

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas

As Engrossed: H2/3/05 H2/3/05

85th General Assembly

A Bill

Regular Session, 2005

HOUSE BILL 1139

By: Representative Verkamp

For An Act To Be Entitled

AN ACT CONCERNING THE PRESENCE OF ATTORNEYS AT
EXECUTIVE SESSIONS OF PUBLIC MEETINGS; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT CONCERNING THE PRESENCE OF
ATTORNEYS AT EXECUTIVE SESSIONS OF
PUBLIC MEETINGS.

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

SECTION 1. Arkansas Code § 25-19-106(c), concerning persons eligible to attend executive sessions of public agencies, is amended to subdivision to read as follows:

(c)(1) Executive sessions will be permitted only for the purpose of considering employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee. The specific purpose of the executive session shall be announced in public before going into executive session.

(2)(A) Except as provided in subdivisions (c)(2)(B) and (C) of this section, only ~~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



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

2 (C) A city attorney, county attorney, or an attorney
3 employed by a municipality, county, or school district to represent its
4 interests may be present at the executive session when so requested by the
5 municipality, county, or school district holding the executive session.

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

8 (4) No resolution, ordinance, rule, contract, regulation, or
9 motion considered or arrived at in executive session will be legal unless,
10 following the executive session, the public body reconvenes in public session
11 and presents and votes on the resolution, ordinance, rule, contract,
12 regulation, or motion.

13 (5)(A) Boards and commissions of this state may meet in
14 executive session for purposes of preparing examination materials and answers
15 to examination materials that are administered to applicants for licensure
16 from state agencies.

17 (B) Boards and commissions are excluded from this chapter
18 for the administering of examinations to applicants for licensure.

19 (6)(A) Subject to the provisions of subdivision (c)(4) of this
20 section, any public agency may meet in executive session for the purpose of
21 considering, evaluating, or discussing matters pertaining to public water
22 system security as described in § 25-19-105(b)(16).

23 (B) Subdivision (c)(6) of this section shall expire on
24 July 1, 2005.

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26 /s/ Verkamp
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