

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1330

5 By: Representative House  
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## For An Act To Be Entitled

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

15 TO PROHIBIT A PUBLIC SERVANT FROM  
16 SOLICITING A GIFT OR COMPENSATION; TO  
17 AMEND THE LAW CONCERNING ETHICS OF THOSE  
18 IN PUBLIC SERVICE; AND TO AMEND A PORTION  
19 OF THE ARKANSAS CODE WHICH RESULTED FROM  
20 INITIATED ACT 1 OF 1988.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 21-8-801, resulting from Initiated Act 1 of  
27 1988, is amended to read as follows:

28 21-8-801. Prohibited acts generally.

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

30 (1) ~~Receive~~ Solicit or receive a gift or compensation as defined  
31 in § 21-8-401 et seq., other than income and benefits from the governmental  
32 body to which he or she is duly entitled, for the performance of the duties  
33 and responsibilities of his or her office or position; ~~or~~

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

36 (A) The public servant making the solicitation;



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

3                   (C) Any other person or entity; or

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

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

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

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

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

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

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

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

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

29           (e)(1) When adopting the initial rules to implement this section, the  
 30 final rules shall be filed with the Secretary of State for adoption under §  
 31 25-15-204(f):

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

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

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

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

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