

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 899

4
5 By: Senator Brown
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7

For An Act To Be Entitled

8
9 "AN ACT TO CREATE AN ELECTRONIC RECORDS STUDY
10 COMMISSION TO MAKE RECOMMENDATIONS TO THE EIGHTY-THIRD
11 GENERAL ASSEMBLY ON AMENDING THE 'ARKANSAS FREEDOM OF
12 INFORMATION ACT' TO SPECIFICALLY ADDRESS ACCESS TO
13 ELECTRONIC OR COMPUTERIZED RECORDS; AND FOR OTHER
14 PURPOSES. "

Subtitle

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17 "TO CREATE AN ELECTRONIC RECORDS STUDY
18 COMMISSION TO MAKE RECOMMENDATIONS TO
19 THE EIGHTY-THIRD GENERAL ASSEMBLY ON
20 AMENDING THE 'ARKANSAS FREEDOM OF
21 INFORMATION ACT' . "

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

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26 SECTION 1. (a) There is hereby created the Arkansas Electronic Records
27 Study Commission to be composed of the following:

28 (1) Two (2) members appointed by the Governor;

29 (2) Two (2) members appointed by the Attorney General, who may or
30 may not be staff members of the Attorney General;

31 (3) One (1) member appointed by the Speaker of the House;

32 (4) One (1) member appointed by the President Pro Tempore of the
33 Senate;

34 (5) Two (2) members from the staff of the Office of Information
35 Services, as designated by the Director of the Office of Information Services;

36 (6) Two (2) representatives designated by the Arkansas Press

1 Association;

2 (7) One (1) representative designated by the Arkansas Municipal

3 League;

4 (8) One (1) representative designated by the Arkansas Association

5 of Counties; and

6 (9) One (1) representative designated by the Arkansas School

7 Board Association.

8 (b) The commission at its first meeting shall elect from among its
 9 members a chairman and a secretary.

10 (c) The commission shall serve in an advisory capacity and shall be
 11 responsible for studying public access to electronic or computerized records
 12 under the Arkansas Freedom of Information Act. The commission shall develop
 13 recommendations for amendments to that act for consideration by the 83rd
 14 General Assembly.

15 (d) Members of the Electronic Records Study Commission shall serve
 16 without pay, but shall be reimbursed for reasonable and necessary expenses for
 17 meals, lodging, and mileage at the same rates authorized for official travel
 18 by state employees.

19 (e) The Electronic Records Study Commission shall be provided such
 20 support staff and secretarial services as necessary by the Arkansas Attorney
 21 General's office.

22 (f) The Electronic Records Study Commission shall submit a final
 23 report of its findings and recommendations to the 83rd General Assembly on or
 24 before December 15, 2000.

25 (g) The Electronic Records Study Commission shall be in existence from
 26 the date of its enactment until December 31, 2000.

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

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 33 SECTION 3. If any provision of this act or the application thereof to
 34 any person or circumstance is held invalid, such invalidity shall not affect
 35 other provisions or applications of the act which can be given effect without
 36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 4. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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6 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
7 Eighty-second General Assembly that the "Arkansas Freedom of Information Act"
8 does not specifically provide procedures relating to electronic or
9 computerized records and that confusion exists as to the nature and extent of
10 a public agency's duty to respond to requests for such records. This
11 confusion may lead to the denial of access to public records, and to undue
12 administrative burdens on public agencies. Policies and procedures regarding
13 access to such records should be reviewed in an expeditious manner so that
14 recommendations for legislative amendments can be made to the Eighty-Third
15 General Assembly. Therefore, an emergency is declared to exist and this act
16 being immediately necessary for the preservation of the public peace, health
17 and safety shall become effective on the date of its approval by the Governor.
18 If the bill is neither approved nor vetoed by the Governor, it shall become
19 effective on the expiration of the period of time during which the Governor
20 may veto the bill. If the bill is vetoed by the Governor and the veto is
21 overridden, it shall become effective on the date the last house overrides the
22 veto.