

2 State of Arkansas  
3 89th General Assembly  
4 Regular Session, 2013

# A Bill

DRAFT JAW/JAW  
HOUSE BILL

5  
6 By: Representative Hutchison

7 Filed with: Interim House Committee on State Agencies and Governmental Affairs  
8 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

9  
10 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF  
11 1967; TO REQUIRE CERTAIN NONPROFIT ORGANIZATIONS  
12 RECEIVING STATE FUNDS TO COMPLY WITH DISCLOSURE; AND  
13 FOR OTHER PURPOSES.

## Subtitle

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16 TO AMEND THE FREEDOM OF INFORMATION ACT  
17 OF 1967; AND TO REQUIRE CERTAIN NONPROFIT  
18 ORGANIZATIONS RECEIVING STATE FUNDS TO  
19 COMPLY WITH DISCLOSURE.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code § 25-19-103(5), concerning the definition of  
26 public records under the Freedom of Information Act of 1967, § 25-19-101 et  
27 seq., is amended to read as follows:

28 (5)(A) "Public records" means writings, recorded sounds, films,  
29 tapes, electronic or computer-based information, or data compilations in any  
30 medium required by law to be kept or otherwise kept and that constitute a  
31 record of the performance or lack of performance of official functions that  
32 are or should be carried out by a public official or employee, a governmental  
33 agency, or any other agency or improvement district that is wholly or  
34 partially supported by public funds or expending public funds. All records  
35 maintained in public offices or by public employees within the scope of their  
36 employment shall be presumed to be public records.

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

3 (C) "Public records" includes those records:

4 (i)(a) Under administrative control of a nonprofit  
5 organization as defined by § 26 U.S.C. § 501(c)(3) and (6) as it existed on  
6 January 1, 2013, that receives fifty percent (50%) or more of its operating  
7 budget from a bureau, commission, or agency of the state.

8 (b) As used in subdivision (5)(C)(i)(a) of  
9 this section, "operating budget" does not include federal grants, aid,  
10 reimbursements, funds, or any other moneys provided by the federal government  
11 to the nonprofit organization; and

12 (ii) Relevant to the task for which the private  
13 entity receives the public funds;

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16 Referral requested by: Representative John K. Hutchison

17 Prepared by: JAW/JAW  
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