

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 371

5 By: Senator Rapert  
6 By: Representative Gazaway  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 25 OF  
10 THE ARKANSAS CODE CONCERNING STATE GOVERNMENT.  
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## Subtitle

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13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 25  
14 OF THE ARKANSAS CODE CONCERNING STATE  
15 GOVERNMENT.  
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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 § 25-1-302(b), concerning members of  
22 specified executive branch boards and commissions not to be members of the  
23 General Assembly, is amended to correct a reference to read as follows:

24 (b) Hereafter, and notwithstanding any law to the contrary, no member  
25 of the General Assembly shall be appointed to any executive branch board or  
26 commission identified in subsection (a) of this section. The President Pro  
27 Tempore of the Senate and the Speaker of the House of Representatives, in  
28 consultation with the ~~Attorney General's office~~ Attorney General, shall make  
29 a determination concerning any other board or commission having legislative  
30 members. If the President Pro Tempore of the Senate and the Speaker of the  
31 House of Representatives determine that legislative service on the board or  
32 commission would violate the Supreme Court's decision in State Bd. of  
33 Workforce Educ. and Career Opportunities v. King, 336 Ark. 409, 985 S.W.2d  
34 731 (1999), they shall notify the appointing authority, who shall appoint a  
35 person who is not a member of the General Assembly as a replacement for the  
36 legislative member.



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SECTION 2. Arkansas Code § 25-8-103 is amended to read as follows to conform the statutory name of the Office of Personnel Management to the name as used within the Department of Finance and Administration:

25-8-103. Office of Personnel Management – State Personnel Administrator.

(a) There is created ~~the Office of Personnel Management of~~ within the Division of Management Services of the Department of Finance and Administration the Office of Personnel Management.

(b)(1) The Director of the Office of Personnel Management ~~of the Division of Management Services of the Department of Finance and Administration~~ shall be known as the "State Personnel Administrator", and he or she shall be employed by the Director of the Department of Finance and Administration with the advice and consent of the Governor.

(2) The Office of Personnel Management ~~of the Division of Management Services of the Department of Finance and Administration~~ shall be is under the ~~overall~~ direction, control, and supervision of the Director of the Department of Finance and Administration.

SECTION 3. Arkansas Code § 25-16-903(11), concerning stipend authorization, is amended to correct a name to read as follows:

(11) ~~Burial Association Board~~ State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services;

SECTION 4. Arkansas Code § 25-16-903(13), concerning stipend authorization, is repealed due to an entity's merging with a previously named board:

~~(13) Arkansas Cemetery Board;~~

SECTION 5. Arkansas Code § 25-16-904(21), concerning stipend authorization, is repealed due to an entity's merging with a previously named board:

~~(21) Final Act Board of Directors;~~

SECTION 6. Arkansas Code § 25-19-105(b)(17), concerning records exempted from open access for public inspection and copying, is repealed to

1 remove an expired subdivision:

2 ~~(17)(A) Records, including analyses, investigations, studies,~~  
3 ~~reports, or recommendations, containing information relating to any~~  
4 ~~Department of Human Services risk or security assessment, known or suspected~~  
5 ~~security vulnerability, or safeguard related to compliance with the Health~~  
6 ~~Insurance Portability and Accountability Act of 1996 or protection of other~~  
7 ~~confidential department information.~~

8 ~~(B) The records shall include:~~

9 ~~(i) Risk and security assessments;~~

10 ~~(ii) Plans and proposals for preventing and~~  
11 ~~mitigating privacy and security risks;~~

12 ~~(iii) Emergency response and recovery records;~~

13 ~~(iv) Privacy and security plans and procedures; and~~

14 ~~(v) Any other records containing information that if~~  
15 ~~disclosed might jeopardize or compromise efforts to secure and protect~~  
16 ~~personal health information or other protected department information.~~

17 ~~(C) This subdivision (b)(17) expires on July 1, 2009;~~

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19 SECTION 7. Arkansas Code § 25-20-103(2), concerning the definition of  
20 "retail customer" under the Interlocal Cooperation Act, is amended to correct  
21 formatting to read as follows:

22 (2) "Retail customer" means a person other than a municipality,  
23 improvement district, or other entity that:

24 ~~(A) Sells~~ sells and distributes water subject to  
25 regulation by the Department of Health; who:

26 ~~(B)(A)~~ Maintains a service account with a public body  
27 formed under the Consolidated Waterworks Authorization Act, § 25-20-301 et  
28 seq., for the provision of water to a person or the occupants of a ~~single~~  
29 ~~family~~ single-family dwelling, multi-tenant dwelling, business premises, or  
30 government facility; and

31 ~~(C)(B)~~ Is not explicitly permitted to resell potable water  
32 to another person;

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34 SECTION 8. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

35 It is the intent of the General Assembly that:

36 (1) The enactment and adoption of this act shall not expressly

1 or impliedly repeal an act passed during the regular session of the Ninety-  
2 Second General Assembly;

3 (2) To the extent that a conflict exists between an act of the  
4 regular session of the Ninety-Second General Assembly and this act:

5 (A) The act of the regular session of the Ninety-Second  
6 General Assembly shall be treated as a subsequent act passed by the General  
7 Assembly for the purpose of:

8 (i) Giving the act of the regular session of the  
9 Ninety-Second General Assembly its full force and effect; and

10 (ii) Amending or repealing the appropriate parts of  
11 the Arkansas Code of 1987; and

12 (B) Section 1-2-107 shall not apply; and

13 (3) This act shall make only technical, not substantive, changes  
14 to the Arkansas Code of 1987.

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17 **APPROVED: 3/8/19**  
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