

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

State of Arkansas As Engrossed: S2/1/21 S2/9/21 S2/10/21 S2/24/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 195

By: Senator D. Sullivan

By: Representative Womack

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO AMEND THE DEFINITION OF "PUBLIC RECORDS"; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; AND TO AMEND THE DEFINITION OF "PUBLIC RECORDS".

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

SECTION 1. Arkansas Code § 25-19-102 is amended to read as follows:

25-19-102. Legislative findings and intent.

(a) It is vital in a democratic society that public business be performed in an open and public manner so that the electors ~~shall be~~ are advised of the performance of public officials and of the decisions that are reached in public activity and in making public policy. Toward this end, this chapter is adopted, making it possible for ~~them~~ electors or their representatives to learn and to report fully the activities of their public officials.

(b) The General Assembly finds that:

(1) The purpose of the Freedom of Information Act of 1967 is transparency;

(2) Arkansas is proud to have a robust Freedom of Information Act of 1967; and

(3) It is in the interest of the public to provide transparency



with respect to private organizations that support public entities without the need for litigation.

(c) It is the intent of the General Assembly that records of a private organization or private entity that performs a governmental function or supports a governmental agency or public entity through activities such as fundraising or the provision of labor be subject to the Freedom of Information Act of 1967.

SECTION 2. Arkansas Code § 25-19-103(7), concerning the definitions to be used in the Freedom of Information Act of 1967, is amended to read as follows:

(7)(A) "Public records" means writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official and related functions that are or should be carried out by a public official or employee, a governmental agency, a private entity as described in subdivision (7)(C) of this section, or any other agency or improvement district that is wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment ~~shall be~~ are presumed to be public records.

(B) "Public records" does not mean software acquired by purchase, lease, or license~~+~~.

(C)(i) "Public records" includes writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium maintained by a private entity with the primary purpose of providing a state governmental agency or state public entity either with direct financial support of one million dollars (\$1,000,000) or more in the previous calendar year or with in-kind support equivalent to one million dollars (\$1,000,000) or more in the previous calendar year.

(ii) "Public records" does not include:

(a) Writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium of a private entity that are not related to the direct support of a governmental agency by the private entity; or

(b) The names and personal contact information

of persons making financial donations to a private entity as described in subdivision (7)(C)(i) of this section;

/s/D. Sullivan