

ARKANSAS SENATE
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of Senate Bill 227

TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; AND TO AMEND THE
PROVISIONS OF THE FREEDOM OF INFORMATION ACT OF 1967 CONCERNING
PUBLIC MEETINGS.

Amendment No. 1 to Senate Bill 227

Amend Senate Bill 227 as originally introduced:

Add Senators B. Davis, J. Boyd, C. Penzo, G. Stubblefield as cosponsors of
this bill

AND

Page 1, delete lines 23 through 36, and substitute the following:

"SECTION 1. Arkansas Code § 25-19-103(6) – (9), concerning the
definitions used under the Freedom of Information Act of 1967, are amended to
read as follows:

(6) ~~"Public meetings"~~ "Public entity" means ~~the meetings of any:~~

(i) A bureau, commission, or agency of the state; ~~or
any~~

(ii) A political subdivision of the state, including
municipalities, and counties, and boards of education; ~~and all~~

(iii) All other boards, bureaus, commissions, or
organizations in the State of Arkansas, except grand juries, supported wholly
or in part by public funds or expending public funds;

(7)(A) "Public meeting" means the formal gathering together of a
governing body, whether in person or through electronic or telephonic means,
of a public entity.



(B) "Public meeting" does not include the gathering together, whether in person or through electronic or telephonic means, of the members of a governing body to discuss the settlement of a cause of action in a court-ordered alternative dispute resolution process, including without limitation a settlement conference or mediation;

~~(7)(A)~~(8)(A) "Public records" means writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or any other agency or improvement district that is wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records.

(B) "Public records" does not mean software acquired by purchase, lease, or license;

~~(8)(9)~~ "Public water system" means all facilities composing a system for the collection, treatment, and delivery of drinking water to the general public, including without limitation reservoirs, pipelines, reclamation facilities, processing facilities, distribution facilities, and regional water distribution districts under The Regional Water Distribution District Act, § 14-116-101 et seq.; and

~~(9)(10)~~ "Vulnerability assessment" means an assessment of the vulnerability of a public water system to a terrorist attack or other intentional acts intended to substantially disrupt the ability of the public water system to provide a safe and reliable supply of drinking water as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. No. 107-188.

AND

Page 2, delete lines 1-4

AND

Page 2, line 9, delete "(10)" and substitute "(11)"

AND

Page 2, line 11, delete "(11)" and substitute "(12)"

AND

Page 2, delete lines 12 and 13, and substitute the following:

"employee, or person paid by a public entity and one (1) or more members of the governing body of that public entity to determine:"

AND

Page 3, line 3, delete "deliberation on official business." and substitute "deliberation, if any, on official business."

AND

Page 3, line 4, delete "(b)(1)" and substitute "(b)(1)(A)"

AND

Page 3, delete line 5, and substitute the following:

"furnished to anyone who requests the information.

(B) Unless another notification timeline for the public meeting of a governing body is specified by law, the notification required under subdivision (b)(1)(A) of this section shall be made at least three (3) days before the public meeting takes place in order that the public may have representatives at the public meeting."

AND

Page 3, line 15, delete "that the public shall have" and substitute "that the public ~~shall~~ may have"

AND

Page 3, delete lines 17 through 20, and substitute the following:

"(3) In addition to the requirements under subdivisions (b)(1) and (2) of this section:

(A) The time, place, and date of a public meeting shall be published online if the governing body or the public entity it governs maintains a website or social media page; and

(B)(i) The governing body shall furnish the most current agenda for a public meeting upon request and shall publish the most current agenda for a public meeting online if the governing body or the public entity it governs maintains a website or social media page at least three (3) days before a regular public meeting and at least two (2) hours before an emergency or special public meeting.

(ii) The requirement of subdivision (b)(3)(B)(i) of this section does not preclude a governing body from adding items to an agenda after the agenda has been furnished or posted pursuant to subdivision (b)(3)(B)(i) of this section."

AND

Page 3, line 32, delete "~~public agency, department, or office governing~~" and substitute "public agency, department, or office"

AND

Page 3, line 33, delete "body"

AND

Page 4, line 2, delete "~~public agency, department, or office governing~~" and substitute "public agency, department, or office"

AND

Page 4, line 3, delete "body"

AND

Page 4, delete lines 6 and 7, and substitute the following:

"(B) Discussing how a governing body will respond to an attack on or other breach of the cybersecurity of the public entity governed by the governing body;"

AND

Page 5, line 13, delete "~~public entity governing body~~" and substitute "public entity"

AND

Page 5, line 24, delete "reasonable access to a public meeting." and substitute "reasonable access to attend a public meeting, including through electronic means, if such electronic means are available for use to the governing body."

AND

Page 5, line 27, delete "A governing body may" and substitute "Except for the governing body of a quorum court, city council, or school district, a governing body may"

AND

Page 5, line 30, delete "~~or~~ and" and substitute "or"

AND

Page 5, delete lines 32 through 36, and substitute the following:

~~"(2)(3) If an open public meeting is held under subdivision (e)(1) of this section:~~ If the Governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., the governing body of a quorum court, city council, or school board may conduct a

public meeting through electronic means, including without limitation by:

(A) ~~The public may attend the open public meeting using electronic means; and~~ Telephone;

(B) ~~Notice of the method the public may attend the open public meeting shall be published with the notice of the open public meeting.~~ Video conference; or

(C) Video broadcast.

~~(3)(4) 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. If a public meeting is held through electronic means under subdivision (e)(2) or (e)(3) of this section:~~

(A) The public may attend the public meeting using electronic means;

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

(C) Members of the governing body who participate in the public meeting through electronic means rather than attend in person may not receive mileage or per diem for attending the public meeting; and

(D) Votes by members of the governing body who participate in the public meeting through electronic means shall be clearly cast, such that other members of the governing body and the public can observe and understand how each member voted.

~~(4)(5) 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~~ and

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

~~(5)(6) A public entity shall maintain the records of an open a public meeting held under this subsection for a minimum of one (1) year from the date of the open public meeting."~~

AND

Page 6, delete lines 1 through 13

AND

Page 6, line 15, delete "communication, whether oral or written, that:" and substitute "communication, whether oral, written, electronic, or otherwise, that:"

AND

Page 6, line 17, delete "(2)" and substitute "(2)(A)"

AND

Page 6, delete line 19, and substitute the following:

"be taken by the governing body.

(B) It is not a violation of subdivision (f)(2)(A) of this section if a member of a governing body communicates information that is background or otherwise non-decisional in nature to one (1) or more members of the same governing body."

AND

Page 6, delete lines 23 through 25, and substitute the following:

"(h)(1) Except as provided in subdivision (h)(2) of this section, if a circuit court finds under § 25-19-107 that a governing body violated this section, the circuit court may invalidate any action the governing body took at the unlawful public meeting."

AND

Page 6, delete line 33, and substitute the following:

"executive session at the conclusion of the executive session.

(i)(1)(A) Except as provided in subdivision (i)(1)(B) of this section, a governing body may cure an action that violates this section if, after taking the action that violated this section, the governing body, in a manner that complies with this section:

(i) Holds a public meeting;

(ii) Publicly acknowledges and discusses at the public meeting the action that violated this section; and

(iii) Takes other action, if necessary, to correct the violation.

(B) Subdivision (i)(1)(A) of this section does not apply to a violation of subdivision (f)(1) of this section.

(2)(A) If the governing body cures the action under subsection (i)(1) of this section that would be subject to invalidation or declared void before any lawsuit is filed concerning such action, then attorney's fees shall not be recoverable for such a lawsuit.

(B) If the governing body cures the action under subdivision (i)(1) of this section that would be subject to being invalidated or declared void after a lawsuit is filed concerning such action, then attorney's fees may be recoverable under § 25-19-107.

(3)(A) Any lawsuit filed under subdivisions (h)(1) or (h)(2) of this section to invalidate an action taken by a governing body or filed pursuant to subdivision (h)(3) of this section to declare an action taken in an executive session to be void shall be filed within one (1) year of the action sought to be invalidated or declared void.

(B) The limitations period under subdivision (i)(3)(A) of this section shall not otherwise limit in any way any civil or criminal liability for a violation of this subchapter."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator C. Tucker
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Secretary