

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 382

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO DEFINE "MEETING" UNDER THE FREEDOM OF INFORMATION ACT OF 1967; TO AMEND THE LAW RELATED TO PUBLIC MEETINGS UNDER THE FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.

Subtitle

TO DEFINE "MEETING" UNDER THE FREEDOM OF INFORMATION ACT OF 1967; AND TO AMEND THE LAW RELATED TO PUBLIC MEETINGS UNDER THE FREEDOM OF INFORMATION ACT OF 1967.

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

SECTION 1. Arkansas Code § 25-19-103, concerning the definitions used under the Freedom of Information Act of 1967, is amended to add an additional subdivision to read as follows:

(10)(A) "Meeting" means the convening of two (2) or more members of a governing body of a public entity for which a quorum is required to make a decision, discuss public business, or deliberate toward a decision on any matter.

(B) "Meeting" does not include:

(i) The on-site inspection of a project or program;

or

(ii) A chance interaction of two (2) or more members of a governing body of a public entity.



SECTION 2. Arkansas Code § 25-19-106(a), concerning open public meetings under the Freedom of Information Act of 1967, is amended to read as follows:

(a) Except as otherwise specifically provided by law, all meetings, formal or informal, special or regular, of two (2) or more members of the governing bodies governing body of the following entities are public meetings:

(1) ~~of all~~ All municipalities, counties, townships, ~~and~~ school districts, and other political subdivisions;

(2) ~~and all~~ All boards, bureaus, commissions, ~~or~~ organizations, and other public entities of the State of Arkansas, except grand juries;

(3) All other public entities supported wholly or in part by public funds or expending public funds, ~~shall be public meetings;~~ and

(4) All private entities that are:

(A) Supported wholly or in part by public funds or expending public funds; and

(B) Engaged in activities or the provision of services that:

(i) Would normally be provided by governmental entities; or

(ii) Would be provided by governmental entities in the absence of the private entity.

SECTION 3. 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:

(f) Two (2) or more members of a governing body of a public entity shall neither discuss, deliberate, nor decide public business of a governing body of a public entity in circumvention of the spirit or express requirements of this chapter during any chance interaction, informal assemblage, or electronic communication.