

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2440

4
5 By: Representative Thomason
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For An Act To Be Entitled

9 AN ACT TO EXEMPT CERTAIN INFORMATION MAINTAINED
10 BY THE COMMISSIONER OF STATE LANDS FROM
11 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT
12 OF 1967; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT TO EXEMPT CERTAIN INFORMATION
15 MAINTAINED BY THE COMMISSIONER OF STATE
16 LANDS FROM DISCLOSURE UNDER THE FREEDOM
17 OF INFORMATION ACT OF 1967.
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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 § 25-19-105(b), concerning public records
24 exempt from disclosure under the Freedom of Information Act of 1967, is
25 amended to read as follows:

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

29 (1) State income tax records;

30 (2) Medical records, adoption records, and education records as
31 defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
32 1232g, unless their disclosure is consistent with the provisions of that
33 act;

34 (3) The site files and records maintained by the Arkansas
35 Historic Preservation Program of the Department of Arkansas Heritage and the
36 Arkansas Archeological Survey;



- 1 (4) Grand jury minutes;
- 2 (5) Unpublished drafts of judicial or quasi-judicial opinions
- 3 and decisions;
- 4 (6) Undisclosed investigations by law enforcement agencies of
- 5 suspected criminal activity;
- 6 (7) Unpublished memoranda, working papers, and correspondence of
- 7 the Governor, members of the General Assembly, Supreme Court Justices, Court
- 8 of Appeals Judges, and the Attorney General;
- 9 (8) Documents that are protected from disclosure by order or
- 10 rule of court;
- 11 (9)(A) Files that if disclosed would give advantage to
- 12 competitors or bidders, and records maintained by the Arkansas Economic
- 13 Development Commission related to any business entity's planning, site
- 14 location, expansion, operations, or product development and marketing, unless
- 15 approval for release of those records is granted by the business entity.
- 16 (B) However, this exemption shall not be applicable to any
- 17 records of expenditures or grants made or administered by the commission and
- 18 otherwise disclosable under the provisions of this chapter;
- 19 (10)(A) The identities of law enforcement officers currently
- 20 working undercover with their agencies and identified in the Arkansas Minimum
- 21 Standards Office as undercover officers.
- 22 (B) Records of the number of undercover officers and
- 23 agency lists are not exempt from this chapter;
- 24 (11) Records containing measures, procedures, instructions, or
- 25 related data used to cause a computer or a computer system or network,
- 26 including telecommunication networks or applications thereon, to perform
- 27 security functions, including, but not limited to, passwords, personal
- 28 identification numbers, transaction authorization mechanisms, and other means
- 29 of preventing access to computers, computer systems or networks, or any data
- 30 residing therein;
- 31 (12) Personnel records to the extent that disclosure would
- 32 constitute a clearly unwarranted invasion of personal privacy;
- 33 (13) Home addresses of nonelected state employees, nonelected
- 34 municipal employees, and nonelected county employees contained in employer
- 35 records, except that the custodian of the records shall verify an employee's
- 36 city or county of residence or address on record upon request;

1 (14) Materials, information, examinations, and answers to
2 examinations utilized by boards and commissions for purposes of testing
3 applicants for licensure by state boards or commissions;

4 (15) Military service discharge records or DD Form 214, the
5 Certificate of Release or Discharge from Active Duty of the United States
6 Department of Defense, filed with the county recorder as provided under § 14-
7 2-102, for veterans discharged from service less than seventy (70) years from
8 the current date; ~~and~~

9 (16)(A) Records, including analyses, investigations, studies,
10 reports, recommendations, requests for proposals, drawings, diagrams,
11 blueprints, and plans, containing information relating to security for any
12 public water system.

13 (B) The records shall include:

- 14 (i) Risk and vulnerability assessments;
- 15 (ii) Plans and proposals for preventing and
16 mitigating security risks;
- 17 (iii) Emergency response and recovery records;
- 18 (iv) Security plans and procedures; and
- 19 (v) Any other records containing information that,
20 if disclosed, might jeopardize or compromise efforts to secure and protect
21 the public water system.

22 (C) Subdivision (b)(16) of this section shall expire on
23 July 1, 2005~~+~~; and

24 (17) The following records maintained by the Commissioner of
25 State Lands:

26 (A) Files and records that, if disclosed, would give
27 advantage to bidders for tax delinquent lands; and

28 (B) Names, home addresses, telephone numbers, and
29 electronic mail addresses maintained for the purpose of notifying individuals
30 of items and property available for purchase from the Commissioner of State
31 Lands.

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