

As Engrossed: 2/18/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Pagan**

A BILL ACT 781 OF 1991
SENATE BILL 278

For An Act To Be Entitled

8 "AN ACT TO PROHIBIT EMPLOYEES OF THE STATE AND ITS
9 POLITICAL SUBDIVISIONS FROM ENTERING INTO AGREEMENTS THAT
10 ANY CONTRACT OR SETTLEMENT MADE ON BEHALF OF THE
11 GOVERNMENTAL ENTITY SHALL BE WITHHELD FROM PUBLIC
12 DISCLOSURE; AND FOR OTHER PURPOSES."

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

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16 *SECTION 1. Except with respect to records which are not subject to*
17 *disclosure under the Freedom of Information Act (Arkansas Code Annotated*
18 *§§ 25-19-101 through 25-19-107) or other state law, no public official or*
19 *employee acting in behalf of (i) a governmental agency or (ii) other agency*
20 *wholly or partially supported by or expending public funds, shall:*

21 *(a) agree or authorize another to agree that all or part of a*
22 *litigation settlement agreement to which the agency is a party shall be kept*
23 *secret, sealed, or otherwise withheld from public disclosure, or*

24 *(b) seek a court order denying public access to any court record or*
25 *other document containing the terms of a settlement agreement resolving a*
26 *claim by or against the agency.*

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28 *SECTION 2. This Act does not prohibit the Director of the Department of*
29 *Finance and Administration and his authorized agents from entering into*
30 *agreements with taxpayers pursuant to Arkansas Code Annotated § 26-18-705*
31 *which shall not be subject to public disclosure if the subject matter of the*
32 *agreement is protected from public disclosure by the Freedom of Information*
33 *Act, Arkansas Code Annotated §26-18-303, or other state law.*

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35 *SECTION 3. Any person who violates this Act shall be deemed guilty of a*
36 *misdemeanor punishable by a fine not exceeding five hundred dollars (\$500).*

1 SECTION 4. All provisions of this Act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 5. If any provision of this Act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the Act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 Act are declared to be severable.

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11 SECTION 6. All laws and parts of laws in conflict with this Act are
12 hereby repealed.

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14 SECTION 7. EMERGENCY. It is the public policy of this State that
15 public business be performed in an open and public manner so that electors are
16 advised of the performance of public officials and of the decisions reached in
17 public activity. Unless specifically authorized by law, no public official or
18 employee is empowered to promise confidentiality regarding agreements that are
19 in the public domain. To ensure that this public policy is fully carried out,
20 an emergency is declared to exist, and this Act being necessary for the
21 preservation of the public peace, health, and safety, shall take effect and be
22 in full force from and after its passage and approval.

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24 /s/Pagan

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26 APPROVED: 3/26/91

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