

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

As Engrossed: H3/9/21

# A Bill

HOUSE BILL 1280

5 By: Representative Haak  
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 PERMIT AN EXECUTIVE SESSION FOR CONSIDERING  
11 CERTAIN ECONOMIC DEVELOPMENT PROJECTS; TO PERMIT A  
12 GOVERNING BODY'S ATTORNEY TO ATTEND CERTAIN EXECUTIVE  
13 SESSIONS; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO PERMIT AN EXECUTIVE SESSION UNDER THE  
17 FREEDOM OF INFORMATION ACT OF 1967 TO  
18 CONSIDER CERTAIN ECONOMIC DEVELOPMENT  
19 PROJECTS; AND TO PERMIT A GOVERNING  
20 BODY'S ATTORNEY TO ATTEND CERTAIN  
21 EXECUTIVE SESSIONS.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 25-19-106(c)(1) and (2), concerning open  
28 public meetings under the Freedom of Information Act of 1967, are amended to  
29 read as follows:

30 (c)(1)(A) Except as provided under subdivision (c)(6) of this section,  
31 an executive session will be permitted only for the purpose of:

32 (i) ~~considering~~ Considering the employment,  
33 appointment, promotion, demotion, disciplining, or resignation of any public  
34 officer or employee; or

35 (ii) Consideration of an economic development  
36 project under the Local Job Creation, Job Expansion, and Economic Development



1 Act of 2017, § 14-176-101 et seq. if:

2 (a) A public discussion would give an  
3 advantage to competitors or bidders; or

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5 (b) The discussion concerns records  
6 maintained by an economic development service provider for a municipality or  
7 county related to an economic development project; or

8  
9 (c) The discussion concerns records  
10 maintained by the municipality or county related to an economic development  
11 project's:

12  
13 (1) Planning;

14 (2) Site location;

15 (3) Expansion;

16 (4) Operations; or

17 (5) Product development and marketing.

18 (B)(i) The specific purpose of the executive session shall be  
19 announced in public before going into executive session.

20 (ii) If an executive session is called under  
21 subdivision (c)(1)(A)(ii), notice of the intent to call an executive session  
22 to discuss an economic development project and the specific purpose of the  
23 executive session shall be published with the notice of the open public  
24 meeting.

25 (2)(A) Only If an executive session is called under subdivision  
26 (c)(1)(A)(i) of this section, only the following people shall be permitted to  
27 attend when invited by the governing body board, commission, or other public  
28 body holding the executive session:

29 (i) the The person holding the top administrative  
30 position in the public agency, department, or office involved, the immediate  
31 supervisor of the employee involved, and the employee may be present at the  
32 executive session when so requested by the governing body, board, commission,  
33 or other public body holding the executive session; and

34 (B) (ii) Any person being interviewed for the top  
35 administrative position in the public agency, department, or office involved  
36 may be present at the executive session when so requested by the governing

1 ~~board, commission, or other public body holding the executive session.~~

2 (B)(i) If an executive session is called under subdivision  
3 (c)(1)(A)(ii) of this section, the governing body holding the executive  
4 session may invite the person holding the top administrative position in the  
5 public agency, department, or office involved, and its attorney to attend and  
6 participate in the executive session.

7 (ii) At the conclusion of an executive session  
8 called under subdivision (c)(1)(A)(ii) of this section, the discussion during  
9 the executive session shall be orally summarized, and the oral summary shall  
10 be reflected in the minutes of the meeting.

11 (iii) The oral summary required under subdivision  
12 (c)(2)(B)(ii) may exclude the information under subdivision (c)(1)(A)(ii)(c).

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14 /s/Haak  
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