

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1786

5 By: Representative Hutchison
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For An Act To Be Entitled

8 AN ACT CONCERNING CONFLICTS OF INTEREST FOR STATE
9 BOARDS, COMMISSIONS, AND ENTITIES RECEIVING STATE
10 FUNDS; TO CLARIFY THE RESTRICTIONS ON THE
11 PARTICIPATION OF A MEMBER OF A STATE BOARD OR
12 COMMISSION OR A BOARD MEMBER OF AN ENTITY THAT
13 RECEIVES STATE FUNDS IN A MATTER IN WHICH THE MEMBER
14 HAS A PECUNIARY INTEREST; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO CLARIFY THE RESTRICTIONS ON THE
19 PARTICIPATION OF A MEMBER OF A STATE
20 BOARD OR COMMISSION OR A BOARD MEMBER OF
21 AN ENTITY THAT RECEIVES STATE FUNDS IN A
22 MATTER IN WHICH THE MEMBER HAS A
23 PECUNIARY INTEREST.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 21-8-1001 is amended to read as follows:

29 ~~(a)(1) No member of a state board or commission or board member of an~~
30 ~~entity receiving state funds shall participate in, vote on, influence, or~~
31 ~~attempt to influence an official decision if the member has a pecuniary~~
32 ~~interest in the matter under consideration by the board, commission, or~~
33 ~~entity.~~

34 ~~(2) A member of a state board or commission or board member of~~
35 ~~an entity receiving state funds may participate in, vote on, influence, or~~
36 ~~attempt to influence an official decision if the only pecuniary interest that~~



~~1 may accrue to the member is incidental to his or her position or accrues to
 2 him or her as a member of a profession, occupation, or large class to no
 3 greater extent than the pecuniary interest could reasonably be foreseen to
 4 accrue to all other members of the profession, occupation, or large class.~~

~~5 (b) No member of a state board or commission or board member of an
 6 entity receiving state funds shall participate in any discussion or vote on a
 7 rule or regulation that exclusively benefits the member.~~

8 (a) As used in this section:

9 (1) "Affiliated member" means a member of a board;

10 (2) "Board" means a state board or commission or an entity
 11 receiving state funds; and

12 (3) "Pecuniary interest in a matter under consideration" means
 13 that with respect to a matter under consideration by a board, an affiliated
 14 member or an affiliated member's immediate family:

15 (A) Has a financial interest in the matter under
 16 consideration;

17 (B) Has a financial interest in a business or organization
 18 that has a financial interest in the matter under consideration;

19 (C) Is negotiating or has an arrangement concerning
 20 prospective employment with a person, business, or organization that has a
 21 financial interest in the matter under consideration;

22 (D) Is on the governing body of a business or organization
 23 that has a financial interest in the matter under consideration; or

24 (E) Has received a form of compensation, including without
 25 limitation money, travel expenses, or gifts, from a business or organization
 26 that has a financial interest in the matter under consideration.

27 (b) An affiliated member shall not:

28 (1)(A) Participate in, vote on, influence, or attempt to
 29 influence an official decision of the board if the affiliated member has a
 30 pecuniary interest in the matter under consideration.

31 (B) However, an affiliated member may participate in, vote
 32 on, influence, or attempt to influence an official decision of the board if
 33 the only pecuniary interest that may accrue to the affiliated member is
 34 incidental to his or her position or accrues to him or her as a member of a
 35 profession, occupation, or large class to no greater extent than the
 36 pecuniary interest could reasonably be foreseen to accrue to all other

1 members of the profession, occupation, or large class; or

2 (2) Participate in a discussion or vote on a rule or regulation
3 that exclusively benefits the affiliated member.

4 (c) Upon discovery of a possible conflict of interest under
5 subdivision (b)(1) of this section, an affiliated member shall:

6 (1) Promptly file a written statement of disqualification with
7 the board; and

8 (2) Withdraw from further participation in the matter under
9 consideration.

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