

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4  
5 By: Senator A. Clark  
6

# A Bill

SENATE BILL 382

## For An Act To Be Entitled

8 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF  
9 1967; TO DEFINE "MEETING" UNDER THE FREEDOM OF  
10 INFORMATION ACT OF 1967; TO AMEND THE LAW RELATED TO  
11 PUBLIC MEETINGS UNDER THE FREEDOM OF INFORMATION ACT  
12 OF 1967; AND FOR OTHER PURPOSES.

## Subtitle

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15 TO DEFINE "MEETING" UNDER THE FREEDOM OF  
16 INFORMATION ACT OF 1967; AND TO AMEND THE  
17 LAW RELATED TO PUBLIC MEETINGS UNDER THE  
18 FREEDOM OF INFORMATION ACT OF 1967.  
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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 § 25-19-103, concerning the definitions used  
25 under the Freedom of Information Act of 1967, is amended to add an additional  
26 subdivision to read as follows:

27 (10)(A) "Meeting" means the convening of two (2) or more members  
28 of a governing body of a public entity for which a quorum is required to make  
29 a decision, discuss public business, or deliberate toward a decision on any  
30 matter.

31 (B) "Meeting" does not include:

32 (i) The on-site inspection of a project or program;

33 or

34 (ii) A chance interaction of two (2) or more members  
35 of a governing body of a public entity.  
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1 SECTION 2. Arkansas Code § 25-19-106(a), concerning open public  
 2 meetings under the Freedom of Information Act of 1967, is amended to read as  
 3 follows:

4 (a) Except as otherwise specifically provided by law, all meetings,  
 5 formal or informal, special or regular, of two (2) or more members of the  
 6 governing bodies governing body of the following entities are public  
 7 meetings:

8 (1) ~~of all~~ All municipalities, counties, townships, ~~and~~ school  
 9 districts, and other political subdivisions;

10 (2) ~~and all~~ All boards, bureaus, commissions, ~~or~~ organizations,  
 11 and other public entities of the State of Arkansas, except grand juries;

12 (3) All other public entities supported wholly or in part by  
 13 public funds or expending public funds, ~~shall be public meetings;~~ and

14 (4) All private entities that are:

15 (A) Supported wholly or in part by public funds or  
 16 expending public funds; and

17 (B) Engaged in activities or the provision of services  
 18 that:

19 (i) Would normally be provided by governmental  
 20 entities; or

21 (ii) Would be provided by governmental entities in  
 22 the absence of the private entity.

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 24 SECTION 3. 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 (f) Two (2) or more members of a governing body of a public entity  
 28 shall neither discuss, deliberate, nor decide public business of a governing  
 29 body of a public entity in circumvention of the spirit or express  
 30 requirements of this chapter during any chance interaction, informal  
 31 assemblage, or electronic communication.