head of a state agency or as a chief deputy of an executive head of a state agency is not eligible to be registered as a lobbyist under § 21-8-601 et seq. until one (1) year after the expiration of the individual's employment in that capacity.

/s/D. Sanders