

**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.**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

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

# A Bill

SENATE BILL 867

5 By: Senators Faris, G. Baker, Glover, P. Malone, R. Thompson, Wilkinson, *D. Johnson*  
6 By: Representatives McLean, Nickels, J. Roebuck  
7  
8

## 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

## Subtitle

17  
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  
36 activity reports for each month of the calendar quarter.



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

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

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

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

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

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

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

15 21-8-607. Prohibited acts.

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

19 (b) No person engaging in lobbying shall:

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

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

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

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

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

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

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

36 (B) Subdivision (b)(5)(A) of this section shall not apply

1 to a special event under § 21-8-402(20).

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

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

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

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

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

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

16 (A) Purposely provide false information; or

17 (B) Purposely omit information.

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

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

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

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

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

28  
29 SECTION 3. Arkansas Code 21-8-701(a)(4), concerning persons required  
30 to file a statement of financial interest and resulting from Initiated Act 1  
31 of 1988, is amended to read as follows:

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

35  
36 SECTION 4. Arkansas Code 21-8-701, resulting from Initiated Act 1 of

1 1988, is amended to add an additional subsection to read as follows:

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

6 /s/ Faris

7  
8  
9  
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