

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1804

By: Representative Eubanks

For An Act To Be Entitled

AN ACT TO REGULATE STATE CONTINGENCY FEE CONTRACTS WITH PRIVATE ATTORNEYS; TO REQUIRE TRANSPARENCY OF ALL STATE CONTINGENCY FEE CONTRACTS WITH PRIVATE ATTORNEYS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE TRANSPARENCY OF ALL STATE CONTINGENCY FEE CONTRACTS WITH PRIVATE ATTORNEYS.

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

SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

25-1-123. Contingency fee contracts with private attorneys – Transparency.

(a) As used in this section:

(1) "Private attorney" means:

(A) An individual who is a private attorney; or

(B) A law firm;

(2) "Public entity" means a state agency, constitutional office, constitutional department, board, commission, institution of higher education, municipality, county, school district, improvement districts, public retirement system, and any other political subdivision of the state; and

(3) "State transparency website" means the website developed by the Department of Finance and Administration under the Arkansas Financial



Transparency Act, § 25-1-401 et seq.

(b)(1) A copy of each executed contingency fee contract between a public entity and a private attorney shall be submitted to the department to be posted on the state transparency website for public inspection within five (5) business days after the date the contract is executed.

(2) A contingency fee contract posted on the state transparency website under this section shall remain posted on the state transparency website for the duration of the contingency fee contract, including any extensions of or amendments to the contingency fee contract.

(c)(1) Each payment of a contingency fee by a public entity to a private attorney shall be submitted to the department to be posted on the state transparency website within fifteen (15) days after the payment of the contingency fee to the private attorney.

(2) A payment of a contingency fee posted on the state transparency website under this chapter shall remain posted on the state transparency website for at least one (1) year.

SECTION 2. Arkansas Code § 25-1-403(1), concerning the definitions to be used under the Arkansas Financial Transparency Act, is amended to read as follows:

(1)(A) “Expenditure data” means information provided by a state agency regarding the spending of public funds that adequately identifies the purpose, amount, payor, and vendor, if such disclosure is permissible under the Arkansas Freedom of Information Act of 1967, § 25-19-101 et seq., and federal laws or regulations.

(B) “Expenditure data” does not include expenses of pending litigation.

(C) “Expenditure data” includes copies of contingency fee contracts and payments of contingency fees under § 25-1-123;

/s/Eubanks