

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 1946

TO AMEND THE LAW CONCERNING ACCESS TO PUBLIC INFORMATION; AND TO AMEND THE
FREEDOM OF INFORMATION ACT OF 1967.

Amendment No. 4 to House Bill No. 1946

Amend House Bill No. 1946 as engrossed, H3/23/17 (version: 03/23/2017 11:58:16 AM):

Page 2, delete line 13

AND

Page 3, delete lines 10 through 12, and substitute the following:

"(ii) A review by the panel shall be de novo.

(iii) This section does not interfere with the right
of a resident of this state to pursue a claim in court under § 25-19-107."

AND

Page 4, line 8, delete "(h)(1)" and substitute "(h)"

AND

Page 4, delete lines 11 through 18

AND

Page 4, delete lines 26 through 36, and substitute the following:

"(C) If the requester appeals the decision of the panel,
the appeal shall be pursuant to the provisions of § 25-19-107.

(D)(i)(a) If the custodian appeals the decision of the
panel the custodian shall provide written notice to the panel within three
(3) days after the day the panel issues the decision.

(b) If the third day after the panel issues
its decision is a Saturday, Sunday, or legal holiday, then the custodian
shall provide notice by the close of the next business day.

(ii)(a) The custodian may appeal the decision to the
Pulaski County Circuit Court or to any of the circuit courts of the judicial
districts where an agency of a county, municipality, township, or school
district, or a private organization supported by or expending public funds is



involved.

(b) Upon written application of the custodian, it shall be mandatory upon the circuit court having jurisdiction to fix and assess a day the petition is to be heard within seven (7) days of the date of the application of the custodian, and to hear and determine the case.

(c) A party that refuses to comply with the orders of the court shall be found guilty of contempt of court.

(E) If the custodian does not appeal a decision of the panel requiring disclosure of public records, then the custodian shall comply with the decision of the panel.

(2) A decision of the panel that is appealed shall be reviewed by a court de novo.

(3) A conflict between a decision of the panel and a decision of a court shall be resolved in favor of the decision by the court.

(j)(1) If the panel decides that the record or records in question before the panel shall become public, then the record or records shall become public on the first business day after the expiration of the custodian's time period to provide notice to the panel of an appeal to a court under subdivision (i)(1)(D)(i) of this section, unless the decision is appealed by the custodian under subdivision (i)(1)(D)(ii) of this section."

AND

Page 5, delete lines 1 and 2

The Amendment was read _____
By: Representative Tucker
SRC/SRC - 03-29-2017 09:53:34
SRC504

Chief Clerk