

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/14/07

A Bill

HOUSE BILL 1441

5 By: Representatives Pickett, Wills
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT THE USE OF PUBLIC FUNDS BY
10 PUBLIC SCHOOLS AND SCHOOL BOARDS FOR THE BENEFIT
11 OF INDIVIDUALS EXCEPT IN CERTAIN CIRCUMSTANCES;
12 AND FOR OTHER PURPOSES.
13

Subtitle

14 TO PROHIBIT THE USE OF PUBLIC FUNDS BY
15 PUBLIC SCHOOLS AND SCHOOL BOARDS FOR THE
16 BENEFIT OF INDIVIDUALS EXCEPT IN CERTAIN
17 CIRCUMSTANCES.
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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 § 6-21-110 is amended to read as follows:
24 6-21-110. Rules and regulations governing disposition of school
25 property.

26 (a)~~(1)~~ As used in this section:

27 (1) ~~"immediate "~~Immediate family member" means an individual's
28 spouse, ~~children~~ a child of the individual or the spouse, a child's spouse,
29 ~~parents~~ a parent of the individual or the spouse, ~~brothers and sisters~~ a
30 brother or sister of the individual, anyone living or residing in the same
31 residence or household with the individual or the spouse, and anyone acting
32 or serving as an agent of the individual;

33 (2) "Individual" means any natural person or legal entity,
34 including without limitation a public educational entity employee, school
35 board member, or student;

36 (3)(A) ~~As used in this section, "public "~~Public educational



1 ~~entities"~~ entity" means an Arkansas public school ~~districts~~ district, charter
 2 ~~schools~~ school, educational ~~cooperatives~~ cooperative established under The
 3 Public School Educational Cooperative Act of 1981, § 6-13-901 et seq.,
 4 education service cooperative established under The Education Service
 5 Cooperative Act of 1985, § 6-13-1001 et seq., or any publicly supported
 6 entity having supervision over public educational entities.

7 (B) Public educational entity does not include
 8 institutions of higher education~~;~~ and

9 (4) "Public funds" means any funds, moneys, receivables, grants,
 10 investments, instruments, real or personal property, or other assets,
 11 liabilities, equities, revenues, receipts, or disbursements belonging to,
 12 held by or for, or passed through a public educational entity, except for
 13 funds held in a trustee or agency capacity for others or funds donated or
 14 granted to a public educational entity for a specific purpose.

15 (b) It is hereby declared against public policy and prohibited for any
 16 public educational entity to give, donate, or transfer without adequate
 17 market value consideration any public property to ~~administrators, board~~
 18 ~~members, or employees~~ an administrator, school board member, or employee of
 19 the public educational entity, or the individual's immediate family ~~members~~
 20 member ~~of any of these individuals.~~

21 (c)(1) ~~Public~~ A public educational ~~entities are~~ entity is prohibited
 22 from giving public property or expending public funds for the sole benefit of
 23 an individual or the individual's immediate family member unless the gift or
 24 expenditure is:

25 (A) Property having a value of ~~over~~ not more than one
 26 hundred dollars (\$100) that is given to a leaving or retiring school board
 27 ~~members, administrators, employees,~~ member, administrator, or employee of the
 28 public educational entity ~~or members of their immediate family;~~

29 (B) An academic award;

30 (C)(i) A reimbursement of travel expenses of an
 31 administrative employee or school board member incurred in the performance of
 32 his or her job duties.

33 (ii) Public funds shall not be used by a public
 34 educational entity to pay or reimburse the expenses of an immediate family
 35 member of an administrative employee or board member;

36 (D) A reimbursement made pursuant to § 6-17-109, 6-17-307,

1 6-17-308, 6-17-2505, 6-21-303, or 6-24-108 or otherwise specifically
2 authorized by law; or

3 (E) The educational costs for an individual paid or
4 reimbursed pursuant to § 6-20-104 or 6-20-107.

5 (2) Except as authorized in this section, this subsection (c) is
6 intended to prohibit any gift or expenditure by a public educational entity
7 to an individual or an individual's family member of any public funds or
8 school property of monetary value, including:

9 (A) Cash;

10 (B) Property that may be sold or exchanged for cash; or

11 (C) An award or prize for participation in a school
12 activity or extra-curricular activity that rewards only an individual or an
13 individual's immediate family member.

14 (d) Unless specifically mandated by law or court order, public
15 educational entities are prohibited from retroactively raising the salary,
16 granting stipends, or providing other compensation for an administrator
17 beyond the current fiscal year.

18 (e) The State Board of Education shall establish rules and regulations
19 consistent with the provisions of this section regarding the disposition of
20 public property by public educational entities.

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22 */s/ Pickett, et al*
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