

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 538 of 2001
HOUSE BILL 1650

5 By: Representative Files
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 23-61-107(a)(5) TO
10 MAINTAIN AS CONFIDENTIAL ALL INFORMATION RECEIVED FROM
11 STATE AND FEDERAL GOVERNMENTAL ENTITIES; TO SHARE
12 CONFIDENTIAL INFORMATION WITH STATE AND FEDERAL
13 GOVERNMENTAL ENTITIES; AND FOR OTHER PURPOSES.
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Subtitle

17 TO MAINTAIN THE CONFIDENTIALITY OF SHARED
18 INFORMATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 23-61-107(a)(5), concerning confidential
25 information, is amended to read as follows:

26 (5)(A) ~~The commissioner shall maintain, as confidential, any~~
27 ~~documents or information received from the National Association of Insurance~~
28 ~~Commissioners or insurance departments of other states which is confidential~~
29 ~~in such other jurisdictions.~~

30 (B) ~~It is within the power of the commissioner to share~~
31 ~~information, including otherwise confidential information, with the National~~
32 ~~Association of Insurance Commissioners or insurance departments of other~~
33 ~~states so long as such other jurisdictions agree to maintain the same level of~~
34 ~~confidentiality as is available in Arkansas.~~ In order to assist in the
35 performance of the Insurance Commissioner's duties, the Insurance
36 Commissioner:

1 (i) May share documents, materials or other
2 information, including confidential and privileged documents, materials or
3 information, with other state, federal, and international regulatory and
4 legislative agencies, with the National Association of Insurance Commissioners
5 and its affiliates and subsidiaries, and with state, federal, and
6 international law enforcement authorities, provided that the recipient agrees
7 to maintain the confidentiality and privileged status of the document,
8 material, communication or other information;

9 (ii) May receive documents, materials,
10 communications, or information, including otherwise confidential and
11 privileged documents, materials, or information, from the National Association
12 of Insurance Commissioners and its affiliates and subsidiaries, and from
13 regulatory, legislative, and law enforcement officials of other foreign,
14 alien, or domestic jurisdictions, and shall maintain as confidential or
15 privileged any documents, materials or information received with notice or the
16 understanding that it is confidential or privileged under the laws of the
17 jurisdiction that is the source of the document, material, or information; and

18 (iii) May enter into agreements governing sharing and
19 use of information consistent with this subsection.

20 (B) No waiver of any applicable privilege or claim of
21 confidentiality in the documents, materials, or information shall occur as a
22 result of disclosure to the commissioner under this section or as a result of
23 sharing as authorized by this subsection.

24 (C) A privilege established under the law of any state or
25 jurisdiction that is substantially similar to the privilege established under
26 this subsection shall be available and enforced in any proceeding in, and in
27 any court of, this state.

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29 SECTION 2. EMERGENCY CLAUSE. It is hereby found and determined by the
30 Eighty-third General Assembly, that there is an immediate need for the
31 Insurance Department to enter into agreements for the sharing and receiving of
32 confidential information from other governmental entities in order to further
33 enhance the regulatory capabilities of the department and to comply with
34 Gramm-Leach-Bliley. Therefore, an emergency is declared to exist and this act
35 being immediately necessary for the preservation of the public peace, health
36 and safety shall become effective on the date of its approval by the Governor.

1 If the bill is neither approved nor vetoed by the Governor, it shall become
2 effective on the expiration of the period of time during which the Governor
3 may veto the bill. If the bill is vetoed by the Governor and the veto is
4 overridden, it shall become effective on the date the last house overrides the
5 veto.

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8 APPROVED: 3/01/2001
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