

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 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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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

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
36 to contract with a person or firm in which an employee or former employee of



1 the state-supported institution of higher education has a financial interest;
2 or

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

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

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

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

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

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

1 education by which he or she is employed and comply with all provisions of
2 this subchapter.

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

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

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12 /s/ M. Burris
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