

ARKANSAS ETHICS COMMISSION

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Opinion No. 93-EC-005

September 16, 1993

The Honorable Arthur Carter
Arkansas State Representative
301 Mountain Street
Berryville, AR 72616-3015

Dear Representative Carter:

On September 2, 1993, this office received your request for an official opinion under authority of Initiated Act 1 of 1988 and Initiated Act 1 of 1990.

Your question, paraphrased, is:

Is a suburban improvement district
required to file a Statement of Financial
Interest?

This Commission has attempted to answer this question in its previously issued opinion #92-EC-022 (attached). That opinion is so complicated and confusing that it almost surely is of very little help to you. However, its conclusions are sound, and we re-adopt them here:

The Ethics Commission cannot determine (a) which statute to apply to a suburban improvement district from among competing and conflicting statutes; and (b) whether a statute passed by the legislature is in conflict with Initiated Act 1 of 1988, and if so, which prevails.

We opined that the courts, the legislature, or the Attorney General should determine whether a suburban improvement district is a subdivision of government. If so, appointees to its commission must file a financial disclosure document. Further, which document the commissioners must file (Statement of Financial Interest or

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Code of Ethics) would depend upon whether they were subject to ACA §21-8-305 or ACA §21-8-701.

The Ethics Commission will address these questions to the Attorney General, and apply this Commission's opinion to his reply to give you a full reply in the near future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack R. Kearney", with a long horizontal flourish extending to the right.

Jack R. Kearney
Director/Chief Counsel

JRK/at