

Act 267 of the 1987 Regular Session

Act 267

HB1471

"AN ACT TO ADOPT THE ARKANSAS CODE OF 1987 AS THE STATUTE LAW OF THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES."

WHEREAS, Act 50 of 1945 created the Arkansas Statute Revision Commission and authorized and empowered it to revise, digest, and publish the general statutes of Arkansas; and

WHEREAS, The Arkansas Statute Revision Commission, pursuant to such authority, by contract with the Bobbs-Merrill Publishing Company of Indianapolis, Indiana, published the Arkansas Statutes of 1947, Annotated, which have been in use for forty years, twenty-four years longer than any previous digest of Arkansas statutes; and

WHEREAS, Act 641 of 1983 authorizes and empowers the Arkansas Statute Revision Commission to revise, codify, and publish a code of all the statute law of the State of Arkansas of a general and permanent nature, but without changing the substance or meaning of any provision of the statutes and after approval and adoption by the Arkansas General Assembly; and

WHEREAS, pursuant to such authority, the Arkansas Statute Revision Commission, for the State of Arkansas, entered into a contract dated August 1, 1984, with the Michie Company of Charlottesville, Virginia, for a codification of all the statutes of the State of Arkansas of a general and permanent nature; and

WHEREAS, in accordance with and pursuant to the provisions of that contract, a manuscript known as the Arkansas Code of 1987, Legislative Edition, was prepared by the Michie Company under the direction and supervision of the Arkansas Statute Revision Commission for submission to the Arkansas General Assembly for its approval and adoption;

NOW, THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. The Arkansas Code of 1987, Legislative Edition, consisting of 28 titles in 29 printed volumes, constituting the manuscript known as the Arkansas Code of 1987, Legislative Edition, and each subtitle, chapter, subchapter, and section thereof, prepared by the Michie Company under the direction and supervision of the Arkansas Statute Revision Commission in accordance with and pursuant to the provisions of a contract dated August 1, 1984, by and between the Michie Company and the State of Arkansas, acting by and through the Arkansas Statute Revision Commission, entered into under authority of Act 50 of 1945, as amended, providing for the revision, digesting, and codification of all of the statutes of the State of Arkansas of a general and permanent nature, and in 29 printed volumes as noted above, is attached to, incorporated in, and expressly made a part of this Act and is enacted as law effective midnight, December 31, 1987.

SECTION 2. This Act shall be effective on and after midnight, December 31, 1987.

SECTION 3. (a) The enactment and adoption by section 1 of this act of

the Arkansas Code of 1987, Legislative Edition, shall not affect or repeal the acts passed at the 76th regular session of the General Assembly, which shall become law prior to the date of the taking effect of the Arkansas Code of 1987. All such acts shall have full effect, and, so far as those acts vary from or conflict with any provision contained in the Arkansas Code of 1987, they shall have the effect of subsequent acts and as amending, repealing, or adding to the Arkansas Code of 1987. For purposes of incorporation into the Arkansas Code of 1987, all references in the general laws passed at the 76th regular session of the General Assembly to the Acts of Arkansas, the Arkansas Statutes of 1947, or to any other previously existing law shall be deemed to refer to the applicable or corresponding provisions contained in the Arkansas Code of 1987.

(b) All general laws enacted during the 76th regular session of the Arkansas General Assembly shall be incorporated in the proper and appropriate place in the Arkansas Code of 1987 and shall be arranged, classified, numbered, edited, and compiled for publication as part of the Code. Nothing in this authorization shall be construed as suspending the time such legislation takes effect. Such legislation shall become effective as if the inclusion were not authorized.

SECTION 4. (a) The inclusion in the Arkansas Code of 1987 of statutory provisions relating to process, practice, procedure, and appeals that have been superseded by rules of court shall not constitute a reenactment of such procedural provisions, and such procedural provisions shall continue to have only such force and effect as they had prior to the enactment of the Arkansas Code of 1987.

(b) All acts, codes, and statutes, and all parts of them and all amendments to them of a general and permanent nature in effect on December 31, 1987, are repealed unless:

(1) Expressly continued by specific provision of the Arkansas Code of 1987;

(2) Omitted improperly or erroneously as a consequence of compilation, revision, or both, of the laws enacted prior to the Code, including without limitation any omissions that may have occurred during the compilation revision, or both, of the laws comprising the Code; or

(3) Omitted, changed, or modified by the Arkansas Statute Revision Commission, or its predecessors, in a manner not authorized by the laws or the constitutions of Arkansas in effect at the time of the omission, change, or modification.

(c) In the event one of the exceptions in subsection (b) should be applicable, the law as it existed on December 31, 1987, shall continue to be valid, effective, and controlling.

SECTION 5. The Arkansas Code of 1987, Legislative Edition, shall not be printed or included in the Acts of Arkansas as provided in Act 6 of 1974, as amended, Arkansas Statutes 14-404, Arkansas Code 25-18-205.

SECTION 6. (a) Before the publication of the Arkansas Code of 1987 in bound form, the Arkansas Statute Revision Commission shall correct typographical and grammatical errors, erroneous references to sections, subsections, and subdivisions, and other mistakes obviously made through oversight or accident and shall also make any other purely formal or clerical changes in keeping with the purpose of the revision.

(b) The commission shall examine the Arkansas Code of 1987 as printed, and, if it finds that each section of the manuscript submitted to the General Assembly and enacted into law by this act is correctly reproduced therein with the exception of the corrections authorized by this act, it shall furnish the

printer a certificate to that effect. The certificate shall be reproduced at the beginning of volume 1 of each printed set.

SECTION 7. (a) The following constitute technical corrections which shall be made to the Arkansas Code of 1987, Legislative Edition, solely for the purposes set out in Arkansas Code 1-2-101 and as fully as if the corrections had been printed therein. It is not the purpose of this section to change or alter the effect of any law in existence on December 31, 1987.

(b) The corrections are given in two parts: Part I is a table of internal references corrected; Part II is a series of Code sections, subsections, and subdivisions to be corrected, added, or deleted. Where appropriate, they replace the particular sections, subsections, and subdivisions as they appear in the printed volumes of the Arkansas Code of 1987, Legislative Edition, to which they refer.

APPROVED: March 17, 1987

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