

# MINUTES OF ARKANSAS CODE REVISION COMMISSION MEETING

**Tuesday, August 18, 2020  
3:00 P.M.  
Room B, MAC  
Little Rock, Arkansas**

Commission members and other members present: Speaker Matthew Shepherd (*zoom call*), Chair; Representative Jimmy Gazaway; Senator Will Bond; Senator Bob Ballinger; Commissioner Bettina Brownstein (*zoom call*); Commissioner Candice Settle (*zoom call*); Theresa Beiner, Dean, University of Arkansas at Little Rock Bowen School of Law (*zoom call*); Margaret Sova McCabe, Dean, University of Arkansas at Fayetteville School of Law (*zoom call*); Vincent Henderson II, Arkansas Code Revisor; Matthew Miller, Assistant Director, Bureau of Legislative Research; Leslie Metheny, Director, Government Content(*zoom call*); Amy Fecher, Secretary of the Department of Transformation and Shared Services

Commissioner Bond called the meeting to order.

## **Minutes of the September 17, 2019 Meeting (Exhibit B)**

Without objection, the Minutes were approved as presented.

## **ACT 910 Issues for THE ARKANSAS CODE REVISION COMMISSION – (Exhibit C)**

Commissioner Bond recognized Mr. Henderson, Code Revisor, to discuss in detail the issues in Act 910 and the changes requested by Ms. Fecher. Secretary of the Department of Transformation and Shared Services.

1. Amy Fecher, Secretary of the Department of Transformation and Shared Services, requested a revision to Arkansas Code § 19-11-715 to provide that the Secretary of the Department of Transformation and Shared Services has rulemaking authority regarding procurement ethics rather than the Secretary of the Department of Finance and Administration. *These sections constitute internal conflicts within Act 910.*

**Act 910, Section 3474: 19-11-705(b) – Department of Transformation and Shared Services  
Finance and Administration.**

**Act 910, Section 3475: 19-11-706(a) – Secretary of the Department of Transformation and Shared Services  
Finance and Administration.**

**Act 910, Section 3476: 19-11-712(b) – Secretary of the Department of Transformation and Shared Services  
Finance and Administration.**

**Act 910, Section 3477: 19-11-713(b) – Secretary of the Department of Transformation and Shared Services  
Finance and Administration.**

**Act 910, Section 3478: 19-11-715(a) – Secretary of the Department of Transformation and Shared Services  
Finance and Administration.**

**Act 910, Section 3479: 19-11-716(b)(1) – Secretary of the Department of Transformation and Shared Services ~~Finance and Administration~~.**

**Item 1 was approved upon a motion by Senator Ballinger and seconded by Mr. Speaker.**

2. As part of the review of Secretary Fecher's request, other Code sections that needed to be corrected from Department of Finance and Administration to Department of Transformation and Shared Services in light of Act 910's intent were discovered. *These sections were not amended by Act 910, but require revision to match the changes made by Act 910.*

**Section 19-11-242(1) of 19-11-242. Commodity management rules.**

**Department of Transformation and Shared Services ~~Finance and Administration~~**

**Section 19-11-264(c) of 19-11-264. Submission of contracts with members of General Assembly required.**

**Department of Transformation and Shared Services ~~Finance and Administration~~**

**Section 19-11-269. Review of information technology plans.**

**Department of Transformation and Shared Services ~~Finance and Administration~~**

**Section 19-11-271(a) of 19-11-271. Compliance reporting.**

**Department of Transformation and Shared Services ~~Finance and Administration~~**

**Section 19-11-1006(a)(3) of 19-11-1006. Submission of contracts required.**

**Department of Transformation and Shared Services ~~Finance and Administration~~**

**Section 19-11-1014(a) of 19-11-1014. Compliance reporting — Definition.**

**Department of Transformation and Shared Services ~~Finance and Administration~~**

**Section 19-11-1101(c)(2) and (g) of 19-11-1101. Contracts.**

(c)(2)(A) The requesting agency shall request approval from the **Secretary of the Department of Transformation and Shared Services** ~~Chief Fiscal Officer of the State~~;

(C) Upon approval of the **Secretary of the Department of Transformation and Shared Services** ~~Chief Fiscal Officer of the State~~, the requesting agency shall prepare a request to the **Department of Transformation and Shared Services** ~~Finance and Administration~~ for approval to prepare a request for proposal for a technology project authorized under this subchapter;

(g) The **Secretary of the Department of Transformation and Shared Services** ~~Chief Fiscal Officer of the State~~ may promulgate such rules, procedures, and guidelines as he or she may deem necessary and proper in order to carry out the provisions of this section.

**Item 2 was approved. Senator Ballinger made a motion to adopt all changes and Representative Gazaway seconded the motion. The motion carried.**

3. Act 910, § 1030, created Arkansas Code § 25-43-502, which created the new Department of Education and expressly included it in § 25-43-502(a)(10) as a separate division of that department the Division of Public School Academic Facilities and Transportation, which had been created in Arkansas Code § 6-21-112. However, the Commission for Arkansas Public School Academic Facilities and Transportation created in Arkansas Code § 6-21-114(a) was not expressly transferred to any of the departments created in Act 910. Still, that commission was given the responsibility to oversee the division in Act 910.

**6-21-114. Commission for Arkansas Public School Academic Facilities and Transportation — Created.**

**(d) The commission shall:**

**(1) Oversee the operations of the Division of Public School Academic Facilities and Transportation;**

**Item 3 approved as part of the technical correction bill. Senator Ballinger made a motion and Ms. Settle seconded the motion. The motion carried.**

4. Section 6-50-702(6), the definition of “governing council”, was amended by Act 910, § 143, to change the names of certain officers comprising the council, including changing the “Director of the Department of Career Education” to the “Director of the Office of Skills Development”. However, Act 910, § 1857, amended § 6-50-703(a) by changing the names of the departments to the divisions from which representation on the governing council is to come, including changing the name of the “Department of Career Education” to the “Division of Career and Technical Education”.

Section 6-50-702(6) makes the Director of the Office of Skills Development, an office in the Department of Commerce, one of the three members of the governing council, while § 6-50-703(a) instead includes a representative of the Division of Career and Technical Education, a division of the Department of Education. These sections constitute internal conflicts within Act 910.

**6-50-702. Definitions.**

**Director of the Office of Career Education Skills Development.**

**6-50-703. Arkansas Existing Workforce Training Program — Creation — Purpose.**

**Career and Technical Education [Office of Skills Development]**

**Item 4 will be tabled until the next meeting. 6-50-703. There was discussion on whether to leave in Career Education in addition to Skills Development due to a conflict. Ms. Salas-Ford, Council, Department of Education, spoke on the topic and would prefer Career Education be left in addition to Skills Development. Senator Ballinger made a motion to table this issue concerning §§ 6-50-702 and 6-50-703 and Representative Gazaway seconded the motion. Motion carried.**

5. In three Arkansas Code sections, §§ 6-65-104(b)(2), 6-66-113(b), and 6-67-114(b), Act 910, §§ 2011, 2012, and 2013, respectively, changed “Director of the Department of Education” to “Director of the Division of Elementary and Secondary Education”. First, the reference should now be to “Commissioner of Elementary and Secondary Education” per Act 910. However, despite the changes made by Act 910, we believe that the correct reference should be to the Director of the Division of Higher Education. This is

because the three Code sections concern institutions of higher education, and not secondary educational institutions. Furthermore, Arkansas Code § 6-65-104 is probably obsolete.

**6-65-104. Rural school teachers’ training departments.**

Director of the ~~Department of Education~~ Division of Elementary and Secondary Education  
Director of the Division of Higher Education]

**6-66-113. Report by board of trustees.**

Director of the ~~Department of Education~~ Division of Elementary and Secondary  
Director of the Division of Higher Education]

**6-67-114. Biennial report to General Assembly.**

Director of the ~~Department of Education~~ Division of Elementary and Secondary Education  
Director of the Division of Higher Education]

**Item 5. Senator Ballinger made a motion to move § 6-65-104 to the technical corrections bill.**

**Representative Gazaway seconded the motion. The motion carried.**

**Senator Ballinger made a motion and Representative Gazaway seconded the motion to accept the recommendations for changes to §§ 6-66-113 and 6-67-114. The motion carried.**

6. By Acts 2015, No. 892, § 5, the “State Board of Career Education” was reorganized and renamed “Career Education and Workforce Development Board”. In Act 910, § 126, the Career Education and Workforce Development Board was transferred to the Department of Commerce. In several Arkansas Code sections the 2015 name change has not been effectuated yet because those Code sections have not been expressly amended since 2015, at which time we would ordinarily implement the name change. Act 910, § 2390, changed the name of the “Department of Career Education” to “Division of Career and Technical Education” and transferred it to the Department of Education.

Act 910, § 2390, changed the name of the “Department of Career Education” to “Division of Career and Technical Education” and transferred it to the Department of Education.

Scattered throughout Act 910 are sections that amend many, but not all, of the Arkansas Code sections with references to the State Board of Career Education. In many of those sections that are amended by Act 910 the references to the State Board of Career Education are not corrected or addressed. Those sections that do address the references to the State Board of Career Education do not do so in any consistent manner. The powers, duties, functions, and responsibilities of the State Board of Career Education/Career Education and Workforce Development Board and the Department of Career Education have been scattered and dispersed among several different entities, and not just to the Career Education and Workforce Development Board or the Division of Career and Technical Education. An additional layer to this problem is that Act 315 of 2019 amends several Arkansas Code sections that are not amended by Act 910 but do not address the name references either.

**Item 6 The Commission agreed to table this item in its entirety until the next meeting upon a motion by Senator Ballinger, seconded by Representative Gazaway.**

7. Acts 2019, No. 910, § 2212, amends § 10-3-1602(2) and contains a list of state entities, revising “State Board of Career Education” to “State Board of Education”. Act 910, § 2213, amending § 10-3-1602(4), contains an analogous list but this time “State Board of Career Education” becomes the “Career Education and Workforce Development Board.”

**10-3-1602. Duties.**

(2) Reviewing policy issues affecting educational reform on or before November 15 of the year preceding a regular session and making recommendations concerning any necessary legislative changes proposed by school districts, cooperatives, institutions of higher education, the Division of Elementary and Secondary Education, the State Board of Education, the Division of Career and Technical Education, **the State Board of Career Education [Career Education and Workforce Development Board]**

(4) Reviewing and assuring coordination between the school districts, cooperatives, institutions of higher education, the Division of Elementary and Secondary Education, the State Board of Education, the Division of Career and Technical Education, **the State Board of Career Education the Career Education and Workforce Development Board**, the Division of Higher Education, the Arkansas Higher Education Coordinating Board, the Governor’s office, and private institutions; and

**Item 7. Motion to ratify modifications made by Commission staff by Senator Ballinger and seconded by Ms. Settle. The motion carried.**

8. Two sections of Act 910 amended § 20-27-1507 in an inconsistent manner. It is clear that the General Assembly intended by the amendment to § 20-27-1507(a) and (b) by Act 910, § 5035, as well as all the other changes made throughout subchapter 15 by other sections of Act 910, including §§ 2291 and 2292 that amended § 20-27-1507(c)(2)(A) and (e), that the amendment to § 20-27-1507(a) and (b) by Act 910, § 2290, was an oversight, not intended, and that the correct reference should be to the Department of Health, and not the Division of Higher Education.

As amended by Act 910, § 2290, the section reads as follows:

**20-27-1507. Education of artist in training.**

(a) An artist trainer shall be a registered instructor in a school licensed by the Department of ~~Higher Education under § 6-51-601 et seq.~~ **Health**.

(b) In consultation with the State Board of Private Career Education, the ~~Department~~ **Division** of Higher Education shall develop standards to determine:

(2)(A) The artist trainer shall maintain a training log of the clock hours completed by the artist in training on forms approved by the Department of ~~Higher Education~~ **Health**.

(e) The Department of ~~Higher Education~~ **Health** shall adopt a minimum curriculum for each area of body art training that shall be followed by all artist trainers, artists in training, and body art training facilities.

As amended by Act 910, § 5035, the section reads as follows:

**20-27-1507. Education of artist in training.**

(a) An artist trainer shall be a registered instructor in a school licensed by the ~~Department of~~ **Department of Health** ~~Higher Education under § 6-51-601 et seq.~~

(b) ~~In consultation with the State Board of Private Career Education, the Department of Higher Education~~ **The department** shall develop standards to determine:

(2)(A) The artist trainer shall maintain a training log of the clock hours completed by the artist in training on forms approved by the Department of ~~Higher Education~~ **Health**.

(e) The Department of ~~Higher Education~~ **Health** shall adopt a minimum curriculum for each area of body art training that shall be followed by all artist trainers, artists in training, and body art training facilities.

**Item 8. Senator Ballinger moved to accept the recommended changes to make the references to the Department of Health to be consistent. Representative Gazaway seconded the motion. The motion carried.**

9. In § 20-77-2509(e), “Governor” should have been changed to “Secretary of the Department of Inspector General” as it was in subsection (a) by Act 910, § 5263. In that way both the annual report and the quarterly reports of the Medicaid Inspector General are to be submitted to the Secretary of the Department of Inspector General. Otherwise, the annual report would be submitted to the Secretary of the Department of Inspector General, while the quarterly reports would bypass the secretary and instead be submitted directly to the Governor.

**20-77-2509. Reports required of Medicaid Inspector General — Definition.**

(a) The Medicaid Inspector General shall, no later than October 1 of each year, submit to the ~~Governor~~ **Secretary of the Department of Inspector General**.

(e) Quarterly by April 1, July 1, October 1, and January 1 of each year, the Medicaid Inspector General shall submit to the ~~Governor~~ **[Secretary of the Department of Inspector General]**,

**Item 9. The decision was made by the Commission to leave as is and take it up later if necessary.**

10. In § 20-78-206(a)(2)(A)(ii), “Commissioner of Education” should have been changed to “Secretary of the Department of Education” to conform to the change made in subdivision (a)(3) by Act 910, § 5104.

**20-78-206. Division of Child Care and Early Childhood Education — Rules.**

(ii) The immunization shall be evidenced by a certificate of a licensed physician or a public health department acknowledging the immunization. The division shall consult with the ~~Commissioner of Education~~ **[Secretary of the Department of Education]** or his or her designated representative in regard to rules relating to education.

(3) The ~~director~~ **Secretary of the Department of Health and the commissioner** ~~Secretary of the Department of Education~~ and their designated representatives are directed to cooperate with and assist the division in developing rules in the respective areas of health and education.

**Item 10. Senator Ballinger moved to accept the modifications. Representative Gazaway seconded the motion. The motion carried.**

11. In various places in the following sections concerning Arkansas Rehabilitative Services which was assigned by Act 910 to the Department of Commerce there is the phrase “the appropriate division of the Department of Human Services”. However, DHS no longer has authority over Arkansas Rehabilitative

Services. It has been transferred to the Division of Workforce Services in the Department of Commerce. Also in 20-79-207(4), it appears that Arkansas Rehabilitation Services was intended to replace the orphaned “state board” reference as the only other reference to state board in the section, in subdivision (2), was amended by Act 910 to Arkansas Rehabilitation Services.

**Section 20-79-205. Administration.**

The deputy director of the ~~appropriate division of the Department of Human Services~~ Division of Workforce Services

**Section 20-79-206(b) and (c). Operation of rehabilitation facilities.**

(b) Gifts, grants, fees for services, income from the sale of products or items of manufacture or handwork, and donations may be deposited into one (1) or more banks and expended by the ~~appropriate division of the Department of Human Services~~ Division of Workforce Services, in compliance with the rules of the Secretary of the Department of Finance and Administration, in the establishment and operation of rehabilitation facilities and such other program services as may be determined by the ~~appropriate division of the Department of Human Services~~, which are consistent with the purposes of this subchapter.

(c) The ~~appropriate division of the Department of Human Services~~ is authorized and empowered to lease or purchase public or private property, real, personal, or mixed, for the purpose of establishing and operating rehabilitation facilities.

**Section 20-79-207. Cooperative agreements.**

The ~~appropriate division of the Department of Human Services~~ Division of Workforce Services, through Arkansas Rehabilitation Services, is empowered and directed to:

(1)(A) Cooperate with any other division of the ~~department~~ Department of Commerce in an effort to rehabilitate those individuals with a disability who are applicants for or recipients of public assistance.

(4) Cooperate with political subdivisions and other public and nonprofit organizations and agencies in the establishment of workshops and rehabilitation facilities and use such facilities as meet the standards established by the ~~state board~~ Arkansas Rehabilitation Services in providing rehabilitation services; and

**Section 20-79-208(b) and (c)(2). Ownership, exchange, and sale of equipment.**

(b) The ~~appropriate division of the Department of Human Services~~ Division of Workforce Services

(2) Any funds received by the ~~appropriate division of the department~~

**Section 20-79-211(a). Appropriations.**

(a) Budget estimates of the amount of appropriations needed each fiscal year for rehabilitation services and for the administration of the program shall be submitted by the deputy director to the appropriate division of the Department of ~~Human Services~~ Commerce.

**Section 20-79-213(b). Eligibility for rehabilitation services.**

(b) However, except as otherwise provided by law or as specified in any agreement with the United States Government with respect to classes of individuals certified to the ~~appropriate division of the Department of Human Services~~ Division of Workforce Services thereunder,

**Section 20-79-215. Hearings.**

Any individual applying for or receiving rehabilitation who is aggrieved by any action or inaction of Arkansas Rehabilitation Services shall be entitled to a hearing in accordance with the rules adopted and

promulgated by the appropriate division of the Department of Human Services Division of Workforce Services on that subject.

**Item 11.** Senator Ballinger made a motion to ratify the changes recommended by staff and Ms. Settle seconded the motion. The motion carried.

The Commission directed that § 20-79-205 be included in a technical corrections bill to correct “deputy director” to “director”.

12. Section 25-30-104, as amended by Acts 2019, No. 910, § 2389, including the section catchline, now requires the State Board of Education to coordinate “their” activities. The problem is that the sentence went from two subjects to one, but merely correcting the plural pronoun “their” to the singular pronoun “its” doesn’t make sense with the requirement to coordinate.

As amended by Act 910, § 2389, the section reads as follows:

**25-30-104. Coordination with State Board of Education and ~~Department of Education~~ Division of Elementary and Secondary Education.**

The ~~Career Education and Workforce Development Board and the~~ State Board of Education shall coordinate their activities to ensure that academic, workplace, and technical skills create opportunities for a strong comprehensive education regardless of the student's ultimate career choice.

In view of the change made to the section catchline, the intent of the amendment would seem to be to replace in the text the original reference to the State Board of Education with the Division of Elementary and Secondary Education.

**25-30-104. Coordination with State Board of Education and Division of Elementary and Secondary Education.**

The State Board of Education ~~of the Department of Education~~ and the Division of Elementary and Secondary Education

**Item 12.** Senator Ballinger made a motion to adopt the changes. Representative Gazaway seconded the motion. The motion carried.

**Questions Concerning Arkansas Code § 6-4-304**

Ms. Erin Franks, Chief Legislative Affairs Director, Department of Education, has asked that Department of Education representatives be allowed to discuss the following list of questions concerning § 6-4-304 with the Commission.

**These questions were withdrawn by the Department of Education.**

**ACT 910 Issues for the Department Transformation and Shared Services (Exhibit C-2)**

1. Amy Fecher, Secretary of the Department of Transformation and Shared Services, requested a revision to Arkansas Code § 19-11-269 to remove the responsibility for submission of planning and technical requirements documents to the Office Intergovernmental Services and instead require the Office of State Procurement to ensure they have been submitted to the Department of Transformation and Shared Services.

**Section 19-11-269 – Review of information and technology plans.**

**Item 1. This section was covered on Exhibit C-2.**

2. Secretary Fecher also requested a revision to Arkansas Code § 21-5-109 to transfer from the State of Arkansas Chief Fiscal Officer to the Secretary of the Department of Transformation and Shared Services the authority to establish the standards and procedures and for granting exemptions to the direct deposit requirement for new employees. This section was not amended by Act 910 of 2019 but requires revision to implement its intent of transferring the Office of Personnel Management from the Department of Finance and Administration to the Department of Transformation and Shared Services.

**Sections 21-5-109 (a) & (b) 21-5-109. New Employees – Electronic direct deposit – Definition**

(ii) The Secretary of the Department of Transformation and Shared Services ~~Chief Fiscal Officer of the State~~

(B) The Secretary of the Department of Transformation and Shared Services ~~Chief Fiscal Officer of the State~~

(c) The Secretary of the Department of Transformation and Shared Services ~~Chief Fiscal Officer of the State~~

**Item 2. The commission moved to adopt these changes. Senator Ballinger made the motion and Representative Gazaway seconded the motion. The motion passed.**

3. Secretary Fecher also requested revisions to Arkansas Code §§ 22-2-102 and 22-2-113 to remove the reference to Building Authority Division and replace with the Department of Transformation and Services. Act 910 of 2019 transferred the Building Authority Division to the Department of Transformation and Shared Services. This revision logically places these responsibilities with the department as a whole.

**Section 22-2-102. Definitions.**

(2) “Minimum standards and criteria” and other like phrases mean those standards and criteria relating to construction, design, maintenance, and leasing of state agencies' capital improvements adopted by the Department of Transformation and Shared Services ~~Building Authority Division~~ after appropriate public hearings and notice to the public and interested persons and organizations;

**Section 22-2-113. Schedule of supervision — Type three — All other cases.**

(a) Department of Transformation and Shared Services ~~Building Authority Division~~

(2) Department of Transformation and Shared Services ~~Building Authority Division~~

(6) Department of Transformation and Shared Services ~~Building Authority Division~~

(ii) Department of Transformation and Shared Services ~~Building Authority Division~~;

- (1) the Department of Transformation and Shared Services ~~Building Authority Division~~; Department of Transformation and Shared Services ~~Building Authority Division~~; Department of Transformation and Shared Services ~~Building Authority Division~~ from entering into an agreement with the Department of Transformation and Shared Services ~~Building Authority Division~~
- (2) Department of Transformation and Shared Services ~~Building Authority Division~~

**Item 3. The Commission decided to pass over these sections.**

4. Secretary Fecher also requested a revision to Arkansas Code § 22-9-208 to remove the reference to Building Authority Division from subsection (a)(3) as this section was amended by Act 910 of 2019 to include the Department of Transformation and Shared Services. Act 910 of 2019 transferred the Building Authority Division to the Department of Transformation and Shared Services. This revision removes a duplicative reference.

**Section 22-9-208. Renovation of historic sites – Legislative intent and construction**

(a)(3) The procedures provided in subdivision (a)(2) of this section should be applicable for specific projects only after review and approval by the Chief Fiscal Officer of the State, ~~the Building Authority Division~~,

**Item 4. The commission approved these changes. Senator Ballinger made moved to accept the changes and Representative Gazaway seconded the motion. The motion passed.**

5. Secretary Fecher also requested revisions to Arkansas Code §§ 22-10-502 and 22-10-503 to provide that the Secretary of the Department of Transformation and Shared Services has rulemaking authority regarding public-private partnerships rather than the Arkansas Economic Development Commission or the Building Authority Division.

**Section 22-10-502. Arkansas Economic Development Commission – Duties.**

(a) The ~~Secretary of the Department of Transformation and Shared Services Arkansas Economic Development Commission or the Building Authority Division~~

**Section 22-10-503. Rules.**

(a) The Secretary of the Department of Transformation and Shared Services ~~Arkansas Economic Development Commission or the Building Authority Division~~

(b) The ~~Department of Transformation and Shared Services commission or division~~ and the authority ~~the Arkansas Development Finance~~ Authority may jointly promulgate rules that establish procurement guidelines and requirements that vary depending on the type of qualifying project.

**Item 5. The Commission decided to pass over these sections and hold until next meeting.**

6. Secretary Fecher also requested revisions to Arkansas Code § 25-4-115 moving the authority to enter into information technology professional service contracts to the Secretary of Transformation and Shared

Services from the Director of the Division of Information Systems. Additionally, Secretary Fecher requested to transfer the responsibility for determining the resignations, vacancies in positions, or the inability to employ the persons with the technical skills to the Secretary of the Department of Transformation and Shared Services from the State’s Chief Fiscal Officer.

**Section 25-4-115. Professional services contracts between divisions and outside vendors**

(a) (1) In the event that, due to unforeseen circumstances, the Secretary of Transformation and Shared Services ~~Division of Information Systems~~ cannot provide sufficient information technology support to state agencies, the Secretary of Transformation and Shared Services ~~Director of the Division of Information Systems~~ is authorized to enter into professional services contracts for the necessary information technology support.

(2) The ~~department division~~ may also consolidate information technology needs to satisfy agency requests.

(b) (1) The division may utilize moneys appropriated for maintenance, operation, and payment of regular salaries of the ~~department division~~

(2)(A) ~~Secretary of Transformation and Shared Services Chief Fiscal Officer of the State~~

(B) In addition, the ~~Secretary of Transformation and Shared services Chief Fiscal Officer of the State~~ shall obtain the advice of the Legislative Council

**Item 6. The Commission determined that several of these changes were substantive, for example, changing “division” to “department”, others were technical, specifically changing “Chief Fiscal Officer of the State” to “Secretary of Transformation and Shared Services”. Senator Ballinger moved to approve the technical changes only. Representative Gazaway seconded the motion. The motion passed.**

7. Amy Fecher, Secretary of the Department of Transformation and Shared Services, requested revisions to Arkansas Code §§ 25-34-107 and 25-34-108 to replace the references to the Department of Finance and Administration with the Department of Transformation and Shared Services.

**Section 25-34-107. Surplus equipment not sold.**

(c) (1) Unsold surplus computer equipment may be sent to the Marketing and Redistribution Section of the Office of State Procurement of the ~~Department of Finance and Administration~~ Department of Transformation and Shared Services

**Section 25-34-108. Disbursement of revenues.**

(1)(B) Fifteen percent (15%) of the proceeds shall be deposited with the Marketing and Redistribution Section of ~~Department of Finance and Administration~~ Department of Transformation and Shared Services

**Item 7. Representative Gazaway moved to ratify the changes recommended by staff. Senator Ballinger seconded the motion. The motion passed.**

8. Secretary Fecher also requested a revision to Arkansas Code § 25-43-808 to transfer the certification receivership on the assignment of duties for county health unit administrators to the Secretary of the Department of Transformation and Shared Services from the State’s Chief Fiscal Officer.

**Section 25-43-808. Additional compensation — County health unit administrators.**

(1) The Department of Health shall certify to the Secretary of the Department of Transformation and Shared Services Chief Fiscal Officer of the State

**Item 8. Commission decided to pass over this requested change.**

**ACT 910 ISSUES FOR THE ARKANSAS CODE REVISION COMMISSION (Exhibit C-3)**

1. Wes Ward, Secretary of the Department of Agriculture, requested revisions to Arkansas Code §§ 25-38-202, 25-38-206, 25-38-211, and 25-43-202 to remove the Red River Compact Commission from the list under the Department of Agriculture. It should have been the Red River Commission. The Red River Compact Commission is a federal entity which we do not have the authority to move under a state department.

**The Commission decided not to take action in regard to the Red River Compact Commission.**

2. 14-118-203

(e) Members of the commission shall receive no pay for their services, but whenever the General Assembly shall have appropriated funds to the Arkansas Water Development Fund administered by the Arkansas Soil and Water Conservation Commission, they may, upon proper application to the Arkansas Soil and Water Conservation Commission, be reimbursed for expenses in accordance with 25-16-901 et seq.

The Soil and Water Conservation Commission no longer exists. It became Natural Resources Commission. The Department of Agriculture suggested that the reference should now be Department of Agriculture.

**The Commission decided not to take action in regard to this request.**

**With no further business, the meeting adjourned.**