

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session  
4

As Engrossed: S2/27/19

# A Bill

SENATE BILL 231

5 By: Senator K. Hammer  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF  
9 1967; TO AMEND THE DEFINITION OF "PUBLIC RECORDS";  
10 AND FOR OTHER PURPOSES.  
11

## Subtitle

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14 TO AMEND THE FREEDOM OF INFORMATION ACT  
15 OF 1967; TO AMEND THE DEFINITION OF  
16 "PUBLIC RECORDS".  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 *SECTION 1. Arkansas Code § 25-19-102 is amended to read as follows:*  
22 *25-19-102. Legislative intent.*

23 *(a) It is vital in a democratic society that public business be*  
24 *performed in an open and public manner so that the electors ~~shall be~~ are*  
25 *advised of the performance of public officials and of the decisions that are*  
26 *reached in public activity and in making public policy. Toward this end, this*  
27 *chapter is adopted, making it possible for ~~them~~ electors or their*  
28 *representatives to learn and to report fully the activities of their public*  
29 *officials.*

30 *(b) The General Assembly finds that the purpose of the Freedom of*  
31 *Information Act of 1967 is transparency and Arkansas is proud to have a*  
32 *robust Freedom of Information Act of 1967.*

33 *(c) It is in the interest of the public to provide transparency with*  
34 *respect to private organizations that support public entities without the*  
35 *need for litigation.*

36 *(d) It is the intent of the General Assembly that records of a private*



1 organization or private entity that performs a governmental function or  
2 supports a governmental agency or public entity through activities such as  
3 fundraising or the provision of labor be subject to the Freedom of  
4 Information Act of 1967.

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6 SECTION 2. Arkansas Code § 25-19-103(7)(A), concerning the definition  
7 of "public records" under the Freedom of Information Act of 1967, is amended  
8 to read as follows:

9 (7)(A) "Public records" means writings, recorded sounds, films,  
10 tapes, electronic or computer-based information, or data compilations in any  
11 medium required by law to be kept or otherwise kept and that constitute a  
12 record of the performance or lack of performance of official or related  
13 functions that are or should be carried out by a public official or employee,  
14 a governmental agency, a private entity performing a public or governmental  
15 function on behalf of a governmental agency or public entity, a private  
16 entity with the primary purpose of providing direct support to a governmental  
17 agency or public entity financially or with labor, or any other agency or  
18 improvement district that is wholly or partially supported by public funds or  
19 expending public funds. All records maintained in public offices or by public  
20 employees within the scope of their employment ~~shall be~~ are presumed to be  
21 public records. Only records related to the performance of a public or  
22 governmental function by a private entity or the support of a governmental  
23 entity by a private entity are presumed to be public records, however the  
24 identity of donors to a private entity are not public records.

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27 /s/K. Hammer  
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