

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 231

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

Amendment No. 1 to Senate Bill 231

Amend Senate Bill No. 231 as originally introduced:

Page 1, delete line 21, and substitute the following:

"SECTION 1. Arkansas Code § 25-19-102 is amended to read as follows:
25-19-102. Legislative 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 the purpose of the Freedom of Information Act of 1967 is transparency and Arkansas is proud to have a robust Freedom of Information Act of 1967.

(c) 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.

(d) 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)(A), concerning the definition"

AND

Page 1, delete lines 29 and 30, and substitute the following:

"a governmental agency, a private entity performing a public or governmental function on behalf of a governmental agency or public entity, a private entity with the primary purpose of providing direct support to a governmental



agency or public entity financially or with labor,"

AND

Page 1, delete line 34, and substitute the following:

"shall be are presumed to be public records. Only records related to the performance of a public or governmental function by a private entity or the support of a governmental entity by a private entity are presumed to be public records, however the identity of donors to a private entity are not public records."

The Amendment was read the first time, rules suspended and read the second time and

By: Senator K. Hammer

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Secretary