

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1626

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 25-19-105 TO EXEMPT THE NAMES OF PERSON WHO HAVE APPLIED FOR A POSITION FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT; TO AMEND ARKANSAS CODE 25-19-106 (c) RELATING TO EXECUTIVE SESSIONS OF GOVERNMENTAL BODIES; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 25-19-105 (b) is hereby amended to read as follows:

"(b) It is the specific intent of this section that the following shall not be deemed to be made open to the public under the provisions of this chapter:

- (1) State income tax records;
- (2) Medical records, scholastic records, and adoption records;
- (3) The site files and records maintained by the Arkansas Historic Preservation Program and the Arkansas Archeological Survey;
- (4) Grand jury minutes;
- (5) Unpublished drafts of judicial or quasi-judicial opinions and decisions;
- (6) Undisclosed investigations by law enforcement agencies of suspected criminal activity;
- (7) Unpublished memoranda, working papers, and correspondence of the Governor, Legislators, Supreme Court Justices, and the Attorney General;
- (8) Documents which are protected from disclosure by order or rule of court;
- (9) Files which, if disclosed, would give advantage to competitors or bidders;

(10) Personnel records to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy; and

(11) Applications for employment or any list of names of applicants for employment."

SECTION 2. Arkansas Code 25-19-106 (c) is hereby amended to read as follows:

"(c) (1) Executive sessions will be permitted only for the following purposes:

(A) considering employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee; and

(B) to provide an opportunity for a governing body, which is either involved in or under the threat of litigation, to meet privately with their attorneys.

(C) to consider the purchase of real or personal property or for the making of an offer to purchase real or personal property. Except that, the governmental body may allow members of the media to be present in an executive session pertaining to the purchase of real or personal property if the member of the news media agrees in writing to withhold the release of the information until a specific date.

(2) (A) 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 board, commission, or other public body holding the executive session.

(C) When requested by the governing board, commission, or other public body holding the executive session, an attorney for the governing body may be present at an executive session called to provide an opportunity for the governing body to discuss litigation or the threat of litigation as allowed in subsection (c) of this section.

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

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

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

