

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1921

4 By: Representatives Jones, Rorie, Choate, Hunton, I.Brown, Madison, B.Wood,
5 Pollan, Owens, Schexnayder, Northcutt, P.Malone, Wyrick, McJunkin, Thicksten,
6 Calhoun, Wooldridge, Young, Harris, Hinshaw, Watts, Molinaro, Hill, Critcher,
7 Thomas, G.Hendrix, Pappas, Sheppard, Kidd, DeLay, Vess, Hendren, Hudson,
8 M.Wilson, Ammons, Bryant, Bush, *Luker, Mullenix, Stalnaker, Horn, Jordan,*
9 *Whorton and Roberts*
10 By: Senators D.Malone, Canada, Bradford and Hardin

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For An Act To Be Entitled

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"AN ACT REQUIRING STATE BOARDS AND COMMISSIONS TO ISSUE AN
15 ANNUAL MISSION STATEMENT; TO PROHIBIT CONFLICTS OF
16 INTEREST; TO PROHIBIT NEPOTISM; AND FOR OTHER PURPOSES."

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Subtitle

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"AN ACT REQUIRING STATE BOARDS AND
21 COMMISSIONS TO ISSUE AN ANNUAL MISSION
22 STATEMENT; TO PROHIBIT CONFLICTS OF
23 INTEREST; TO PROHIBIT NEPOTISM."

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

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28 SECTION 1. Annual reports.

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(a)(1) Each state board or commission shall file an annual mission
30 statement with the Governor and Legislative Council. The statement shall
31 describe the scope, function, public purpose, and duties of the board or
32 commission.

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(2) Each state board or commission shall file an annual
34 statement summarizing the board or commission_s activity during the previous
35 year.

1 (b) No action shall be taken by either house of the Arkansas General
2 Assembly on any bill providing an appropriation for a board or commission, if
3 the board or commission has not filed an annual mission statement and an
4 annual summary of activities within one (1) year.

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6 SECTION 2. Conflicts of interest.

7 (a)(1) No member of a state board or commission shall participate in,
8 vote on, influence, or attempt to influence an official decision if the
9 member has a pecuniary interest in the matter under consideration by the
10 board or commission.

11 (2) A member of a state board or commission may participate in,
12 vote on, or influence or attempt to influence an official decision if the
13 only pecuniary interest that may accrue to the member is incidental to his or
14 her position, or which accrues to him or her as a member of a profession,
15 occupation, or large class, to no greater extent than the pecuniary interest
16 could reasonably be foreseen to accrue to all other members of the
17 profession, occupation, or large class.

18 (3) No member of a state board or commission shall participate
19 in any discussion or vote on a rule or regulation that exclusively benefits
20 the member.

21 (b) No member of a state board or commission shall disclose
22 confidential information acquired by him or her in the course of the member's
23 official duties nor use such information to further his or her personal
24 interests.

25 (c) No member of a state board or commission shall use or attempt to
26 use his or her official position to secure unwarranted privileges or
27 exemptions for himself or herself or others.

28 (d) This section shall be supplemental to all other laws concerning
29 ethics or conflicts of interest.

30 (e) In addition to any penalty contained in any other provision of law
31 any member of a state board or commission who knowingly and intentionally
32 violates any of the provisions of this section may be removed from office by
33 the appointing authority. The Arkansas Ethics Commission may investigate
34 complaints alleging a violation of this section and may make recommendations
35 to the appointing authority.

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SECTION 3. Nepotism.

(a) A person who is related within the second degree, by consanguinity or affinity, to a member or employee of a state board or commission shall not be eligible for appointment as a member of the board.

(b) A person who is related within the second degree, by consanguinity or affinity, to a member of a state board or commission shall not be eligible for employment by the board or commission.

(c) This section shall apply only to persons hired or appointed after the effective date of this act.

SECTION 4. 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.

SECTION 5. 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 or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Jones, et al

As Engrossed: 3/16/95 4/6/95

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