

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 326 OF 1991

HOUSE BILL 1077

4 **By: Representatives Flanagin and Jones**

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For An Act To Be Entitled

8 "AN ACT TO REENACT ARKANSAS CODE 21-8-305 THROUGH 21-8-309
9 REQUIRING FINANCIAL DISCLOSURE BY SCHOOL BOARD MEMBERS AND
10 PERSONS APPOINTED TO CERTAIN MUNICIPAL OR COUNTY BOARDS
11 OR COMMISSIONS; AND FOR OTHER PURPOSES."

12

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

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15 SECTION 1. PURPOSE. Section 5 of Act 719 of 1989 amended Arkansas Code
16 21-8-305 to require school board members and persons appointed to certain
17 municipal or county boards or commissions to file a financial disclosure
18 statement under Arkansas Code 21-8-305 through 21-8-309. However, the Act
19 also repealed Arkansas Code 21-8-305 through 21-8-309. The purpose of this
20 Act is to reenact Arkansas Code 21-8-305 through 21-8-309, as modified by
21 Section 5 of Act 719 of 1989.

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23 SECTION 2. Arkansas Code 21-8-305 through 21-8-309 is amended to read
24 as follows:

25 "21-8-305. The following persons shall file a written statement
26 required pursuant to this subchapter within the time specified in Arkansas
27 Code 21-8-306.

28 (1) All persons who are elected members of a school board or who are
29 candidates for a position on a school board; and

30 (2) Any person appointed to one of the following types of municipal or
31 county boards or commissions:

32 (A) a planning board or commission;

33 (B) an airport board or commission;

34 (C) a water or sewer board or commission;

35 (D) a utility board or commission; and

36 (E) a civil service commission.

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2 21-8-306. Financial disclosure statements - Time and place of filing.

3 (a) On or before the last day of January of each year, all persons
4 required to file a statement under §21-8-305 shall file the written statement
5 required pursuant to this subchapter as follows:

6 (1) State or district officials shall file with the Secretary of
7 State;

8 (2) County, township, or school district officials shall file
9 with the county clerks;

10 (3) Municipal officials shall file with the city clerk or
11 recorder, as the case may be;

12 (4) Municipal judges or city attorneys, whether elected or
13 appointed, shall file with the city clerk of the municipality within which
14 they serve.

15 (b) Any candidate for public office shall not be required to file such
16 information on or before January 31 of each year, but shall file such
17 information within thirty (30) days after the deadline for filing for office
18 for which he seeks election.

19 (c) Any incumbent officeholder who filed such information on or before
20 the last day of January of the year in which an election shall be held, shall
21 not be required to file an additional statement upon becoming a candidate for
22 reelection or election to another office at any election held during such
23 year.

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25 21-8-307. Financial disclosure statements - Public records.

26 The official with whom the statements are required to be filed pursuant to
27 this subchapter shall retain all such written statements in a file as a public
28 record which shall be open to public inspection during all office hours. Such
29 statement shall be retained as a public record for five (5) years after which
30 time the statements shall be destroyed.

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32 21-8-308. Financial disclosure statements - Contents.

33 (a) The statements required by this subchapter shall be filed on forms
34 provided by the Secretary of State, county clerk, city clerk, or recorder, as
35 the case may be, and shall include the following:

1 (1) The name and address of any corporation, firm, or enterprise
2 in which the person has a direct financial interest of a value in excess of
3 one thousand dollars (\$1,000). Policies of insurance issued to himself or his
4 spouse are not to be considered a financial interest;

5 (2) A list of every office or directorship held by himself or his
6 spouse, in any corporation, firm, or enterprise subject to jurisdiction of a
7 regulatory agency of this state or any of its political subdivisions;

8 (3) A list showing the name and address of any person,
9 corporation, firm, or enterprise from which the person received compensation
10 in excess of one thousand five hundred dollars (\$1,500) during the preceding
11 year;

12 (4) A list showing the name and address of any person,
13 corporation, firm, or enterprise from which the persons received compensation
14 in excess of twelve thousand five hundred dollars (\$12,500) during the
15 preceding year; and

16 (5) A list showing the name of each regulatory agency before
17 which the person has appeared in a compensated capacity during the preceding
18 twelve-month period as an attorney, accountant, or otherwise, and the name of
19 the person, partnership, corporation, or association of which he is a member,
20 partner, or employee.

21 (b) The Secretary of State shall, with the approval of the Attorney
22 General, promulgate forms to be used by persons in filing statements as
23 required in this subchapter. Each form shall provide for the signature of such
24 person, under penalty of perjury, with respect to the truth and accuracy of
25 the statements made on the form.

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27 21-8-309. Financial disclosure statements - Notification of failure to
28 file.

29 (a) Within ten (10) days after January 31 of each year, the Secretary
30 of State, each county clerk, and each city clerk or recorder, shall prepare a
31 list of the names of all elected officials, public officers, or public
32 employees who have not filed a statement with their office in accordance with
33 the provisions of this subchapter, including the names of persons who have
34 filed statements which have not been signed or are not filed in complete form.

35 (b)(1) Such official shall forthwith mail a notice to each person who

1 has failed to file such statement, or who filed an incomplete or unsigned
2 statement, by ordinary mail, addressed to the last known address of such
3 person.

4 (2) The notice shall be substantially as follows:

5 'Notice is hereby given that you have failed to file with the undersigned a
6 statement of information required to be filed with this office under the
7 provisions of §§ 21-8-301 - 21-8-309, or that you have filed a statement which
8 is incomplete or unsigned. You are further notified that according to law,
9 unless you file the statement required by §§ 21-8-301 - 21-8-309 with this
10 office within ten (10) days from the date of this notice, it is the duty of
11 the undersigned to file a report with the prosecuting attorney listing the
12 names of all persons who are required to file a statement with this office
13 under §§ 21-8-301 - 21-8-309 and who have failed to comply therewith.

14Secretary of State/County
15 Clerk/or City Clerk or Recorder as it may be

16 (DATE) "'

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18 SECTION 3. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 4. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the
26 provisions of this act are declared to be severable.

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28 APPROVED: 3-4-91
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