

Constitutional Revisions Submitted for Approval of the Arkansas Code Revision Commission Under Act 694 of 2019

- Consideration of possible revisions to **Act 684 of 2019** to correct spelling of "accredited-post-secondary"
- Consideration of possible revisions to **Act 1004 of 2019** to insert a comma and insert the operative date in place of "the effective date of this subdivision (g)(2)(C)(i)(b)"

Requests Made to the Arkansas Code Revision Commission for the Correction of Technical Errors Related to the Transformation of State Government Under Act 910 of 2019

- Request from Amy Fecher, Secretary of Transformation and Shared Services, to revise § 21-5-402(a)(1)(E), amended by Act 910, § 3496, to "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".

Conflicts Not Involving Act 910 of 2019

- **§ 2-1-301 and § 25-38-203.** Act 501, § 1 created new provisions of law concerning truth in labeling of agricultural products that are edible by humans, with those provisions administered by the Arkansas Bureau of Standards. Act 741, § 2, amended Arkansas law concerning the promulgation of rules by the Arkansas Agriculture Department regarding the labeling of agricultural products that are edible by humans.
- **§ 5-73-104, § 5-73-109, § 5-73-129, § 5-73-132.** Act 495 makes revisions to these four sections of law concerning firearm noise suppressors and compliance with the National Firearms Act. Act 1051 amends the same sections of the Arkansas Code with language concerning firearm noise suppressors and machine guns and compliance with the National Firearms Act.
- **§ 6-15-2701(c)(2)** - Act 631, § 2, amends the subsection to reference a "school district's support plan". Act 757, § 30, amends the subsection to reference a school's "comprehensive school-level improvement plan". This section was also amended by Act 1083, § 1, and that change was incorporated into the section.
- **§ 6-18-505.** Act 557, § 5, amended Arkansas Code § 6-18-505(c)(1). Section 6-18-505 was subsequently repealed in full by Act 640, § 9.
- **§ 6-18-1005.** Act 190, § 3, repealed Arkansas Code § 6-18-1005. Section 6-18-1005 was subsequently amended by Act 1091, § 2.

- **§ 6-20-2305(b)(4)(C)(ii).** Act 532, § 1, repealed Arkansas Code § 6-20-2305(b)(4)(C)(iii), while Act 757, § 49, amended that subdivision.
- **§ 6-61-201.** Act 55, § 1, amended Arkansas Code § 6-61-201(a)(1), while Act 1084, § 1, amended the entirety of Arkansas Code § 6-61-201, including § 6-61-201(a)(1).
- **§ 25-17-307.** Act 256, § 8, and Act 315, § 2927, each amend Arkansas Code § 25-17-307. Please note that Act 315 contained a provision that a conflicting act should prevail over its provisions.
- **§ 26-57-259(c).** Act 580, § 12, amended Arkansas Code § 26-57-259(c). Act 1071, § 28, amended § 26-57-259(c) as amended by Act 580. However, in the process of setting out § 26-57-259(c) in Act 1071 as it was amended by Act 580, the word “not” was omitted at page 51, line 22 where it is otherwise present in Act 580.
- **§ 27-24-208.** Act 167, § 1, added new language to Arkansas Code § 27-24-208 to authorize the issuance of a Purple Heart recipient special license plate to a surviving spouse. Act 915, § 1, also added new language to § 27-24-208 allowing the issuance of certain special license plates to surviving spouses.
- **§ 27-51-1602.** Act 577, § 4, amended Arkansas Code § 27-51-1602(2)(B) concerning what a “handheld wireless telephone” does not include. Act 738, § 7, repealed the existing § 27-51-1602 along with the substantive entirety of the subchapter and substituted new language.
- **§ 27-51-1605 and § 27-51-1609.** Act 288, §§ 1 and 2, amended Arkansas Code §§ 27-51-1605 and 27-51-1609 concerning the use of a handheld wireless telephone in a school zone. Act 738, § 7, repealed §§ 27-51-1605 and 1609, along with the substantive entirety of the subchapter, and substituted new language.

Conflicts Involving Act 910 of 2019

- **§ 6-13-1404(d)(2)(B).** Act 757, § 5, provides that the Arkansas Geographic Information Systems Office shall makes 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.
- **§ 6-13-1414(d).** Act 757, § 6, provides that the Arkansas Geographic Information Systems Office shall immediately makes 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.
- **§ 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.

- **§ 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, which will also be a topic of discussion.
- **§ 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.
- **§ 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.
- **§ 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.
- **§ 12-27-143.** Act 106, § 1, authorizes the Director of the Department of Correction to award the service weapon carried by a retiring Department of Correction employee to certain persons. Act 910, § 764, gives this authority to 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.
- **§ 15-4-2704(e)(1).** Act 327, § 1, substantively revises § 15-4-2704(e)(1) and changes the mechanism to move up one tier. Act 910, § 398, amends the pre-Act 327 mechanism to move up one tier to involve a publication of the Division of Workforce Services.
- **§ 15-4-2708(e).** Act 327, § 1, amends § 15-4-2708(e) to require the Arkansas Economic Development Commission to approve a research expenditure. Act 910,

§ 412, gives the authority to the Director of 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. If the Arkansas State Library is not under the Department of Education, there are other sections of Act 910 that need to be examined.
- **§ 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 Transportation and Shared Services establishing those policies and procedures.
- **§ 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.
- **§ 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.
- **§ 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.
- **§ 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".

Conflicts Involving Technical Correction Bills Initiated by the Arkansas Code Revision Commission

- **§ 6-18-709.** Act 692, § 8, Act 757, § 36, and Act 910, § 1558 each amend § 6-18-709. The three acts were combined, reflecting the repeal of obsolete language in Act 692, the substantive changes to the remaining language of the section in Act 757, and the incorporation of the name change made by Act 910 to the Division of Elementary and Secondary Education.
- **§ 14-237-106(e).** Act 138, § 3 and Act 383, § 24 each amended § 14-237-106(e). Per Section 26 of Act 383, the changes in Act 138 prevail and are codified.
- **§ 19-5-1210.** Act 388, § 6 amended this section, which was repealed by Act 1024, § 4. Per Act 388, § 8, the changes in Act 1024 prevail and are codified.

- **§ 20-10-802(12), § 20-47-406, § 20-48-104, § 20-48-404, § 20-48-413.** Each of these sections were amended by Act 389, §§ 16, 57, 58, 62, and 64 and Act 1035, §§ 12, 16, 18, 27, and 29. Per Section 88 of Act 389, the changes in Act 1035 prevail and are codified.
- **§ 27-50-407.** Act 394, § 8, repeals § 27-50-407. Act 910, § 4812, amends the section to clarify the duties of the Secretary of the Department of Finance and Administration. Per Act 910, § 6343, the repeal of § 27-50-407 by Act 394 supersedes the Act 910 revisions.