

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1623

5 By: Representatives Johnson, Lowery, Brown  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF  
10 1967; TO AMEND THE LAW CONCERNING INFORMATION FOR  
11 PUBLIC GUIDANCE; TO DECLARE AN EMERGENCY; AND FOR  
12 OTHER PURPOSES.  
13  
14

## Subtitle

15 TO AMEND THE FREEDOM OF INFORMATION ACT  
16 OF 1967; TO AMEND THE LAW CONCERNING  
17 INFORMATION FOR PUBLIC GUIDANCE; AND TO  
18 DECLARE AN EMERGENCY.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

25 (a) The General Assembly finds that:

26 (1) It is vital to a democratic society that public business be  
27 performed in an open and public manner so that the electors are advised of  
28 the performance of public officials and of the decisions that are reached in  
29 public activity and in making public policy;

30 (2) Under the current law, state agencies, boards, and  
31 commissions must prepare and make available on the internet certain  
32 information, free of charge;

33 (3) Upon the state agency, board, or commission providing the  
34 information on the internet, the information provided is deemed a sufficient  
35 response to a request to inspect the materials, unless the requestor  
36 specifies another medium or format under § 25-19-105;



1           (4) The provisions of § 25-19-105, while ensuring transparency,  
2 have the added benefit of diminishing compliance costs associated with large,  
3 complicated, and frequent requests for public records, as the state agency,  
4 board, or commission is deemed compliant by providing the legally specified  
5 information on the internet;

6           (5) However, the current law does not afford local governments,  
7 including their boards and instrumentalities, the ability to increase  
8 transparency and efficiency by the means available to state agencies, boards,  
9 and commissions;

10           (6) Local governments often receive large, complicated, and  
11 frequent requests for public records, requiring additional staff and  
12 resources to which the local government must dedicate its limited resources;

13           (7) Local governments should have the discretion to make all or  
14 part of the information listed under § 25-19-105 available on the internet  
15 and, upon publication, be deemed in compliance with the Freedom of  
16 Information Act of 1967, § 25-19-101 et seq., for those records; and

17           (8) While not every local government has the resources to comply  
18 with all or part of the provisions included under § 25-19-105, allowing local  
19 governments the option to comply with all or part of the provisions under §  
20 25-19-105, and be deemed compliant concerning those records, would allow  
21 local governments to be more effective stewards of taxpayer dollars.

22           (b) It is the intent of the General Assembly to allow local  
23 governments the opportunity to be more transparent, while reducing the burden  
24 on local governments' limited resources, thereby reducing the financial cost  
25 to taxpayers of additional staff and other resources.

26           (c) It is not the intent of the General Assembly to:

27           (1) Allow the custodian or government entity to act in bad faith  
28 to avoid transparency; or

29           (2) Place an unreasonable burden on local governments.

30  
31           SECTION 2. Arkansas Code § 25-19-108, concerning information for  
32 public guidance, is amended to add an additional subsection to read as  
33 follows:

34           (c)(1) An entity not included in subsection (a) of this section may  
35 opt in to any provision under subdivisions (a)(1)-(5) through ordinance or  
36 resolution enacted by its governing body.

1           (2) The ordinance or resolution under subdivision (c)(1) of this  
2 section shall comply with subdivision (b)(1) of this section.

3  
4           SECTION 3. DO NOT CODIFY. Applicability.

5           This act does not apply to a request for a public record that is  
6 received by the government entity before the effective date of this act.

7  
8           SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
9 General Assembly of the State of Arkansas that government entities are being  
10 overwhelmed by voluminous requests for production of public records under the  
11 Freedom of Information Act of 1967, § 25-19-101 et seq.; that timely  
12 compliance with such requests comes at a great expense to the taxpayers; and  
13 that this act is immediately necessary to protect custodians and government  
14 entities from criminal and civil liability for violations of the Freedom of  
15 Information Act of 1967, § 25-19-101 et seq., that cannot be prevented by  
16 their good faith efforts to comply. Therefore, an emergency is declared to  
17 exist, and this act being immediately necessary for the preservation of the  
18 public peace, health, and safety shall become effective on:

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

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

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