Arkansas Gift Law

A.C. §19-11-707. - Gratuities and kickbacks.

(a) Gratuities. It is a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim, or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.

A.C. §21-8-402. - Definitions.

As used in this subchapter and §§ 21-8-601 et seq., 21-8-701 et seq., and 21-8-801 et seq., unless the context otherwise requires:

(5) (A) "Gift" means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor.

(B) The term "gift" does not include:

(i) (a) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a public servant regarding his or her official duties.

(b) Payments for travel or reimbursement for any expenses are not informational material;

(ii) The giving or receiving of food, lodging, or travel which bears a relationship to the public servant's office and when appearing in an official capacity;

(iii) Gifts which are not used and which, within thirty (30) days after receipt, are returned to the donor;

(iv) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this subdivision (5)(B)(iv);

(v) Campaign contributions;

(vi) Any devise or inheritance;

(vii) (a) Anything with a value of one hundred dollars ($100) or less.

(b) The value of an item shall be considered to be less than one hundred dollars ($100) if the public servant reimburses the person from whom the item was received any amount over one hundred dollars ($100) and the reimbursement occurs within ten (10) days from the date the item was received;

(viii) Wedding presents and engagement gifts;

(ix) A monetary or other award presented to an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics, Science, and the Arts, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of the employee's contribution to education;
(x) Tickets to charitable fund-raising events held within this state by a nonprofit organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;

(xi) A personalized award, plaque, or trophy with a value of one hundred and fifty dollars ($150) or less;

(xii) An item which appointed or elected members of a specific governmental body purchase with their own personal funds and present to a fellow member of that governmental body in recognition of public service;

(xiii) Food or beverages provided at a conference-scheduled event that is part of the program of the conference;

(xiv) Food or beverages provided in return for participation in a bona fide panel, seminar, or speaking engagement at which the audience is a civic, social, or cultural organization or group; and

(xv) (a) A monetary or other award publicly presented to an employee of state government in recognition of his or her contributions to the community and State of Arkansas when the presentation is made by the employee's supervisors or peers, individually or through a nonprofit organization which is exempt from taxation under § 501(c) of the Internal Revenue Code, and the employee's receipt of the award would not result in or create the appearance of the employee using his or her position for private gain, giving preferential treatment to any person, or losing independence or impartiality.

(b) The exception in subdivision (5)(B)(xv)(a) of this section shall not apply to an award presented to an employee of state government by a person having economic interests which may be affected by the performance or nonperformance of the employee's duties or responsibilities.

(20) "Special event" means a planned activity to which a specific governmental body or identifiable group of public servants is invited;

A.C. §21-8-607. - Prohibited acts.

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

(b) No person engaging in lobbying shall:

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

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

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

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

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

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

(5) (A) Provide payment for food or beverages at any location or event at which the lobbyist is not present physically.
(B) Subdivision (b)(5)(A) of this section shall not apply to a special event under § 21-8-402(20).

(c) (1) A person convicted of violating subsection (a) or subsection (b) of this section is:

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

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

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

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

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

(A) Purposely provide false information; or

(B) Purposely omit information.

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

(A) Not be considered a registered lobbyist; and

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

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

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

A.E.C. § 300. – Definitions.

(b) Gift – As used in these rules, the term “gift” means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor. It does not include:

(1) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a public servant regarding his or her official duties. (NOTE: payments for travel or reimbursement for any expenses are not informational material);

(2) The giving or receiving of food, lodging, or travel which bears a relationship to the public servant’s office and when appearing in an official capacity;

(3) Gifts which are not used and which, within thirty (30) days after receipt, are returned to the donor;

(4) Gifts from an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this paragraph;

(5) Campaign contributions;
(6) Any devise or inheritance;

(7) Anything with a value of $100 or less (NOTE: The value of an item shall be considered to be less than $100 if the public servant reimburses the person from whom the item was received any amount over $100 and the reimbursement occurs within ten (10) days from the date the item was received.);

(8) Wedding presents and engagement gifts;

(9) A monetary or other award presented to an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics, Sciences, and the Arts, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of the employee's contribution to education;

(10) Tickets to charitable fundraising events held within this state by a non-profit organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;

(11) A personalized award, plaque, or trophy with a value of one hundred fifty dollars ($150) or less;

(12) An item which appointed or elected members of a specific governmental body purchase with their own personal funds and present to a fellow member of that governmental body in recognition of public service;

(13) Food or beverages provided at a conference scheduled event that is part of the program of the conference;

(14) Food or beverages provided in return for participation in a bona fide panel, seminar, speaking engagement at which the audience is a civic, social, or cultural organization or group;

(15) A monetary or other award publicly presented to an employee of state government in recognition of his or her contributions to the community and State of Arkansas when the presentation is made by the employee's supervisor or peers, individually or through a non-profit organization which is exempt from taxation under Section 501(c) of the Internal Revenue Code, and the employee's receipt of the award would not result in or create the appearance of the employee using his or her position for private gain, giving preferential treatment to any person, or losing independence or impartiality. (NOTE: This exception shall not apply to an award presented to an employee of state government by a person having economic interests which may be affected by the performance or nonperformance of the employee's duties or responsibilities.);

(16) Any work of art, contracted for prior to January 1, 1998, for public service recognition for members of the Arkansas General Assembly; or

(17) Racing passes provided to and accepted by members of the General Assembly and other constitutional officers for redistribution to their constituents and persons residing outside the State of Arkansas to promote tourism and advance the economic interests of the State.

A.E.C. § 301. - Payment of Public Servant’s Expenses for Food, Lodging, or Travel.

(a) The giving or receiving of food, lodging, or travel shall not be considered a gift in situations where a public servant is appearing in his or her official capacity and the appearance bears a relationship to the public servant’s office or position.

(b) For purposes of this rule, a public servant appears in an official capacity when the appearance arises solely because of the position held by the public servant, would be subject to expense reimbursement by the agency with which the public servant is associated, and involves matters which fall within the official responsibility of the public servant.
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(c) For purposes of this rule, an appearance at an event bears a relationship to the public servant’s office or position when such appearance furthers a purpose of the governmental body served by the public servant and the interest of such governmental body outweighs the likelihood that attending the event will improperly influence the public servant in the performance of his or her official duties and responsibilities. Factors to be considered in making a determination as to whether or not an appearance bears a relationship to a public servant’s office or position shall include, but not be limited to: the nature of any pending matter affecting the interest of the person paying for the food, lodging, or travel; the importance of the event to the governmental entity; the significance of the public servant’s role in the event; the timing of the event; the identity of other expected participants; and, the cost of the public servant attending the event. If a public servant is invited to attend a purely social event with no or a de minimis nexus to the programs or operations of the governmental entity which he or she serves, then the public servant’s attendance would not bear a sufficient relationship to his or her office or position to meet the exception contained in subsection (a) of this rule.


(a) No public servant shall receive a gift for the performance of the duties and responsibilities of his or her office or position.

(b) For purposes of this rule, a gift shall be prohibited if it is intended to reward a public servant for doing his or her job or it is intended as a reward for past or future action. In contrast to bribery which requires a showing that a gift and some official action motivated each other, a gift is prohibited by this rule if the gift is for or because of the action. In order for a gift to be prohibited, it need not be shown that the official action was for or because of the gift.

(c) A public servant is not prohibited from receiving an item conferred to show appreciation for the public servant’s job performance (i.e., to reward the public servant for doing his or her job) so long as the value of the item does not exceed $100. Items costing more than $100 which are given to public servants to show appreciation for their efforts (i.e., to reward them for doing their job) or to reward them for past or future action are prohibited under this rule.

(d) A public servant is not prohibited from receiving all gifts. For example, a public servant may accept a gift conferred on account of a bona fide personal, professional, or business relationship independent of his or her official status. In determining whether a gift was conferred on account of an independent relationship, the Commission will consider such factors as when the relationship began (i.e., before or after the public servant obtained his or her office or position), the prior history of gift giving between the individuals, whether the gift was given in connection with a holiday or other special occasion, and whether the same gift was given to other public servants.

A.E.C. § 304. - Providing Gifts to Public Servants.

(a) No person shall confer a gift to any public servant, the receipt of which is prohibited by § 303 of these rules.

A.E.C. § 308. - Gifts to Governmental Entities.

(a)(1) The Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Commissioner of State Lands, and Attorney General, in their official capacity, may accept gifts, grants, and donations of money or property on behalf of the state for any lawful public purpose.

(2) The President Pro Tempore of the Senate, in his or her official capacity, may accept gifts, grants, and donations of money or property on behalf of the Senate for any lawful public purpose.

(3) The Speaker of the House, in his or her official capacity, may accept gifts, grants, and donations of money or property on behalf of the House of Representatives for any lawful public purpose.
(4) The Chief Justice of the Supreme Court, in his or her official capacity, may accept gifts, grants, and donations of money or property on behalf of the Supreme Court for any lawful public purpose.

(b)(1) Except as provided in subdivision (2) of this subsection, the item received shall not be of such a personal nature that its use is limited to a specific person or persons, shall be available to be enjoyed by the public at large, and shall become property of the governmental entity to which it was donated.

(2) The designated officials may accept donations of money for purposes of hosting the:

(A) Official swearing-in and inaugural events of the constitutional officers, Senate, House of Representatives, and Supreme Court justices;

(B) Official recognition event for the President Pro Tempore; and

(C) Official recognition event for the Speaker of the House.


(a) Except as otherwise provided below, the value of a gift for purposes of these rules shall be its fair market value at the time the gift was conferred. Fair market value means the price the good or service would bring between a willing seller and a willing buyer in the open market after negotiations. In determining fair market value, the actual price paid for the gift will be given strong consideration. It is recognized, however, that in many instances, e.g., the giving of handmade items, no purchase price will have been paid.

(b) When multiple items, each individually worth less than $100 but in the aggregate worth more than $100, are simultaneously offered by a donor to a public servant, the gift being offered is deemed to be the aggregate of all the items. Food and beverages offered to a public servant’s spouse do not count toward the $100 aggregate.

(EXAMPLE: If a public servant is given eight (8) tickets worth $20/each, the value of the gift to the public servant would be $160.)

(c) The value of an item shall be considered to be less than $100 if the public servant reimburses the person from whom the item was received any amount over $100 and the reimbursement occurs within ten (10) days from the date the item was received.

(d) Tickets to sporting events and shows are valued at their face price except for tickets that the donor obtains pursuant to a lease (such as tickets for an “executive suite” or a “skybox”). The value of a ticket obtained pursuant to a lease shall be the price of the highest individually priced ticket for the event. The fair market value of benefits accepted by the public servant from the donor in connection with the event, including food and beverages, must be added to the value of a ticket to determine the overall value of the gift.

(EXAMPLE: If a public servant is given two (2) skybox tickets to an event, and takes a guest, the value of the gift to the public servant is twice the price of the highest individually priced ticket for the event plus the value of any food or beverages consumed by the public servant, but not his or her guest.)

(e) Transportation on a private aircraft shall be valued by dividing the total cost of the aircraft trip by the number of passengers (excluding crew). The total cost of the aircraft trip includes the expenses for the crew on board the plane (and for the crew to stay overnight, if applicable), the cost of fuel to operate the aircraft, repairs to the aircraft, depreciation, landing fees, and any applicable catering. Normally, these costs are expressed in terms of a per hour operational expense. In other words, what it actually costs to operate the particular aircraft on an hourly basis.
(EXAMPLE: A corporation owns a jet which it has determined costs $900/hour to operate, given historical expenses for crew, fuel, repairs, depreciation, fees and catering. The corporation takes six (6) passengers (excluding crew) on a trip with actual flight time of four (4) hours. The total cost of the aircraft trip is computed by multiplying $900/hour times four (4) hours. This computation ($3,600) is then divided by the number of passengers (6) which yields a value of $600/per passenger.)

(f) For purposes of these rules, the value of a ticket to a charitable event shall not include the tax deductible portion of the ticket.