

# Hall of the House of Representatives

93rd General Assembly - Regular Session, 2021

## Amendment Form

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### Subtitle of House Bill No. 1280

TO PERMIT AN EXECUTIVE SESSION UNDER THE FREEDOM OF INFORMATION ACT OF 1967 TO CONSIDER CERTAIN ECONOMIC DEVELOPMENT PROJECTS; AND TO PERMIT A GOVERNING BODY'S ATTORNEY TO ATTEND CERTAIN EXECUTIVE SESSIONS.

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### Amendment No. 2 to House Bill 1280

Amend House Bill No. 1280 as engrossed H3/9/21 (version: 3/9/2021 12:23:11 PM):

Page 3, delete lines 2 through 12, and substitute the following:

"(B) If an executive session is called under subdivision (c)(1)(A)(ii) of this section, the governing body holding the executive session:

(i) May invite its attorney to attend and participate in the executive session;

(ii)(a) Shall make an audio recording of the entire executive session and promptly file the audio recording with the city clerk, who shall retain it for at least one (1) year from the date of the executive session.

(b) The audio recording of the executive session held under subdivision (c)(1)(A)(ii) of this section is exempt from disclosure under this chapter; and

(iii)(a) Shall, at the conclusion of the executive session, give a public oral summary of the discussion during the executive session and record the oral summary in the minutes of the meeting.

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

SECTION 2. Arkansas Code § 25-19-107, concerning the right to file suit in circuit court to appeal an alleged denial of rights under the Freedom of Information Act of 1967, is amended to add an additional subsection to read as follows:

(f) If a citizen files suit in circuit court under this section claiming that improper discussion occurred during an executive session called for the stated purpose of considering an economic development project under the Local Job Creation, Job Expansion, and Economic Development Act of 2017, § 14-176-101 et seq., then:

(1) The audio recording of the executive session required under



§ 25-19-106 shall be made available to the circuit court for an in camera review; and

(2) If the circuit court determines that the discussion during the executive session was improper, the defendant shall pay the plaintiff's reasonable attorney's fees or other litigation expenses that the plaintiff reasonably incurred."

The Amendment was read \_\_\_\_\_

By: Representative Haak

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Chief Clerk