

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 735 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/17/09

A Bill

HOUSE BILL 2014

5 By: Representative M. Burris
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8 **For An Act To Be Entitled**

9 AN ACT TO REQUIRE DISCLOSURE OF CONTRACTS BETWEEN
10 STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION
11 AND EMPLOYEES HAVING A FINANCIAL INTEREST; AND
12 FOR OTHER PURPOSES.
13

14 **Subtitle**

15 TO REQUIRE DISCLOSURES OF CONTRACTS
16 BETWEEN STATE-SUPPORTED INSTITUTIONS OF
17 HIGHER EDUCATION AND EMPLOYEES HAVING A
18 FINANCIAL INTEREST.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 19-11-717 is amended to read as follows:
24 19-11-717. State-supported institutions of higher education.

25 (a)(1) Notwithstanding anything in this subchapter to the contrary,
26 if, in either of the events in subdivisions (a)(1)(A) and ~~(2)(B)~~ of this
27 section, the contract *or subcontract, solicitation, or proposal* involves
28 patents, copyrights, or other proprietary information in which ~~an~~ a state-
29 supported institution of higher education and an employee or former employee
30 of the state-supported institution of higher education have rights or
31 interests, provided that ~~any~~ a contract *or subcontract* shall be approved by
32 the governing board of the state-supported institution of higher education in
33 a public meeting, it shall not be a violation of § 19-11-709, a conflict of
34 interest, or a breach of ethical standards for:

35 ~~(1)(A)~~ The state-supported institution of higher education



1 to contract with a person or firm in which an employee or former employee of
 2 the state-supported institution of higher education has a financial interest;
 3 or

4 ~~(2)(B)~~ The employee or former employee of the state-
 5 supported institution of higher education to participate directly or
 6 *indirectly in ~~any a matter pertaining to any a contract, or subcontract, or~~*
 7 *~~any solicitation, or proposal for any a contract or subcontract between the~~*
 8 a state-supported institution of higher education and a person or firm in
 9 which the employee or former employee has a financial interest.

10 (2)(A) Within thirty (30) days of the approval by the governing
 11 board of a state-supported institution of higher education of a contract,
 12 subcontract, solicitation, or proposal executed under subdivision (a)(1) of
 13 this section, the state-supported institution of higher education shall file
 14 a summary of the contract, subcontract, solicitation, or proposal with the
 15 president of the state-supported institution of higher education.

16 (B) Failure to file the required summary with the
 17 president of the state-supported institution of higher education as required
 18 under subdivision (a)(2)(A) of this section renders the contract null and
 19 void.

20 (b)(1) Nothing in the Arkansas Procurement Law, § 19-11-201 et seq.,
 21 or in § 19-11-1001 et seq., shall prevent a state agency from contracting for
 22 goods or services, including professional or consultant services, with an
 23 organization that employs or contracts with a regular, full-time, or part-
 24 time employee of a ~~public~~ state-supported institution of higher education in
 25 situations in which the employee of the ~~public~~ state-supported institution of
 26 higher education will provide some or all of the goods or services under the
 27 contract.

28 (2) ~~Any~~ An organization or state agency entering into a contract
 29 described under this subsection shall comply with the ~~provisions of the~~
 30 Arkansas Procurement Law, § 19-11-201 et seq., and § 19-11-1001 et seq., to
 31 the extent that the ~~provisions~~ Arkansas Procurement Law, § 19-11-201 et seq.,
 32 and § 19-11-1001 et seq., do not conflict with this section.

33 (3) An employee of a ~~public~~ state-supported institution of
 34 higher education who provides goods or services to a state agency through his
 35 or her association with an organization that has a contract with the state
 36 agency to provide goods or services shall obtain the requisite approvals

1 under the policies of the ~~public~~ state-supported institution of higher
2 education by which he or she is employed and comply with all provisions of
3 this subchapter.

4 (c)(1) No later than January 31 each year, an employee or former
5 employee contracting or receiving benefits under this section shall file with
6 the Secretary of State on a form provided by the Secretary of State a
7 disclosure of the type and amount of the contract or benefits received during
8 the previous year.

9 (2) Failure to file the required form with the Secretary of
10 State as required under subdivision (c)(1) of this section is a breach of
11 ethical standards.

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13 */s/ M. Burris*

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15 **APPROVED: 4/1/2009**
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