

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1056

5 By: Representative L. Fite
6 By: Senator L. Eads
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF
10 1967; TO ALLOW ELECTRONIC PUBLIC MEETINGS DURING A
11 DECLARED STATE EMERGENCY; TO DECLARE AN EMERGENCY;
12 AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE FREEDOM OF INFORMATION ACT
16 OF 1967; TO ALLOW ELECTRONIC PUBLIC
17 MEETINGS DURING A DECLARED STATE
18 EMERGENCY; AND TO DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 25-19-106, concerning open public meetings
25 under the Freedom of Information Act of 1967, is amended to add an additional
26 subsection to read as follows:

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

31 (A) Telephone;

32 (B) Video conference; or

33 (C) Video broadcast.

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

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



1 electronic means; and

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

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

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

9 (A) A sound-only recording;

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

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

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

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

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

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

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

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 35 **APPROVED: 2/2/21**