

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

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 363

By: Senator J. Woods
By: Representative Neal

For An Act To Be Entitled

AN ACT TO AMEND PORTIONS OF THE FREEDOM OF INFORMATION ACT OF 1967; TO PROVIDE GUIDANCE TO INTERESTED CITIES AND COUNTIES REGARDING ELECTRONIC RECORD KEEPING; TO SAVE PUBLIC MONEY BY ALLOWING FOR THE POSTING OF RECORDS ON THE INTERNET TO SATISFY DISCLOSURE REQUIREMENTS; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE GUIDANCE TO INTERESTED CITIES AND COUNTIES REGARDING ELECTRONIC RECORD KEEPING; AND TO SAVE PUBLIC MONEY BY ALLOWING FOR THE POSTING OF RECORDS ON THE INTERNET TO SATISFY DISCLOSURE REQUIREMENTS.

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

SECTION 1. Arkansas Code § 25-18-602(a), concerning the applicability of regulations regarding retention requirement, is amended to read as follows:

(a) ~~This subchapter shall not apply to~~ A city, county, or local governmental entity. entity may follow the requirements and procedures created under this subchapter if adopted by the governing body of that entity.

SECTION 2. Arkansas Code § 25-18-701 is amended to read as follows:



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25-18-701. Use of electronic records.

(a) All state agencies shall use or permit the use of electronic records and electronic signatures.

(b) A city, county, or local governmental entity may follow the requirements and procedures created under this subchapter if adopted by the governing body of that entity.

SECTION 3. Arkansas Code § 25-19-105(d), concerning access to public records, is amended to read as follows:

(d)(1) Reasonable access to public records and reasonable comforts and facilities for the full exercise of the right to inspect and copy those records shall not be denied to any citizen.

(2)(A) Upon request and payment of a fee as provided in subdivision ~~(d)(3)~~(d)(4) of this section, the custodian shall furnish copies of public records if the custodian has the necessary duplicating equipment.

(B) A citizen may request a copy of a public record in any medium in which the record is readily available or in any format to which it is readily convertible with the custodian's existing software.

(C) A custodian is not required to compile information or create a record in response to a request made under this section.

(3) The custodian has complied with this subchapter if the custodian:

(A) Made access to the requested information available in electronic form via the Internet; and

(B) If the requesting citizen does not have Internet access, the custodian provides reasonable access to the Internet and reasonable comforts and facilities for the inspection and copying of the information on the Internet.

~~(3)(A)(i)~~(4)(A)(i) Except as provided in § 25-19-109 or by law, any fee for copies shall not exceed the actual costs of reproduction, including the costs of the medium of reproduction, supplies, equipment, and maintenance, but not including existing agency personnel time associated with searching for, retrieving, reviewing, or copying the records.

(ii) The custodian may also charge the actual costs of mailing or transmitting the record by facsimile or other electronic means.

(iii) If the estimated fee exceeds twenty-five

dollars (\$25.00), the custodian may require the requester to pay that fee in advance.

(iv) Copies may be furnished without charge or at a reduced charge if the custodian determines that the records have been requested primarily for noncommercial purposes and that waiver or reduction of the fee is in the public interest.

(B) The custodian shall provide an itemized breakdown of charges under subdivision ~~(d)(3)(A)~~ (d)(4)(A) of this section.

SECTION 4. Arkansas Code § 25-19-108(b), concerning information made available on the internet, is amended to read as follows:

(b)(1) All materials made available by a state agency, board, or commission pursuant to subsection (a) of this section and created after July 1, 2003, shall be made publicly accessible, without charge, in electronic form via the Internet.

(2) It shall be a sufficient response to a request to inspect or copy the materials that they are available on the Internet at a specified location, ~~unless the requester specifies another medium or format under § 25-19-105(d)(2)(B).~~