

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

# A Bill

HOUSE BILL 1280

4  
5 By: Representative Haak  
6 By: Senator L. Eads

## 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.

## Subtitle

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17 TO PERMIT AN EXECUTIVE SESSION UNDER THE  
18 FREEDOM OF INFORMATION ACT OF 1967 TO  
19 CONSIDER CERTAIN ECONOMIC DEVELOPMENT  
20 PROJECTS; AND TO PERMIT A GOVERNING  
21 BODY'S ATTORNEY TO ATTEND CERTAIN  
22 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) A municipality's consideration of an economic  
36 development project under the Local Job Creation, Job Expansion, and Economic



1 Development Act of 2017, § 14-176-101 et seq., or any other economic  
2 development project or investment opportunity.

3 (B) The specific purpose of the executive session shall be  
4 announced in public before going into executive session.

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

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

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

18 (B) If an executive session is called under subdivision  
19 (c)(1)(A)(ii) of this section, the governing body holding the executive  
20 session may invite its attorney to attend and participate in the executive  
21 session.

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