

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Hudson

A Bill

HOUSE BILL 1700

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 25-19-106 TO PROVIDE THAT
OPEN PUBLIC MEETINGS FOR THE PURPOSES OF THE ARKANSAS
FREEDOM OF INFORMATION ACT INCLUDES A MEETING OF TWO OR
MORE MEMBERS OF A PUBLIC BODY; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO PROVIDE THAT AN OPEN PUBLIC
MEETING FOR THE PURPOSES OF THE ARKANSAS
FREEDOM OF INFORMATION ACT INCLUDES A
MEETING OF TWO OR MORE MEMBERS OF A
PUBLIC BODY."

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

SECTION 1. Arkansas Code § 25-19-106 is amended to read as follows:

"§ 25-19-106. Open public meetings.

(a) Except as otherwise specifically provided by law, all meetings, formal or informal, special or regular, which include two (2) or more members 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.

(b) (1) The time and place of each regular meeting shall be furnished to anyone who requests the information.

(2) In the event of emergency or special meetings, the person calling the meeting shall notify the representatives of the newspapers, radio stations, and television stations, if any, located in the county in which the

1 meeting is to be held, and any news media located elsewhere which cover
2 regular meetings of the governing body, and which have requested to be so
3 notified of emergency or special meetings, of the time, place, and date of
4 the meeting. Notification shall be made at least two (2) hours before the
5 meeting takes place in order that the public shall have representatives at
6 the meeting.

7 (c) (1) Executive sessions will be permitted only for the purpose of
8 considering employment, appointment, promotion, demotion, disciplining, or
9 resignation of any public officer or employee.

10 (2) (A) Only the person holding the top administrative
11 position in the public agency, department, or office involved, the immediate
12 supervisor of the employee involved, and the employee may be present at the
13 executive session when so requested by the governing body, board, commission,
14 or other public body holding the executive session.

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

19 (3) Executive sessions must never be called for the purpose of
20 defeating the reason or the spirit of this chapter.

21 (4) No resolution, ordinance, rule, contract, regulation, or
22 motion considered or arrived at in executive session will be legal unless,
23 following the executive session, the public body reconvenes in public session
24 and presents and votes on the resolution, ordinance, rule, contract,
25 regulation, or motion."

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27 SECTION 2. All provisions of this act of a general and permanent
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
29 Code Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

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