

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

46

By: Senators Fitch and Harriman

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED §14-14-1202 (c) TO PERMIT OFFICERS AND EMPLOYEES OF COUNTY GOVERNMENT TO CONDUCT BUSINESS WITH A COUNTY IF THE QUORUM COURT HAS ENACTED AN ORDINANCE SPECIFICALLY PERMITTING SUCH BUSINESS AND SPECIFICALLY PRESCRIBING THE EXTENT OF SUCH AUTHORITY; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code Annotated §14-14-1202 (c) is hereby amended to read as follows:

"(c) (1) Rules of conduct. No officer or employee of county government shall:

(A) Be interested, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the county or an entity created by the county, or accept or receive any property, money, or other valuable thing, for his use or benefit on account of, connected with, or growing out of any contract or transaction of a county. If, in the purchase of any materials, supplies, equipment, or machinery for the county, any discounts, credits, or allowances are given or allowed, they shall be for the benefit of the county. It shall be unlawful for any officer or employee to accept or retain them for his own use or benefit;

(B) Be a purchaser at any sale nor a vendor of any purchase made by him in his official capacity;

(C) Acquire an interest in any business or undertaking which he has reason to believe may be directly affected to its economic benefit by official action to be taken by county government;

(D) Perform an official act directly affecting a business or other undertaking to its economic detriment when he has a substantial financial

interest in a competing firm or undertaking. Substantial financial interest is defined for purposes of this section as provided in Acts 1971, No. 313, §7 [repealed].

(2) If the quorum court determines that it is in the best interest of the county, the quorum court may by ordinance permit the county to purchase goods or services directly or indirectly from quorum court members, county officers, or county employees due to unusual circumstances. The ordinance permitting such purchases must specifically define the unusual circumstances under which such purchases are allowed and the limitations of such authority. Any quorum court member having any interest in the goods or services being considered under these procedures shall not be entitled to vote upon the approval of such goods or services. If goods or services are purchased under these procedures, the County Judge must file an affidavit certifying that each disbursement has been made in accordance with the provisions of the ordinance together with a copy of the voucher and other documents supporting the disbursement with the County Clerk."

SECTION 2. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable.

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