

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1330

By: Representative House

For An Act To Be Entitled

AN ACT TO PROHIBIT A PUBLIC SERVANT FROM SOLICITING A GIFT OR COMPENSATION; TO AMEND THE LAW CONCERNING ETHICS OF THOSE IN PUBLIC SERVICE; TO AMEND A PORTION OF THE ARKANSAS CODE WHICH RESULTED FROM INITIATED ACT 1 OF 1988; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT A PUBLIC SERVANT FROM SOLICITING A GIFT OR COMPENSATION; TO AMEND THE LAW CONCERNING ETHICS OF THOSE IN PUBLIC SERVICE; AND TO AMEND A PORTION OF THE ARKANSAS CODE WHICH RESULTED FROM INITIATED ACT 1 OF 1988.

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

SECTION 1. Arkansas Code § 21-8-801, resulting from Initiated Act 1 of 1988, is amended to read as follows:

21-8-801. Prohibited acts generally.

(a) ~~No~~ A public servant shall not:

(1) ~~Receive~~ Solicit or receive a gift 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 the performance of the duties and responsibilities of his or her office or position; ~~or~~

(2) Solicit a prize, donation, gift, or other compensation from a contractor for the benefit of:

(A) The public servant making the solicitation;



(B) The governmental body or the department of the governmental body for which the soliciting public servant serves; or

(C) Any other person or entity; or

(3) Purposely use or disclose to any other person or entity confidential government information acquired by him or her in the course of and by reason of the public servant's official duties, to secure anything of material value or benefit for himself or herself or his or her family.

(b)(1) No A person shall not confer a gift or compensation as defined in § 21-8-401 et seq. to any public servant, the receipt of which is prohibited by subdivision (a)(1) of this section.

(2)(A) The first violation of this subsection by any person other than a registered lobbyist shall result in a written warning.

(B) Upon a second violation and subsequent violations by persons other than registered lobbyists and upon a first violation by registered lobbyists, the penalties provided for in § 7-6-218 shall apply.

(c) As used in this section, "contractor" means a person or entity that:

(1) Is a party to a contract for goods or services with the governmental entity;

(2) Has an open competitive bid or request to provide goods or services to the governmental entity; or

(3) Is likely to become a party to a contract for goods or services with the governmental entity.

(d) The Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration, with the Office of State Procurement of the Department of Finance and Administration, shall adopt rules and issue personnel policies and procedures in furtherance of this section.

(e)(1) When adopting the initial rules to implement this section, the final rules shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practical after approval under § 10-3-309.

(2) The Office of Personnel Management, with the Office of State Procurement, shall file the proposed rule with the Legislative Council under

§ 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.