



ARKANSAS CODE REVISION COMMISSION

REPRESENTATIVE MATTHEW J. SHEPHERD, CHAIR

VINCENT C. HENDERSON II, CODE REVISOR

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October 16, 2019

The Honorable Jim Hendren
 President Pro Tempore of the Arkansas Senate
 Arkansas Senate, State Capitol Building
 Little Rock, Arkansas

The Honorable Cecile Bledsoe
 Senate Co Chair of the Arkansas
 Legislative Council
 Room 315, State Capitol Building
 Little Rock, Arkansas

The Honorable Jeff Wardlaw
 House of Representatives Co Chair of the
 Arkansas Legislative Council
 Room 315, State Capitol Building
 Little Rock, Arkansas

RE: Arkansas Code Revision Commission Report of Revision Decisions Pertaining to Acts 2019, No. 910.

Dear Senator Hendren, Senator Bledsoe, and Representative Wardlaw,

The Arkansas Code Revision Commission met on September 17, 2019, to consider technical revisions and other codification decisions associated with the presentation of Act 910 of 2017 (the "Transformation bill") in the supplements to the Arkansas Code. Act 910 authorized the Arkansas Code Revision Commission to correct certain technical errors and directed the commission to report any such revisions to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Legislative Council. Please find below a list of the revisions related to Act 910 directed by the Arkansas Code Revision Commission at its September 17 meeting. If future revisions are made, they will be reported by separate letter.

- Amy Fecher, Secretary of Transformation and Shared Services, requested that the Arkansas Code Revision Commission exercise its powers under § 25-43-109 to revise § 21-5-402(a)(1)(E), amended by Act 910, § 3496, to reference the "Secretary of Transformation of Shared Services or his or her designee" in lieu of the "Secretary of the Department of Finance and Administration or his or her designee". **Revision:** The Arkansas Code Revision Commission made the requested revision.
- The Arkansas Code Revision Commission determined that Act 910 did not assign the Alcoholic Beverage Control Board to a department of state government. **Revision:** The Arkansas Code Revision Commission added the Alcoholic Beverage Control Board to the statutory description of the Department of Finance and Administration.

- **§ 6-13-1404(d)(2)(B).** Act 757, § 5, provides that the Arkansas Geographic Information Systems Office shall make changes in the maps of school districts to properly show the boundary lines of resulting districts. Act 910, § 1167, gives this authority to the Division of Elementary and Secondary Education. **Revision:** The Arkansas Code Revision Commission codified the relevant provisions of Act 757, granting the duty to the Arkansas Geographic Information Systems Office.
- **§ 6-13-1414(d).** Act 757, § 6, provides that the Arkansas Geographic Information Systems Office shall immediately make changes in the maps of the school districts to show the changes of boundaries. Act 910, § 1168, gives this authority to the Division of Elementary and Secondary Education. **Revision:** The Arkansas Code Revision Commission codified the relevant provisions of Act 757, granting the duty to the Arkansas Geographic Information Systems Office.
- **§ 6-15-2502(d)(3)(B)(ii).** Act 757, § 22, amends the criteria for establishing educational renewal zones to reference a public school district classified by the Department of Education as being in need of Level 5-Intensive support. Act 910, § 1275, gives this authority to the Division of Elementary and Secondary Education. **Revision:** The Arkansas Code Revision Commission determined that the actual intent of the General Assembly was to transfer the duty to the State Board of Education. The commission also updated internal references to reflect the provisions of Act 910.
- **§ 6-15-2502(d)(3)(C)(ii).** Act 757, § 23, amends the criteria for educational renewal zones to include the school lying within a school district classified by the State Board of Education as in need of Level 5- Intensive support. Act 910, § 1277, gives this authority to the Division of Elementary and Secondary Education. Note the internal conflict regarding the classification of school districts in need of Level 5-Intensive support between Act 757, §§ 22 (above) and 23. **Revision:** The Arkansas Code Revision Commission determined that the actual intent of the General Assembly was to transfer the duty to the State Board of Education. The commission also codified a reference to the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq., based upon the text of Act 757.
- **§ 6-20-2305(b)(4)(D) and § 6-20-2305(e)(4).** These sections are amended by Act 910, § 1684 and § 1691, but it appears the amendatory language was dislocated and split due to a technical error. **Revision:** The Arkansas Code Revision Commission determined the intended revision to the sections and codified the sections in that form.
- **§ 6-45-106(a)(2)(A)(i).** Act 757, § 63, amends the criteria for the Arkansas Better Chance Program to include the school being within a district that has been classified by the State Board of Education as being in need of Level 5-Intensive support. Act 910, § 1817 gives this authority to the Division of Elementary and Secondary Education. **Revision:** The Arkansas Code Revision Commission codified the relevant provisions of Act 757, granting the duty to the State Board of Education.
- **§ 12-9-602.** Act 151, § 8, makes substantive revisions to this section and references the authority of the Arkansas Commission on Law Enforcement Standards and Training. Act 910, §§ 5828 – 5832, amend various provisions of § 12-9-602 to redirect authority from the Arkansas Commission on Law Enforcement Standards and Training to the Division of Law Enforcement Standards and Training. **Revision:** The Arkansas Code Revision

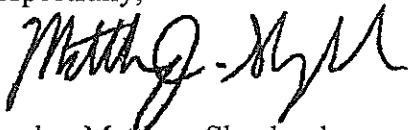
Commission merged the provisions of the two acts, but retained the name changes made by Act 910.

- **§ 12-27-143.** Act 106, § 1, changes the authorization to award the service weapon carried by a retiring Department of Correction employee to certain persons from the “Department of Correction” to the “Director of the Department of Correction”. Act 910, § 764, changed “Department of Correction” to “Division of Correction”. **Revision:** The Arkansas Code Revision Commission codified the relevant provision of Act 106, granting this duty to the Director of the Division of Correction.
- **§ 12-30-210.** Act 982, § 2, directs the Department of Correction’s Industry Division to prepare a specified annual report. Act 910, § 821, gives this authority to the Director of the Division of Correction. **Revision:** The Arkansas Code Revision Commission codified the relevant provision of Act 982, granting this duty to the Department of Correction's Industry Division.
- **§ 15-4-2704(e)(1).** Act 327, § 1, substantively revises § 15-4-2704(e)(1) and changes the mechanism to move up one tier repealing a reference to a publication of the Department of Workforce Services. Act 910, § 398, amends the pre-Act 327 mechanism to move up one tier to change the name from “Department of Workforce Services” to “Division of Workforce Services”. **Revision:** The Arkansas Code Revision Commission codified the relevant provision of Act 327.
- **§ 15-4-2708(e).** Act 327, § 1, amends § 15-4-2708(e) to require the Arkansas Economic Development Commission to approve a research expenditure instead of the Executive Director of the Economic Development Commission. Act 910, § 412, removes the term “Executive” before the title “Director of the Arkansas Economic Development Commission”. **Revision:** The Arkansas Code Revision Commission codified the relevant provision of Act 327, granting this duty to the Arkansas Economic Development Commission.
- **§ 19-5-305.** Act 910, § 2260, refers to the Arkansas State Library as being under the Division of Elementary and Secondary Education. Act 910, § 1030, places the Arkansas State Library directly under the Department of Education and not within the Division of Elementary and Secondary Education. **Revision:** The Arkansas Code Revision Commission made the necessary corrections to reflect that the Arkansas State Library is directly under the Department of Education.
- **§ 21-4-214(g).** Act 910, § 3495, references the Secretary of the Department of Finance and Administration establishing certain policies and procedures. Act 910, § 6124, references the Secretary of the Department of Transformation and Shared Services establishing those policies and procedures. **Revision:** The Arkansas Code Revision made the necessary corrections to grant the authority to the Secretary of the Department of Transformation and Shared Services.
- **§ 21-11-105(a)(2).** Act 910, § 3498, references the Secretary of the Department of Finance and Administration for a position on the Employment Suggestion Review Board. Act 910, § 6152, references the Secretary of the Department of Transformation and Shared Services as holding that position. **Revision:** The Arkansas Code Revision made the necessary corrections to grant the authority to the Secretary of the Department of Transformation and Shared Services.

- **§ 23-46-202.** Act 910, § 579, repeals § 23-46-202. Act 910, § 6253, amends § 23-46-202 concerning the location of the Building Authority Division. **Revision:** The Arkansas Code Revision Commission treated § 23-46-202 as repealed.
- **§ 25-4-125(a).** Act 792, § 1, provides that the Governor shall designate the State Broadband Manager. Act 910, § 6292, provides that the Director of the Division of Information Systems is designated the State Broadband Manager. **Revision:** The Arkansas Code Revision Commission codified the relevant provisions of Act 792, granting the authority to the Governor.
- **§ 26-51-201(e).** Act 182, § 4, repealed § 26-51-201(e). Act 910, § 3706, amended the section to update references from "director" to "secretary". **Revision:** The Arkansas Code Revision Commission treated § 26-51-201(e) as repealed.

If you have any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew J. Shepherd". The signature is written in a cursive, flowing style.

Speaker Matthew Shepherd
Chair, Arkansas Code Revision Commission