

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1669

By: Representatives Jackson, Bolin

For An Act To Be Entitled

AN ACT TO PROHIBIT PERSONS FROM SIMULTANEOUSLY
HOLDING THE POSITION OF JUSTICE OF THE PEACE AND
THE POSITION OF CITY COUNCIL MEMBER; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT TO PROHIBIT PERSONS FROM
SIMULTANEOUSLY HOLDING THE POSITION OF
JUSTICE OF THE PEACE AND THE POSITION OF
CITY COUNCIL MEMBER.

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

SECTION 1. Arkansas Code § 14-14-1202 is amended to read as follows:
14-14-1202. Ethics for county government officers and employees.

(a) Public Trust. The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of county government. An officer or employee shall carry out all duties assigned by law for the benefit of the people of the county. The officer or employee may not use his office, the influence created by his official position, or information gained by virtue of his position to advance his individual personal economic interest or that of an immediate member of his family or an associate, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally.

(b)(1) Officers and Employees of County Government Defined. For purposes of this section, officers and employees of county government shall



1 include:

2 (A) All elected county and township officers;

3 (B) All district judicial officers serving a county;

4 (C) All members of county boards, advisory,
5 administrative, or subordinate service districts; and

6 (D) All employees thereof.

7 (2) Officials who are considered to be state officers or deputy
8 prosecuting attorneys are not covered by this subsection.

9 (c)(1) Rules of Conduct. No officer or employee of county government
10 shall:

11 (A) Be interested, either directly or indirectly, in any
12 contract or transaction made, authorized, or entered into on behalf of the
13 county or an entity created by the county, or accept or receive any property,
14 money, or other valuable thing, for his use or benefit on account of,
15 connected with, or growing out of any contract or transaction of a county.

16 If, in the purchase of any materials, supplies, equipment, or machinery for
17 the county, any discounts, credits, or allowances are given or allowed, they
18 shall be for the benefit of the county. It shall be unlawful for any officer
19 or employee to accept or retain them for his own use or benefit;

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

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

25 (D) Perform an official act directly affecting a business
26 or other undertaking to its economic detriment when he has a substantial
27 financial interest in a competing firm or undertaking. Substantial financial
28 interest is defined for purposes of this section as provided in Acts 1971,
29 No. 313, § 7 [Repealed].

30 (2)(A) If the quorum court determines that it is in the best
31 interest of the county, the quorum court may by ordinance permit the county
32 to purchase goods or services directly or indirectly from quorum court
33 members, county officers, or county employees due to unusual circumstances.
34 The ordinance permitting such purchases must specifically define the unusual
35 circumstances under which such purchases are allowed and the limitations of
36 such authority.

1 (B) Any quorum court member having any interest in the
2 goods or services being considered under these procedures shall not be
3 entitled to vote upon the approval of such goods or services.

4 (C) If goods or services are purchased under these
5 procedures, the county judge must file an affidavit with the county clerk
6 certifying that each disbursement has been made in accordance with the
7 provisions of the ordinance, together with a copy of the voucher and other
8 documents supporting the disbursement.

9 (3)(A) No person shall simultaneously hold office and serve as
10 an elected county justice of the peace and hold office and serve as an
11 elected city council member.

12 (B) This subdivision shall not cut short the term of any
13 office holder serving as such on September 1, 2005, but shall be implemented
14 during the next election cycle of each office.

15 (d) Removal from Office or Employment. (1) Court of Jurisdiction. Any
16 citizen of a county or the prosecuting attorney of a county may bring an
17 action in the circuit court in which the county government is located to
18 remove from office any officer or employee who has violated the rules of
19 conduct set forth in this section.

20 (2) Suspension Prior to Final Judgment. Pending final judgment,
21 an officer or employee who has been charged as provided in this section may
22 be suspended from his office or position of employment without pay.
23 Suspension of any officer or employee pending final judgment shall be upon
24 order of the circuit court, or judge thereof in vacation.

25 (3) Punishment. Judgment upon conviction for violation of the
26 rules of conduct set forth in this section shall be deemed a misdemeanor.
27 Punishment shall be by a fine of not less than three hundred dollars (\$300)
28 nor more than one thousand dollars (\$1,000), and the officer or employee
29 shall be removed from office or employment of the county.

30 (4) Acquittal. Upon acquittal, an officer or employee shall be
31 reinstated in his office or position of employment and shall receive all back
32 pay.

33 (5) Legal Fees. Any officer or employee charged as provided in
34 this section and subsequently acquitted shall be awarded reasonable legal
35 fees incurred in his defense. Reasonable legal fees shall be determined by
36 the circuit court or state Supreme Court on appeal, and such legal fees shall

be ordered paid out of the general fund of the county treasury.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36