

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 588

4
5 By: Senator Mahony
6
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING LEGISLATIVE STAFF CONFIDENTIALITY
10 AND LEGISLATIVE DOCUMENTS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT CONCERNING LEGISLATIVE STAFF
14 CONFIDENTIALITY AND LEGISLATIVE
15 DOCUMENTS.
16
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 10, Chapter 2, Subchapter 1 is amended
22 to add an additional section to read as follows:

23 10-2-129. Legislative staff confidentiality, communications and
24 legislative documents.

25 (a) As used in this section:

26 (1) "Legislative document" includes, but is not limited to, all
27 of the following:

28 (A) A working paper, work product, correspondence,
29 preliminary draft, note, proposed bill or resolution, proposed amendment to a
30 bill or resolution, analysis, opinion, memorandum, or other document in
31 whatever form or format prepared by legislative staff for a legislator;

32 (B) Any document or material in whatever form or format
33 that requests, or that provides information or materials to assist in, the
34 preparation of any of the items described in subdivision (a)(1)(A) of this
35 section;

36 (2) "Legislative staff" means the staffs of the House of

1 Representatives, Senate, Bureau of Legislative Research, Division of
2 Legislative Audit, and the Arkansas Code Revision Commission; and

3 (3) "Legislator" means a member of the Arkansas General Assembly
4 or a member-elect.

5 (b)(1) Legislative staff shall maintain a confidential relationship
6 with each legislator, and with each member of the legislative staff, with
7 respect to communications between legislators and legislative staff.

8 (2) However, nothing in this subsection (b) shall be construed to
9 prohibit a legislative staff person from working on similar or identical
10 matters from more than one (1) legislator.

11 (c)(1) Except as otherwise provided in this subsection (c) of this
12 section, a legislative document arising out of this confidential relationship
13 is not a public record for purposes of the Freedom of Information Act of 1967
14 or any other law.

15 (2) A legislative document is a public record for purposes of
16 Freedom of Information Act of 1967 if:

17 (A) It is an analysis, synopsis, fiscal note, or local
18 impact statement prepared by legislative staff that is required to be prepared
19 by law, or by a rule of either house of the General Assembly, for the benefit
20 of the legislators of either or both of those houses or any legislative
21 committee and if it has been presented to those legislators; or

22 (B) A legislator for whom legislative staff prepared the
23 legislative document does any of the following:

24 (i) Files it for introduction with the clerk of the
25 Senate or the clerk of the House of Representatives, if it is a bill or
26 resolution;

27 (ii) Presents it at a committee hearing or floor
28 session, if it is an amendment to a bill or resolution or is a substitute bill
29 or resolution; or

30 (iii) Releases it, or authorizes legislative staff to
31 release it, to the public.

32
33
34
35
36