

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Flanagin**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 21-8-701 TO PROVIDE THAT AN
9 INCUMBENT OFFICEHOLDER IS NOT REQUIRED TO FILE AN
10 ADDITIONAL FINANCIAL DISCLOSURE STATEMENT UPON BECOMING A
11 CANDIDATE; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code 21-8-701 is amended to read as follows:

16 "21-8-701. Persons required to file - Exceptions - Contents.

17 (a) The following persons shall file a written statement of financial
18 interest:

19 (1) A public official, as defined in subchapter 4 of this
20 chapter;

21 (2) A candidate for elective office;

22 (3) A municipal judge or city attorney, whether elected or
23 appointed;

24 (4) Any agency head, department director, or division director of
25 state government;

26 (5) Any public appointee to any state board or commission who is
27 authorized or charged by law with the exercise of regulatory authority or is
28 authorized to receive or disburse state or federal funds.

29 (b) The following persons shall not be required to file a written
30 statement of financial interest under this section:

31 (1) A member of a levee district or a levee and drainage
32 district or any candidate therefor; and

33 (2) A school board member or any candidate for election as
34 a school board member.

35 (c) The statement of financial interest shall be filed by January 31 of

1 each year; except that a candidate for elective office shall file the
2 statement of financial interest within thirty (30) days after the deadline for
3 filing for office for which he seeks election. Any incumbent officeholder who
4 filed the statement of financial interest by January 31 of the year in which
5 the election is held, shall not be required to file an additional statement
6 upon becoming a candidate for reelection or election to another office at any
7 election held during the year.

8 (d) The statement of financial interest shall include the following:

9 (1) The name of the public servant and his or her spouse and all
10 names under which they do business;

11 (2) Identification of each employer and of each other source of
12 income amounting to more than one thousand dollars (\$1,000) annually received
13 by the person or his or her spouse in their own names, or by any other person
14 for the use or benefit of the public servant or his or her spouse, and a brief
15 description of the nature of the services for which the compensation was
16 received, except that this paragraph shall not be construed to require the
17 disclosure of individual items of income that constitute a portion of the
18 gross income of the business or profession from which the public servant or
19 his or her spouse derives income; and in addition thereto, shall identify each
20 source of income as described above of more than twelve thousand five hundred
21 dollars (\$12,500), except that this shall not be construed to require the
22 disclosure of individual items of income that constitute a portion of the
23 gross income of the business or profession from which the public servant or
24 his or her spouse derives income;

25 (3) The name of every business in which the public servant and
26 his or her spouse, or any other person for the use or benefit of the public
27 servant or his or her spouse, have an investment or holdings of over one
28 thousand dollars (\$1,000) at fair market value as of the date of the
29 statement, and in addition thereto, shall identify each source as described
30 above which has a fair market value of over twelve thousand five hundred
31 dollars (\$12,500) on the date of the statement;

32 (4) Every office or directorship held by the public servant or
33 his or her spouse, in any business, corporation, firm, or enterprise subject
34 to jurisdiction of a regulatory agency of this state, or of any of its
35 political subdivisions;

1 (5) The name and address of each creditor to whom the value of
2 five thousand dollars (\$5,000) or more was personally owed or personally
3 obligated and is still outstanding by the public servant. Loans made in the
4 ordinary course of business by either a financial institution or a person who
5 regularly and customarily extends credit shall not be required to be
6 disclosed. Debts owed to the members of the public servant's family need not
7 be included;

8 (6) The name and address of each guarantor or co-maker, other
9 than a member of the public servant's family, who has guaranteed a debt of the
10 public servant that is still outstanding. This requirement shall be
11 applicable only to debt guaranties for debts assumed or arising after January
12 1, 1989. Guaranteed debts existing prior to January 1, 1989, which are
13 extended or refinanced shall become subject to disclosure in the annual
14 financing statement due to be filed after the conclusion of the year in which
15 such extension or refinancing occurred;

16 (7) The source, date, and description of each gift of more than
17 one hundred dollars (\$100) received by the public servant or his or her
18 spouse.

19 (8) Each nongovernmental source of payment of the public
20 servant's expenses for food, lodging, or travel which bears a relationship to
21 the public servant's office when the public servant is appearing in his or her
22 official capacity when the expenses incurred exceed one hundred fifty dollars
23 (\$150). The public servant shall identify the name and business address of
24 the person or organization paying the public servant's expenses and the date
25 and nature of that expenditure if not compensated by the entity for which the
26 public servant serves;

27 (9) Any public servant who is employed by any business which is
28 under direct regulation or subject to direct control by the governmental body
29 which he serves shall set out such employment and the fact that the business
30 is regulated by or subject to control of the governmental body on the
31 statement of financial interest;

32 (10) If a public servant or any business in which he or she or his
33 or her spouse is an officer, director, stockholder owning more than ten
34 percent (10%) of the stock of the company, owner, trustee, or partner shall
35 sell any goods or services having a total annual value in excess of one

1 thousand dollars (\$1,000) to the governmental body in which the public servant
2 serves or is employed, then the public servant shall set out in detail the
3 goods or services sold, the governmental body to which they were sold, and the
4 compensation paid for each category of goods or services sold."

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6 SECTION 2. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 3. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 4. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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