

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1911

By: Rep. Mahony

"AN ACT TO AMEND SECTION 5 OF ACT 93 OF 1967, AS AMENDED,  
[ARK. STATS. SECTION 12-2805] RELATING TO PUBLIC MEETINGS AND  
EXECUTIVE SESSIONS OF VARIOUS PUBLIC BODIES IN THE STATE; AND  
FOR OTHER PURPOSES."

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

SECTION 1. Section 5 of Act 93 of 1967, as amended, the same being  
Arkansas Statutes Section 12-2805, is hereby amended to read as follows:

"Section 5. Except as otherwise specifically provided by law, all  
meetings, formal or informal, special or regular, of the governing bodies of  
all municipalities, counties, townships, and school districts, and all boards,  
bureaus, commissions, or organizations of the State of Arkansas, except Grand  
Juries, supported wholly or in part by public funds, or expending public  
funds, shall be public meetings. The time and place of each regular meeting  
shall be furnished to anyone who requests the information.

In the event of emergency or special meetings the person calling such a  
meeting shall notify the representatives of the newspapers, radio stations and  
television stations, if any, located in the county in which the meeting is to  
be held and any news media located elsewhere which cover regular meetings of  
the governing body, and which have requested to be so notified of such  
emergency or special meetings, of the time, place and date at least two (2)  
hours before such a meeting takes place in order that the public shall have  
representatives at the meeting.

Executive sessions will be permitted only for the purpose of considering  
employment, appointment, promotion, demotion, disciplining or resignation of  
any public officer or employee.

(a) Only the person holding the top administrative position in the  
public agency, department or office involved; the immediate supervisor of the

employee involved; and the employee may be present at the executive session when so requested by the governing body, board, commission or other public body holding the executive session.

(b) Any person being interviewed for the top administrative position in the public agency, department, or office involved may be present at the executive session when so requested by the governing board, commission or other public body holding the executive session.

Executive sessions must never be called for the purpose of defeating the reason or the spirit of the Freedom of Information Act.

No resolution, ordinance, rule, contract, regulation or motion considered or arrived at in executive session will be legal unless following the executive session, the public body reconvenes in public session and presents and votes on such resolution, ordinance, rule, contract, regulation, or motion."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. Emergency. It is hereby found and determined by the General Assembly that because of the case *Ricarte v. State*, CR 86-31, a question has arisen over the validity of Act 1201 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

