

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 815

5 By: Senator L. Chesterfield  
6 By: Representatives Allen, Williams, Love  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING VOLUNTEERS IN A MUNICIPALITY WITH A  
10 CITY MANAGER FORM OF GOVERNMENT AND TO DECLARE AN  
11 EMERGENCY; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 CONCERNING VOLUNTEERS IN A MUNICIPALITY  
16 WITH A CITY MANAGER FORM OF GOVERNMENT  
17 AND TO DECLARE AN EMERGENCY.  
18  
19

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

22 SECTION 1. Arkansas Code § 14-47-137 is amended to read as follows:  
23 14-47-137. Prohibited actions by officers or employees.

24 (a)(1) ~~No~~ An officer or employee elected or appointed in any city  
25 shall not be interested, directly or indirectly, in any contract or job for  
26 work or materials, or the profits ~~thereof~~, or service to be furnished or  
27 performed for the city unless the board of directors of the city ~~shall have~~  
28 has enacted an ordinance specifically permitting an officer or employee to  
29 conduct business with the city and prescribing the extent of this authority.

30 (2) This prohibition shall not apply to contracts for the  
31 furnishing of supplies, equipment, or services to be performed for a  
32 municipality by a corporation in which ~~no~~ an officer ~~holds~~ does not hold any  
33 executive or managerial office, or by a corporation in which a controlling  
34 interest is held by stockholders who are not officers or employees.

35 (3) This prohibition shall not apply to contracts for the  
36 furnishing of supplies, equipment, or services to be performed for a



1 municipality by a volunteer who has been appointed to a municipal board,  
 2 municipal commission, or municipal task force.

3 (b)(1) ~~No~~ An officer or employee shall not accept or receive, directly  
 4 or indirectly, any frank, pass, free ticket, or free service from any person,  
 5 firm, or corporation operating within the territorial limits of the city any  
 6 public transportation service, gas works, waterworks, electric light or power  
 7 plant, heating plant, telegraph line or telephone exchange, or other business  
 8 acting or operating under a public franchise of the city; nor shall any  
 9 officer or employee accept or receive, directly or indirectly, from any  
 10 person, firm, or corporation, or its agents, any other service upon terms  
 11 more favorable than those granted to the public generally.

12 (2) The prohibition of free transportation shall not apply to  
 13 police officers or ~~fire fighters~~ firefighters in uniform; nor shall any free  
 14 service to city officials heretofore provided by franchise or ordinance be  
 15 affected by this subsection.

16 (c) Any person violating the provisions of this section shall be  
 17 guilty of a misdemeanor and fined in a sum of not less than two hundred fifty  
 18 dollars (\$250) nor more than five thousand dollars (\$5,000), and every such  
 19 contract or agreement shall be void.

20  
 21 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 22 General Assembly of the State of Arkansas that the ability to utilize  
 23 citizens as members of municipal boards, commissions, and task forces is  
 24 essential to carrying out the functions of local government; that the  
 25 restriction in this statute threatens the ability to attract citizen  
 26 volunteers; and that this act is immediately necessary because of the dire  
 27 need of municipalities to be able to use these volunteer citizens. Therefore,  
 28 an emergency is declared to exist and this act being immediately necessary  
 29 for the preservation of the public peace, health, and safety shall become  
 30 effective on:

31 (1) The date of its approval by the Governor;

32 (2) If the bill is neither approved nor vetoed by the Governor,  
 33 the expiration of the period of time during which the Governor may veto the  
 34 bill; or

35 (3) If the bill is vetoed by the Governor and the veto is  
 36 overridden, the date the last house overrides the veto.