

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 963 of the Regular Session

1 State of Arkansas

As Engrossed: S3/11/09 S3/23/09 S3/25/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

SENATE BILL 867

4
5 By: Senators Faris, G. Baker, Glover, P. Malone, R. Thompson, Wilkinson, *D. Johnson*

6 By: Representatives McLean, Nickels, J. Roebuck

7
8
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND ARKANSAS LAW CONCERNING ETHICS
11 REQUIREMENTS FOR LOBBYISTS AND PUBLIC OFFICIALS;
12 AMENDING PORTIONS OF ARKANSAS LAW RESULTING FROM
13 INITIATED ACT 1 OF 1988, INITIATED ACT 1 OF 1990,
14 AND INITIATED ACT 1 OF 1996; AND FOR OTHER
15 PURPOSES.

16
17 **Subtitle**

18 TO AMEND ARKANSAS LAW CONCERNING ETHICS
19 REQUIREMENTS FOR LOBBYISTS AND PUBLIC
20 OFFICIALS.

21
22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code § 21-8-603, resulting from Initiated Act 1 of
26 1988, is amended to read as follows:

27 21-8-603. Activity reports – Inspection.

28 (a)(1) Within fifteen (15) days after the end of each calendar
29 quarter, each registered lobbyist shall file a complete and detailed
30 statement, signed and sworn to, concerning his or her lobbying activities
31 during the previous calendar quarter.

32 (2)(A) A registered lobbyist who lobbies members of the General
33 Assembly shall file a monthly lobbyist activity report, signed and sworn to,
34 for any month in which the General Assembly is in session. A quarterly report
35 is not required if the registered lobbyist has filed monthly lobbyist



1 activity reports for each month of the calendar quarter.

2 (B) The monthly lobbyist activity report shall be filed
3 within ten (10) days after the end of each month.

4 (b)(1) Lobbyist activity reports shall be open to public inspection.

5 (2) Beginning January 1, 2010, all lobbyist activity reports
6 that are required to be filed with the Secretary of State shall be filed in
7 electronic form through the Internet.

8 (c) The Secretary of State shall provide a form to be filed
9 simultaneously with the lobbyist activity report that:

10 (1) Is signed by a registered lobbyist under penalty of perjury
11 under § 5-53-102; and

12 (2) Certifies that the lobbyist activity report is accurate.

13
14 SECTION 2. Arkansas Code § 21-8-607, resulting from Initiated Act 1 of
15 1988, is amended to read as follows:

16 21-8-607. Prohibited acts.

17 (a) No person shall purposely employ any lobbyist who is required to
18 register as a registered lobbyist but is not registered pursuant to this
19 chapter.

20 (b) No person engaging in lobbying shall:

21 (1) Influence or attempt to influence, by coercion, bribery, or
22 threat of economic sanction, any public servant in the discharge of the
23 duties of his or her office;

24 (2) Purposely provide false information to any public servant as
25 to any material fact pertaining to any legislative or administrative action;

26 (3) Purposely omit, conceal, or falsify in any manner
27 information required by the registration and lobbyist activity reports;

28 (4) Contract to receive or accept compensation that is dependent
29 in any manner upon:

30 (A) The success or failure of a legislative or
31 administrative action; or

32 (B) The outcome of any executive, legislative, or
33 administrative action relating to the solicitation or securing of a
34 procurement contract; or

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

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

3 (c)(1) A person convicted ~~for violation of any provision of this~~
 4 ~~chapter of violating subsections (a) or (b) of this section~~ is;

5 (A) ~~prohibited~~ Prohibited from acting as a registered
 6 lobbyist for a period of three (3) years from the date of the conviction; and

7 (B) Subject to a fine of not less than one hundred dollars
 8 (\$100) and not more than one thousand dollars (\$1,000).

9 (2) Any person violating ~~this~~ the three-year ban shall be deemed
 10 guilty of a an additional violation of this ~~chapter~~ subchapter.

11 (d) Any person who acts as a lobbyist as defined by § 21-8-402(11) but
 12 purposely fails to register within five (5) days of beginning lobbying
 13 activities as required by § 21-8-601 is subject to a fine of not less than
 14 five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

15 (e)(1) On a lobbyist registration form, a person acting as a lobbyist
 16 shall not:

17 (A) Purposely provide false information; or

18 (B) Purposely omit information.

19 (2) A person who violates subdivision (e)(1) of this section
 20 shall:

21 (A) Not be considered a registered lobbyist; and

22 (B) Be subject to a fine of not less than five hundred
 23 dollars (\$500) and not more than one thousand dollars (\$1,000).

24 (f) A person convicted of three (3) or more violations of a
 25 provision of this subchapter shall be permanently prohibited from acting as a
 26 registered lobbyist in this state.

27 (g) An expunged record shall not serve as the basis for
 28 disqualification under this section.

29
 30 SECTION 3. Arkansas Code 21-8-701(a)(4), concerning persons required
 31 to file a statement of financial interest and resulting from Initiated Act 1
 32 of 1988, is amended to read as follows:

33 (4) Any agency head, department director, or division director
 34 of state government or a chief of staff or chief deputy of a constitutional
 35 officer, the Senate, or the House of Representatives;

36

1 SECTION 4. Arkansas Code 21-8-701, resulting from Initiated Act 1 of
2 1988, is amended to add an additional subsection to read as follows:

3 (e) All statements of financial interest required to be filed with the
4 Secretary of State on or after January 1, 2010, shall be made publicly
5 accessible at no charge by the Secretary of State in electronic form through
6 the Internet.

7 /s/ Faris

8
9 APPROVED: 4/6/2009
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36