

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1056

By: Representative L. Fite

By: Senator L. Eads

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO ALLOW ELECTRONIC PUBLIC MEETINGS DURING A DECLARED STATE EMERGENCY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO ALLOW ELECTRONIC PUBLIC MEETINGS DURING A DECLARED STATE EMERGENCY; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 25-19-106, concerning open public meetings under the Freedom of Information Act of 1967, is amended to add an additional subsection to read as follows:

(e)(1) If the Governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, § 12-75-101 et. seq., a public entity may assemble, gather, meet, and conduct an open public meeting through electronic means, including without limitation by:

- (A) Telephone;
- (B) Video conference; or
- (C) Video broadcast.

(2) If an open public meeting is held under subdivision (e)(1) of this section:

- (A) The public may attend the open public meeting using



electronic means; and

(B) Notice of the method the public may attend the open public meeting shall be published with the notice of the open public meeting.

(3) Physical presence of the public or of an individual member of the public entity at the open public meeting is not required under this subsection.

(4) The open public meeting shall be recorded in the format in which it is conducted, including without limitation:

(A) A sound-only recording;

(B) A video recording with sound and picture; or

(C) A digital or analog broadcast capable of being recorded.

(5) A public entity shall maintain the records of an open public meeting held under this subsection for a minimum of one (1) year from the date of the open public meeting.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the ability to conduct meetings during a declared disaster emergency may disrupt the safety of in person public meetings; that public participation and access to public meetings during a declared disaster emergency is critical to protecting the rights of the public; and that this act is immediately necessary because public entities are limited in the manner they can provide public access to public meetings in a safe manner during a declared disaster emergency. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

APPROVED: 2/2/21