1	INTERIM STUDY PROPOSAL 2019-113
2	State of Arkansas As Engrossed: \$2/27/19
3	92nd General Assembly A Bill
4	Regular Session SENATE BILL 231
5	
6	By: Senator K. Hammer
7	Filed with: Senate 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 AMEND THE FREEDOM OF INFORMATION ACT OF
11	1967; TO AMEND THE DEFINITION OF "PUBLIC RECORDS";
12	AND FOR OTHER PURPOSES.
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15	Subtitle
16	TO AMEND THE FREEDOM OF INFORMATION ACT
17	OF 1967; TO AMEND THE DEFINITION OF
18	"PUBLIC RECORDS".
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21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23	SECTION 1. Arkansas Code § 25-19-102 is amended to read as follows:
24	25-19-102. Legislative intent.
25	(a) It is vital in a democratic society that public business be
26	performed in an open and public manner so that the electors <del>shall be</del> <u>are</u>
27	advised of the performance of public officials and of the decisions that are
28	reached in public activity and in making public policy. Toward this end, this
29	chapter is adopted, making it possible for <del>them</del> <u>electors</u> or their
30	representatives to learn and to report fully the activities of their public
31	officials.
32	(b) The General Assembly finds that the purpose of the Freedom of
33	Information Act of 1967 is transparency and Arkansas is proud to have a
34	robust Freedom of Information Act of 1967.

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1	(c) It is in the interest of the public to provide transparency with
2	respect to private organizations that support public entities without the
3	need for litigation.
4	(d) It is the intent of the General Assembly that records of a private
5	organization or private entity that performs a governmental function or
6	supports a governmental agency or public entity through activities such as
7	fundraising or the provision of labor be subject to the Freedom of
8	Information Act of 1967.
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10	SECTION 2. Arkansas Code § 25-19-103(7)(A), concerning the definition
11	of "public records" under the Freedom of Information Act of 1967, is amended
12	to read as follows:
13	(7)(A) "Public records" means writings, recorded sounds, films,
14	tapes, electronic or computer-based information, or data compilations in any
15	medium required by law to be kept or otherwise kept and that constitute a
16	record of the performance or lack of performance of official or related
17	functions that are or should be carried out by a public official or employee,
18	a governmental agency, <u>a private entity performing a public or governmental</u>
19	function on behalf of a governmental agency or public entity, a private
20	entity with the primary purpose of providing direct support to a governmental
21	agency or public entity financially or with labor, or any other agency or
22	improvement district that is wholly or partially supported by public funds or
23	expending public funds. All records maintained in public offices or by public
24	employees within the scope of their employment <i>shall be <u>are</u> presumed to be</i>
25	public records. <u>Only records related to the performance of a public or</u>
26	governmental function by a private entity or the support of a governmental
27	entity by a private entity are presumed to be public records, however the
28	identity of donors to a private entity are not public records.
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31	/s/K. Hammer
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34	Referred requested by the Arkansas Senate
35	Prepared by: MLD/VJF
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