

Stricken language would be deleted from present law. Underlined language would be added to present law.

As Engrossed: H2/3/97 H2/10/97 S3/4/97

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1196

4
5 By: Representative Thomas

For An Act To Be Entitled

9 "AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT TO PROVIDE
10 THAT SETTLEMENT AGREEMENTS ENTERED INTO BY A STATE AGENCY
11 WHICH HAS THE POWER TO LEVY CIVIL PENALTIES SHALL BE
12 DEEMED A PUBLIC DOCUMENT; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO AMEND THE FREEDOM OF
16 INFORMATION ACT TO PROVIDE THAT
17 SETTLEMENT AGREEMENTS ENTERED INTO BY A
18 STATE AGENCY WHICH HAS THE POWER TO LEVY
19 CIVIL PENALTIES SHALL BE DEEMED A PUBLIC
20 DOCUMENT."

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

23
24 SECTION 1. Arkansas Code 25-19-105 is amended by inserting an
25 additional subsection at the end thereof to read as follows:

26 "(f) Notwithstanding any Arkansas law to the contrary, at the
27 conclusion of any investigation conducted by a state agency in pursuit of
28 civil penalties against the subject of the investigation, any settlement
29 agreement entered into by a state agency shall be deemed a public document for
30 the purposes of this chapter. However, the provisions of this subsection
31 shall not apply to any investigation or settlement agreement involving any
32 state tax covered by the Arkansas Tax Procedure Act (Ark. Code §26-18-101, et
33 seq)."

34
35 SECTION 2. Arkansas Code 25-18-401 is amended to read as follows:
36 "25-18-401. Disclosure required.

1 ~~Except with respect to records which are not subject to disclosure under~~
2 ~~the Freedom of Information Act, §§ 25-19-101 - 25-19-107, or other state law,~~
3 ~~no~~ No public official or employee acting in behalf of a governmental agency or
4 another agency wholly or partially supported by or expending public funds,
5 shall:

6 (1) Agree or authorize another to agree that all or part of a
7 litigation settlement agreement to which the agency is a party shall be kept
8 secret, sealed, or otherwise withheld from public disclosure; or

9 (2) Seek a court order denying public access to any court record or
10 other document containing the terms of a settlement agreement resolving a
11 claim by or against the agency."
12

13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.
16

17 SECTION 4. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.
22

23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.
25

26 /s/Rep. Thomas
27
28
29
30
31
32
33
34
35