

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 99

1093

By: Representatives Stephens, Hawkins, Maddox, J. Miller, McCuiston,
Landers, Bryan, Newman, D. Roberts, Willems, Calhoun, Rice, McGinnis,
Dawson, Hinshaw, Dowd, McJunkin, Sanson, J. Roberts, Fairchild,
Jordon, Allen, McKissack, Dietz, Thurman

For An Act To Be Entitled

"AN ACT TO AMEND ARK. CODE ANN. 25-19-105, THE FREEDOM OF
INFORMATION ACT, TO CLARIFY THAT RECORDS OF THE ARKANSAS
INDUSTRIAL DEVELOPMENT COMMISSION WHICH PERTAIN TO AIDC'S
ECONOMIC DEVELOPMENT EFFORTS ARE EXEMPT FROM DISCLOSURE UNDER
THE FREEDOM OF INFORMATION ACT; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 25-19-105(b) is hereby amended to read as
follows:

"(b) It is the specific intent of this section that the following shall
not be deemed to be made open to the public under the provisions of this
chapter:

- (1) State income tax records;
- (2) Medical records, scholastic records, and adoption records;
- (3) The site files and records maintained by the Arkansas Historic
Preservation Program and the Arkansas Archeological Survey;
- (4) Grand jury minutes;
- (5) Unpublished drafts of judicial or quasi-judicial opinions and
decisions;
- (6) Undisclosed investigations by law enforcement agencies of suspected
criminal activity;
- (7) Unpublished memoranda, working papers, and correspondence of the
Governor, Legislators, Supreme Court Justices, and the Attorney General;
- (8) Documents which are protected from disclosure by order or rule of
court;
- (9) (A) Files which, if disclosed, would give advantage to competitors or

bidders; and

(B) Records maintained by the Arkansas Industrial Development Commission related to any business entity's planning, site location, expansion, operations, or product development/marketing, unless approval for release of such records is granted by the business entity; provided, however, this exemption shall not be applicable to any records of expenditures or grants made or administered by the Arkansas Industrial Development Commission and otherwise disclosable under the provisions of this Act; and

(10) Personnel records to the extent that disclosure would constitute unwarranted invasion of personal privacy."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that present law is unclear concerning the confidentiality of the records obtained by the Arkansas Industrial Development Commission in the recruitment of industry to this State, and the disclosure of such information under the provisions of the Freedom of Information Act would seriously jeopardize other recruitment efforts of the Commission, since this information is given to the Commission under an agreement of confidentiality. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.