

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
4

A Bill

SENATE BILL 963

5 By: Senator Glover
6 By: Representatives S. Prater, Roebuck, Dickinson, L. Evans, George
7

For An Act To Be Entitled

10 AN ACT TO EXCLUDE UNSUBSTANTIATED ALLEGATIONS OF
11 FRAUD IN RECORDS MAINTAINED BY THE LEGISLATIVE
12 AUDITOR FROM DISCLOSURE; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO EXCLUDE UNSUBSTANTIATED
15 ALLEGATIONS OF FRAUD IN RECORDS
16 MAINTAINED BY THE LEGISLATIVE AUDITOR
17 FROM DISCLOSURE.
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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 § 10-4-115(c)(2), concerning public records
24 of the Legislative Auditor, is amended to read as follows:

25 (2) After any audit report has been presented to the Legislative
26 Joint Auditing Committee members, that audit report and copies of any
27 documents contained in the working papers of the division shall be open to
28 public inspection, except ~~documents~~;

29 (A) Documents specifically exempted from disclosure under
30 the Freedom of Information Act of 1967, § 25-19-101 et seq. and except
31 documents;

32 (B) Unsubstantiated allegations obtained in complying with
33 the provisions of the American Institute of Certified Public Accountants'
34 Statement on Auditing Standards Number 99 or other professional guidelines
35 regarding the detection of fraud; and

36 (C) Documents which disclose auditing procedures and



1 techniques as defined in subdivision (c)(3) of this section.

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3 SECTION 2. Arkansas Code § 10-4-205(a)(2), concerning public records
4 of the Legislative Auditor, is amended to read as follows:

5 (2) After any audit report has been presented to the Legislative
6 Joint Auditing Committee members, that audit report and copies of any
7 documents contained in the working papers of the Division of Legislative
8 Audit shall be open to public inspection, ~~except documents;~~

9 (A) Documents specifically exempted from disclosure under
10 the Freedom of Information Act of 1967, § 25-19-101 et seq. and except
11 documents;

12 (B) Unsubstantiated allegations obtained in complying with
13 the provisions of the American Institute of Certified Public Accountants'
14 Statement on Auditing Standards Number 99 or other professional guidelines
15 regarding the detection of fraud; and

16 (C) Documents which disclose auditing procedures and
17 techniques as defined in subdivision (a)(3) of this section.

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19 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that the American Institute of
21 Certified Public Accountants' Statement on Auditing Standards Number 99
22 regarding the detection of fraud requires auditors to document
23 unsubstantiated allegations of fraud in their working papers; that public
24 disclosure of unsubstantiated allegations do not serve a public purpose and
25 may cause irreparable harm to innocent individuals and public employees; and
26 that this act is immediately necessary to prevent unnecessary and unintended
27 harm. Therefore, an emergency is declared to exist and this act being
28 immediately necessary for the preservation of the public peace, health, and
29 safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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