

2 State of Arkansas
3 90th General Assembly
4 Regular Session, 2015

A Bill

HOUSE BILL 1873

5
6 By: Representative Johnson

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

9 For An Act To Be Entitled

10 AN ACT TO CREATE A PROCEDURE FOR ADDRESSING UNDULY
11 BURDENSOME REQUESTS FOR DISCLOSURE UNDER THE FREEDOM
12 OF INFORMATION ACT OF 1967; TO AMEND THE FREEDOM OF
13 INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.

16 Subtitle

17 TO CREATE A PROCEDURE FOR ADDRESSING
18 UNDULY BURDENSOME REQUESTS FOR DISCLOSURE
19 UNDER THE FREEDOM OF INFORMATION ACT OF
20 1967; AND TO AMEND THE FREEDOM OF
21 INFORMATION ACT OF 1967.

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

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26 SECTION 1. Arkansas Code § 25-19-105(e), concerning public records in
27 storage, is amended to read as follows:

28 (e)(1) If Except as provided in subdivision (e)(2) of this section, if
29 a public record is in active use or storage and therefore not available at
30 the time a citizen asks to examine it, the custodian shall certify this fact
31 in writing to the applicant and set a date and hour within three (3) working
32 days at which time the record will be available for the exercise of the right
33 given by this chapter.

34 (2)(A) A request under this section is unduly burdensome if the
35 custodian determines in good faith that production of the record within three
36 (3) days would substantially and unreasonably divert the resources of the

1 government entity compelled to disclose the information from the other duties
2 and obligations of the government entity.

3 (B) If the a request is unduly burdensome, the custodian
4 shall:

5 (i) Within twenty-four (24) hours of receipt of the
6 request make efforts to the fullest extent possible to notify the person
7 requesting disclosure that production of the record is unduly burdensome and
8 may not be disclosed for fourteen (14) days; and

9 (ii) Comply with the request within fourteen (14)
10 days.

11 (C) If the request is unduly burdensome, the person
12 requesting disclosure may:

13 (i) Withdraw his or her request; or

14 (ii) Substitute a narrowed request that is not
15 unduly burdensome.

16 (3) If a narrowed request is substituted under subdivision
17 (e)(2)(C)(ii) of this section, the custodian must comply with the request
18 within three (3) days after the narrowed request is received.

19 (4) This section does not prevent a requester from seeking
20 judicial review of the custodian's determination.

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23 Referred by the Arkansas House of Representatives

24 Prepared by: VJF
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