

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

As Engrossed: H3/17/15

# A Bill

HOUSE BILL 1804

5 By: Representative Eubanks  
6

## For An Act To Be Entitled

8 AN ACT TO REGULATE STATE CONTINGENCY FEE CONTRACTS  
9 WITH PRIVATE ATTORNEYS; TO REQUIRE TRANSPARENCY OF  
10 ALL STATE CONTINGENCY FEE CONTRACTS WITH PRIVATE  
11 ATTORNEYS; AND FOR OTHER PURPOSES.  
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### Subtitle

14 TO REQUIRE TRANSPARENCY OF ALL STATE  
15 CONTINGENCY FEE CONTRACTS WITH PRIVATE  
16 ATTORNEYS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 *SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended*  
23 *to add an additional section to read as follows:*

24 25-1-123. Contingency fee contracts with private attorneys –  
25 Transparency.

26 (a) As used in this section:

27 (1) "Private attorney" means:

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

29 (B) A law firm;

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

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



1 Transparency Act, § 25-1-401 et seq.

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

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

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

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

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

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

26 (B) "Expenditure data" does not include expenses of  
27 pending litigation.

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

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31 /s/Eubanks  
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