

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Senator Russ

SENATE BILL 674

"AN ACT TO AMEND SUBSECTION (b) OF SECTION 4 OF ACT 93 OF 1967, AS AMENDED BY ACT 49 OF 1987 [ARK. STATS. 12-2804(b)] TO PROVIDE THAT APPLICATIONS FOR EMPLOYMENT AS PRESIDENT OF A STATE-SUPPORTED UNIVERSITY OR COLLEGE SHALL NOT BE OPEN TO PUBLIC INSPECTION UNDER THE FREEDOM OF INFORMATION ACT; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (b) of Section 4 of Act 93 of 1967, as amended by Section 1 of Act 49 of 1987, the same being Arkansas Statutes 12-2804(b), is hereby amended to read as follows:

"(b) It is the specific intent of this Section that the following shall not be deemed to be made open to the public under the provisions of this Act: State income tax records, medical records, scholastic records; adoption records; the site files and records maintained by the Arkansas Historic Preservation Program and the Arkansas Archeological Survey; grand jury minutes; unpublished drafts of judicial or quasi-judicial opinions and decisions; undisclosed investigations by law enforcement agencies of suspected criminal activity; unpublished memoranda, working papers, and correspondence of the Governor, Legislators, Supreme Court Justices, and the Attorney General; documents which are protected from disclosure by order or rule of court; files which, if disclosed, would give advantage to competitors or bidders; applications for employment as president of a State-supported university or college and accompanying information; and personnel records to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy. Provided, however, that all employee evaluation or job performance records, including preliminary notes and other materials, shall be open to public inspection only (1) upon final administrative resolution of any suspension or

termination proceeding at which such records form a basis for the decision to suspend or terminate the employee, and (2) if there is a compelling public interest in their disclosure."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that some question has arisen concerning the confidentiality under the Freedom of Information Act of applications for employment as president of a State-supported university or college; that it is in the best interest of the public that such applications and accompanying information be kept confidential; that this Act is designed to accomplish this worthy purpose and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

