

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.

Act 998 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/21/07

A Bill

HOUSE BILL 2471

5 By: Representative Lamoureux
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8 **For An Act To Be Entitled**

9 AN ACT TO CONTINUE THE FREEDOM OF INFORMATION ACT
10 PROVISIONS AFFECTING THE RECORDS AND MEETINGS OF
11 PUBLIC WATER SYSTEMS; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 TO CONTINUE THE FREEDOM OF INFORMATION
15 ACT PROVISIONS AFFECTING THE RECORDS AND
16 MEETINGS OF PUBLIC WATER SYSTEMS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 25-19-103(6), as amended by Act 268 of the*
22 *2007 Regular Session and concerning the definition of "public water system",*
23 *is amended to read as follows:*

24 *(6)(A) "Public water system" means all facilities composing a*
25 *system for the collection, treatment, and delivery of drinking water to the*
26 *general public, including, but not limited to, reservoirs, pipelines,*
27 *reclamation facilities, processing facilities, and distribution facilities.*

28 *(B) This subdivision (6) shall expire on July 1, 2009; and*
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30 *SECTION 2. Arkansas Code § 25-19-105(b)(15) and (16), as amended by*
31 *Act 268 of the 2007 Regular Session, are amended to add an additional*
32 *subdivision to read as follows:*

33 *(15) Military service discharge records or DD Form 214, the*
34 *Certificate of Release or Discharge from Active Duty of the United States*
35 *Department of Defense, filed with the county recorder as provided under § 14-*



1 2-102, for veterans discharged from service less than seventy (70) years from
2 the current date; ~~and~~

3 (16) Vulnerability assessments submitted by a public water
4 system on or before June 30, 2004, to the Administrator of the United States
5 Environmental Protection Agency for a period of ten (10) years from the date
6 of submission; ~~and~~

7 (17)(A) Records, including analyses, investigations, studies,
8 reports, recommendations, requests for proposals, drawings, diagrams,
9 blueprints, and plans, containing information relating to security for any
10 public water system.

11 (B) The records shall include:

12 (i) Risk and vulnerability assessments;

13 (ii) Plans and proposals for preventing and
14 mitigating security risks;

15 (iii) Emergency response and recovery records;

16 (iv) Security plans and procedures; and

17 (v) Any other records containing information that if
18 disclosed might jeopardize or compromise efforts to secure and protect the
19 public water system.

20 (C) This subdivision (b)(17) shall expire on July 1, 2009.

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22 SECTION 3. Arkansas Code § 25-19-106(c), concerning the expiration
23 date for a public agency to meet in executive session about a public water
24 system security, is amended to add an additional subdivision to read as
25 follows:

26 (6)(A) Subject to the provisions of subdivision (c)(4) of this
27 section, any public agency may meet in executive session for the purpose of
28 considering, evaluating, or discussing matters pertaining to public water
29 system security as described in § 25-19-105(b)(17).

30 (B) This subdivision (c)(6) shall expire on July 1, 2009.

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32 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that certain provisions in the
34 Freedom of Information Act concerning the records and meetings of public
35 water systems will expire on July 1, 2007; that those provisions are
36 necessary to ensure that public water systems are operated and managed safely

1 and effectively; and that this act is necessary in order to provide security
2 for public water systems. Therefore, an emergency is declared to exist and
3 this act being necessary for the preservation of the public peace, health,
4 and safety shall become effective on July 1, 2007.

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/s/ Lamoureux

APPROVED: 4/3/2007