

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 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 1052

4  
5 By: Representatives Greenberg, Lea  
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## For An Act To Be Entitled

8  
9 AN ACT TO PREVENT RETALIATION AGAINST PUBLIC  
10 EMPLOYEES FOR REQUESTING RECORDS UNDER THE  
11 FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

14  
15 AN ACT TO PREVENT RETALIATION AGAINST  
16 PUBLIC EMPLOYEES FOR REQUESTING RECORDS  
17 UNDER THE FREEDOM OF INFORMATION ACT OF  
18 1967.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 25-19-103 is amended to read as follows:  
24 25-19-103. Definitions.

25 As used in this chapter:

26 (1) "Adverse action" means discharging, threatening, or  
27 otherwise discriminating or retaliating against a public employee in any  
28 manner that affects the public employee's employment, including without  
29 limitation:

- 30 (A) Compensation;  
31 (B) Job location;  
32 (C) Rights;  
33 (D) Immunities;  
34 (E) Promotions; or  
35 (F) Privileges.  
36



1           ~~(1)~~(2)(A) “Custodian”, with respect to any public record, means  
 2 the person having administrative control of that record.

3           (B) “Custodian” does not mean a person who holds public  
 4 records solely for the purposes of storage, safekeeping, or data processing  
 5 for others;

6           ~~(2)~~(3) “Format” means the organization, arrangement, and form of  
 7 electronic information for use, viewing, or storage;

8           ~~(3)~~(4) “Medium” means the physical form or material on which  
 9 records and information may be stored or represented and may include, but is  
 10 not limited to, paper, microfilm, microform, computer disks and diskettes,  
 11 optical disks, and magnetic tapes;

12           (5) “Public employee” means a person who performs a full or  
 13 part-time service for wages, salary, or other remuneration for a public  
 14 employer;

15           (6) “Public employer” means a governmental agency or any other  
 16 agency wholly or partially supported by public funds or expending public  
 17 funds;

18           ~~(4)~~(7) “Public meetings” means the meetings of any bureau,  
 19 commission, or agency of the state or any political subdivision of the state,  
 20 including municipalities and counties, boards of education, and all other  
 21 boards, bureaus, commissions, or organizations in the State of Arkansas,  
 22 except grand juries, supported wholly or in part by public funds or expending  
 23 public funds;

24           ~~(5)~~(8)(A) “Public records” means writings, recorded sounds,  
 25 films, tapes, electronic or computer-based information, or data compilations  
 26 in any medium required by law to be kept or otherwise kept and that  
 27 constitute a record of the performance or lack of performance of official  
 28 functions that are or should be carried out by a public ~~official or~~ employee,  
 29 a governmental agency, or any other agency wholly or partially supported by  
 30 public funds or expending public funds. All records maintained in public  
 31 offices or by public employees within the scope of their employment shall be  
 32 presumed to be public records.

33           (B) “Public records” does not mean software acquired by  
 34 purchase, lease, or license;

35           ~~(6)~~(9)(A) “Public water system” means all facilities composing a  
 36 system for the collection, treatment, and delivery of drinking water to the

1 general public, including, but not limited to, reservoirs, pipelines,  
2 reclamation facilities, processing facilities, and distribution facilities.

3 (B) This subdivision ~~(6) shall expire~~ (9) expires on July  
4 1, 2009; and

5 ~~(7)~~(10) "Vulnerability assessment" means an assessment of the  
6 vulnerability of a public water system to a terrorist attack or other  
7 intentional acts intended to substantially disrupt the ability of the public  
8 water system to provide a safe and reliable supply of drinking water as  
9 required by the Public Health Security and Bioterrorism Preparedness and  
10 Response Act of 2002, Pub. L. No. 107-188.

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12 SECTION 2. Arkansas Code Title 25, Chapter 19 is amended to add an  
13 additional section to read as follows:

14 25-19-110. Adverse action against public employee prohibited.

15 A public employer shall not take adverse action against a public  
16 employee because the public employee or a person authorized to act on behalf  
17 of the public employee exercises any right or privilege provided a citizen  
18 under this chapter.

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