

# Exhibit B

Minutes of October 17, 2024, meeting

# **MINUTES OF ARKANSAS CODE REVISION COMMISSION MEETING**

**Thursday, October 17, 2024**

**2:00 P.M.**

**Room B, MAC Little Rock, Arkansas**

Commission members and others present: Speaker Matthew Shepherd, Chair; Representative Jimmy Gazaway; Senator Joshua Bryant; Commissioner Camille Bennett; Commissioner Vaughan Hankins; Commissioner Colin Crawford; Kevin Koon, Arkansas Code Revisor; Matthew Miller, Assistant Director for Legal Services of the Bureau of Legislative Research.

Chair Shepherd called the meeting to order.

## **Minutes of the November 14, 2023, Meeting – Item B/Exhibit B**

**Commissioner Bennett moved to approve the minutes, and Representative Gazaway seconded the motion. The motion was adopted.**

## **Consideration of authorization of expense reimbursement for official Commission duties by Commissioners pursuant to § 25-16-902 – Item C/Exhibit C**

Chair Shepherd introduced Item C and stated approval of expense reimbursement under § 25-16-902 is something that the Arkansas Code Revision Commission does annually at its first commission meeting of each year.

**Representative Gazaway moved to approve the authorization of expense reimbursement, and Senator Bryant seconded the motion. The motion was adopted.**

## **References in the Arkansas Code to state agency rules affected by the Code of Arkansas Rules – Item D/Exhibit D**

Chair Shepherd introduced Item D and recognized Mr. Koon to discuss state agency rules affected by the Code of Arkansas Rules. Mr. Koon stated that Bureau staff is currently working on a Code of Arkansas Rules project that will codify state agency rules and give them new number assignments. Mr. Koon stated that there are state agency rules referenced in the Arkansas Code, and that staff wanted to bring this to the commission's attention. Mr. Koon stated that the past practice has been for staff to update references like this on its own under § 1-2-303(d) as manifest reference errors unless staff was unsure how the reference should be updated. Chair Shepherd asked if there were any objections to staff proceeding in this manner and there were none. Chair Shepherd requested staff update the commission by email as these changes are made.

**The commission did not take action on this item.**

## **Report on the Title 19 Recodification Working Group – Item E/Exhibit E**

Chair Shepherd introduced Item E and recognized Ms. Bennett to present the findings of the Title 19 Working Group, where she served as the commission's representative. Ms. Bennett reminded the commission that at the end of 2022 the commission asked the staff of the Bureau to form a working group and create a proposed draft recommendation for the recodification of Title 19. Ms. Bennett discussed the process of the working group and the recommendations of the working group. Ms. Bennett stated that the working group recommended that the working group's proposed draft recodification of Title 19 be introduced as a bill in the next legislative session.

Chair Shepherd asked about the members of the Title 19 Working Group. Ms. Bennet explained that the working group comprised 11 members representing the following entities: (1) Arkansas Code Revision Commission; (2) Governor's office; (3) Attorney General's office; (4) Treasurer of State's office; (5) Auditor

of State's office; (6) Arkansas Legislative Audit; (7) Department of Finance and Administration; (8) Department of Transformation and Shared Services; (9) Arkansas State Claims Commission; (10) Arkansas Ethics Commission; and (11) Arkansas Bar Association.

**The commission did not take action on this item.**

**Proposed Draft Recodification of Title 19 – Item F/Exhibit F**

Chair Shepherd introduced Item F and asked if there were any questions related to the proposed draft recodification of Title 19. Senator Bryant asked questions concerning why the working group recommended certain workers' compensation material involving state employees be transferred to Title 11 instead of Titles 21 or 25. Mr. Koon explained why he believed the working group recommended the workers' compensation provisions of Title 19 be transferred to Title 11, and Ms. Bennett provided further explanation. There was also discussion concerning Bureau staff and the working group assisting the legislative members of the commission with questions as the Title 19 recodification bill is drafted and presented to the General Assembly. Chair Shepherd stated that any subsequent issues could be addressed by the legislative members of the commission or brought back to the commission for the commission's consideration.

**Rep. Gazaway moved to approve the proposed draft recodification of Title 19, and Mr. Hankins seconded the motion. The motion was adopted.**

**Proposed Technical Corrections for 2025 Legislative Session – Item G/Exhibits G1 – G19**

Chair Shepherd introduced Item G and recognized Mr. Koon to introduce the proposed technical corrections for the upcoming legislative session.

Mr. Koon introduced Exhibit G1 containing proposed technical corrections to Arkansas Constitution, Amendment 51. Chair Shepherd stated that the proposed technical corrections in Exhibit G1 were correcting punctuation and conjunctions at the end of lists.

**Senator Bryant moved to approve the proposed technical corrections in Exhibit G1, and Ms. Bennett seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G2 to make technical corrections to Title 1 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G2, and motion was seconded. The motion was adopted.**

Mr. Koon introduced Exhibit G3 to make technical corrections to Title 4 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G3, and Representative Gazaway seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G4 to make technical corrections to Title 5 of the Arkansas Code. Chair Shepherd asked for further clarification on the proposed technical correction to § 5-4-703(a)(8), and Mr. Koon confirmed that the underlying bill before it became an act was amended to change the offense it created from a Class A misdemeanor to a Class C misdemeanor.

**Representative Gazaway moved to approve the proposed technical correction in Exhibit G4, and Senator Bryant seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G5 to make technical corrections to Title 6 of the Arkansas Code. Chair Shepherd asked for confirmation that the technical corrections involving a ratification of a prior decision by the

commission were ratifications of decisions made by the commission following the 2023 regular session, and Mr. Koon confirmed this.

**Senator Bryant moved to approve the proposed technical corrections in Exhibit G5, and Ms. Bennett seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G6 to make technical corrections to Title 7 of the Arkansas Code. There was discussion concerning the source of the language for the technical correction to § 7-5-615(d), and Mr. Koon explained that the State Board of Election Commissioners had proposed a merger of the two underlying acts and the commission had approved the merger.

**Senator Bryant moved to approve the proposed technical corrections in Exhibit G6, and Representative Gazaway seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G7 to make technical corrections to Title 8 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G7, and the motion was seconded. The motion was adopted.**

Mr. Koon introduced Exhibit G8 to make technical corrections to Title 11 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G8, and Senator Bryant seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G9 to make technical corrections to Title 12 of the Arkansas Code.

**Senator Bryant moved to approve the proposed technical corrections in Exhibit G9, and Ms. Bennett seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G10 to make technical corrections to Title 15 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G10, and Senator Bryant seconded the motion. The motion passed.**

Mr. Koon introduced Exhibit G11 to make technical corrections to Title 16 of the Arkansas Code. Mr. Koon stated that after this exhibit had been sent out staff discovered an omission on Page 1, Line 33, and that “a person who is on” should probably be inserted before “post-release”.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G11 as amended by adding “a person who is on” before “post-release” on Page 1, Line 33, and Representative Gazaway seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G12 to make technical corrections to Title 17 of the Arkansas Code. Ms. Bennett asked a question concerning “contracted with” on Page 16, Line 2, and Mr. Miller explained that similar language was on Page 15, Line 36. Mr. Hankins pointed out that “appointment” on Page 8, Line 11, should be “appoint” and asked for clarification on the proposed changes to subdivision (a)(2) on Page 8, Line 11. There was discussion on the appointment language in the introductory language of subsection (a) and in subdivisions (a)(1) and (2).

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G12 as amended by changing “appointment” to “appoint” on Page 8, Line 11, and Representative Gazaway seconded the**

**motion. The motion was adopted.**

Mr. Koon introduced Exhibit G13 to make technical corrections to Title 18 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G13, and Representative Gazaway seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G14 to make technical corrections to Title 19 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G14, and Representative Gazaway seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G15 to make technical corrections to Title 20 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G15, and Senator Bryant seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G16 to make technical corrections to Title 23 of the Arkansas Code.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G16, and Representative Gazaway seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G17 to make technical corrections to Title 24 of the Arkansas Code. Chair Shepherd asked for confirmation that the language being repealed in Section 3 was identical to the language in § 14-52-106, and Mr. Koon confirmed this.

**Ms. Bennett moved to approve the proposed technical corrections in Exhibit G17, and Representative Gazaway seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G18 to make technical corrections to Title 25 of the Arkansas Code. Chair Shepherd asked about the deletion of “emergency session” in Section 1 and asked staff to conduct a search for other references to “emergency session” and “special session” in the Arkansas Code.

**Ms. Bennett moved to approve the technical corrections in Exhibit G18, and Senator Bryant seconded the motion. The motion was adopted.**

Mr. Koon introduced Exhibit G19 to make technical corrections to Title 27 of the Arkansas Code.

**Ms. Bennett moved to approve the technical corrections in Exhibit G19, and Senator Bryant seconded the motion. The motion was adopted.**

Chair Shepherd asked staff to prepare a list of unclassified offenses in the Arkansas Code for the benefit of the legislative members of the commission.

#### **Report of Code Revisor – Item H**

Chair Shepherd recognized Mr. Koon. Mr. Koon discussed the different publication issues that may arise with the recodification of Title 19, and he further discussed the need for savings provisions in the Title 19 recodification bill to avoid conflicts with 2025 regular session legislation.

**Chair Shepherd, with no further business before the Commission, adjourned the meeting.**