

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. 2 to Senate Bill 227

Amend Senate Bill 227 as engrossed S2/20/25 (version: 2/20/25 11:00:14 AM):

Page 2, delete lines 1 through 5, and substitute the following:

"(B) "Public meeting" does not include:

(i) 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; and

(ii) A meeting of the Child Maltreatment Investigations Oversight Committee under § 10-3-3201 et seq.;"

AND

Page 2, delete lines 35 and 36, and substitute the following:

"(12) "Poll" means:

(A) A series of communications:

(i) Between:

(a) One (1) or more persons paid by a public entity or agents or employees of that public entity; and

(b) One (1) or more members of the governing body of that public entity;

(ii) Concerning any matter on which official action



will foreseeably be taken by the governing body;

(iii) To determine:

(a) How the member of the governing body
intends to vote; or

(b) Whether the member of the governing body
supports or opposes certain proposed action by the governing body; and

(iv) For the purpose of exercising a responsibility,
authority, power, or duty of the governing body; and

(13) "Remotely" means through electronic means, including
without limitation by telephone, video conference, or video broadcast."

AND

Page 3, delete lines 1 through 5

AND

Page 5, line 15, delete "licensure;" and substitute "licensure; and"

AND

Page 5, line 16, delete "Subject to subdivision (h)(3) of this section, a"
and substitute "A"

AND

Page 5, delete lines 19 through 21, and substitute the following:
"as described in § 25-19-105(b)(17)."

AND

Page 6, delete lines 29 through 36, and substitute the following:

~~"(2)(A) 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.~~ Except as provided under subdivisions (e)(3) and (4) of this section, a member of a governing body shall be physically present at a public meeting to be counted for purposes of establishing a quorum or to vote.

(B) A quorum of a governing body shall be physically present at a public meeting for the governing body to enter an executive session.

~~(2)(3)(A) If an open public meeting is held under subdivision (e)(1) of this section:~~ A governing body may adopt a policy, resolution, or ordinance permitting a member of the governing body who is unable to be physically present at a public meeting to attend the public meeting remotely.

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

~~(B)(i) Notice of the method the public may attend the open public meeting shall be published with the notice of the open public meeting.~~ The governing body may count a member of the governing body who attends a public meeting remotely for the purpose of establishing a quorum no more than three (3) times per calendar year.

(ii) A member of a governing body attending remotely who is used to establish a quorum under subdivision (e)(3)(B)(i) of this section shall not be counted to determine if the governing body may enter executive session under subdivision (e)(2)(B) of this section.

(C) This subdivision (e)(3) does not apply to public meetings of quorum courts or city councils.

~~(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 the Governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., a governing body may conduct a public meeting remotely.

~~(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~~

~~(C) A digital or analog broadcast capable of being~~

~~recorded.~~ For a member of a governing body who attends a meeting remotely to be counted for a quorum or to vote, the method used to permit the member of the governing body to attend remotely shall:

(A) Provide a method for the president or the secretary of the governing body to verify the identity of the member of the governing body attending remotely;

(B) Allow members of the governing body who are physically present at the public meeting and members of the public at all times to:

(i) Hear the member of the governing body attending remotely;

(ii) Observe a vote of a member of the governing body attending remotely; and

(iii) Know the identity of the member of the governing body attending remotely when that member is speaking or voting; and

(C) Allow a member of the governing body attending remotely to hear the members of the governing body physically present at the public meeting and any public comment.

~~(5)(6) 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. A member of a governing body who attends a public meeting remotely shall not:~~

(A) Attend an executive session remotely;

(B)(i) Vote on an issue that is the subject of an executive session.

(ii) The inability of the member of a governing body to vote on an item discussed in executive session shall be treated the same as if the member of the governing body were not present for the executive session or the public meeting; or

(C) Receive mileage or per diem for attending the public meeting.

(7) If a public meeting is held remotely with no members of the governing body physically present at the public meeting:

(A) The governing body shall enable members of the public to attend the public meeting by the same means that the public meeting is held for the members of the governing body; and

(B) Notice of the method the public may attend the public

meeting shall be published with the notice of the public meeting.

(8) The 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; and

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

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

AND

Page 7, delete lines 1 through 35

AND

Page 8, line 8, delete "governing body" and substitute "governing body or employee or agent of a public entity"

AND

Page 8, line 14, delete "Except as provided in subdivision (h)(2) of this section, if" and substitute "If"

AND

Page 8, line 20, delete "shall" and substitute "may"

AND

Page 8, delete lines 26 through 36

AND

Page 9, delete lines 1 through 16

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator C. Tucker
LGL/LGL - 02-25-2025 03:54:32
LGL107

Secretary