Legislative Drafting Manual

November 2010

STATE OF ARKANSAS
BUREAU OF LEGISLATIVE RESEARCH
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PART 1. WORKING PROCEDURES OF THE BUREAU OF LEGISLATIVE RESEARCH.

1.1 DRAFTING OF GENERAL NONAPPROPRIATION LEGISLATION.

(a) STRUCTURE OF LEGAL SERVICES DIVISION.

The Legal Services Division of the Bureau of Legislative Research consists of three sections: (1) the Legal Research and Drafting Section, which includes attorneys who prepare drafts of potential legislation, documents, and memoranda and conduct related legal research, and administrative assistants to the attorneys who assist the attorneys in the performance of their duties; (2) the Statutory Review Section, which includes attorneys, editors, administrative assistants, and temporary proofers, who jointly edit and proofread drafts of potential legislation and prepare acts for publication in the Arkansas Code Annotated; and (3) the Administrative Rules Review Section, which reviews state agency rules for compliance with state law and intent and stays abreast of regulatory issues to better inform the members of the General Assembly.

(b) NONPARTISAN SERVICE.

The attorneys prepare drafts of potential legislation or bills on a nonpartisan basis for members of the General Assembly, which includes both the House of Representatives and the Senate. An attorney may provide advice to a member regarding the preparation of a bill, but it is not appropriate for an attorney in his or her official capacity to advocate for or against an idea for proposed legislation or a bill. All staff members of the Bureau provide nonpartisan service.

(c) CONFIDENTIALITY.

Unpublished memoranda, working papers, and correspondence of members of the General Assembly are not subject to disclosure under Arkansas Code § 25-19-105(b)(7).

Under § 10-2-129, any drafting or information request made to a legislative employee by or on behalf of a legislator is confidential. The confidentiality extends to the identity of the legislator making the drafting or information request, to the identity of any legislative employee working on the drafting or information request, and to any written material associated with the drafting or information request until the legislator makes public written material associated with the drafting or information request or consents to disclosure. A staff person working on a drafting or information request shall maintain written material that is associated with the request and is in his or her possession in a confidential manner until the legislator who made the request makes public written material associated with the request or consents to disclosure.

To avoid a breach of confidentiality, a drafting attorney should use caution when consulting persons outside the Bureau about a drafting or information request. The best practice is to seek authorization before consulting outside sources.
(d) HOW A BILL DRAFT IS PREPARED.

Typically, the process of drafting a bill begins when a legislator contacts a drafting attorney and presents an idea for a bill or a problem that he or she wants to address. The drafting attorney researches the issue and works with the legislator to develop a bill draft. At other times, the legislator may direct the drafting attorney to work with an interested party or to prepare a bill based on a draft prepared by a constituent or interest group, legislation from another state, or a model or uniform act.

(e) AUTHORIZATION TO DRAFT A BILL, RESOLUTION, OR AMENDMENT TO ADD A SPONSOR OR COSPONSOR.

Generally, a drafting attorney is not required to have prior direct approval from a member of the General Assembly before the drafting attorney starts work on a bill, resolution, or amendment for the member. “Prior direct approval” means that a member of the General Assembly communicates a drafting request to a drafting attorney by telephone, email, fax, or other written document.

However, under § 10-2-501, an individual member of the General Assembly may file written notice with the Director of the Bureau of Legislative Research that the member's drafting requests may be processed only after the member provides prior direct approval to the drafting attorney. In this case, a drafting attorney shall not:

- Draft any bill, resolution, or amendment for the member without the prior direct approval of the member;
- List the name of the member on any bill, resolution, or amendment without the prior direct approval of the member; or
- On a bill, resolution, or amendment of which the member is the lead sponsor, establish the order of cosponsors without the prior direct approval of the member if the member is the lead sponsor.

As time permits and within the discretion of the drafting attorney, a drafting attorney may assist a state agency or other entity with the preparation of agency bills or amendments without the prior direct approval of a member of the General Assembly. Otherwise, a member of the General Assembly must request the bill before Bureau staff may begin work on the request.

(f) AUTHORIZATION TO ADD A SPONSOR OR COSPONSOR.

Except as provided in § 1.1(e), a drafting attorney is not required to have prior direct approval from a member of the General Assembly before the drafting attorney adds a member as a sponsor or cosponsor of a bill.

If the drafting attorney learns the bill is likely to have several cosponsors, the drafting attorney may provide a printed Cosponsor Authorization Form, which lists in alphabetical order all the members of the General Assembly. The Cosponsor Authorization Form is helpful in matching the signature of a member with the member's name and facilitates the speedy addition of cosponsors to a bill.
(g) LEGISLATION DRAFTED OUTSIDE THE BUREAU.

All nonappropriation bills, resolutions, and amendments are processed by the Bureau Legal Research and Drafting Section.

A nonappropriation bill draft prepared by an outside drafter will be reviewed and edited by Bureau legal staff. If necessary, the drafting attorney will inform the sponsor about unresolved problems in the draft. Bureau review may include some or all of the following elements:

- If the draft amends current law, whether the legislation accurately reflects current law and the additions and deletions being made to current law;
- Whether the legislation conforms to style, usage, and numbering rules;
- Whether the provisions are clear and complete; and
- Whether the legislation raises legal issues of which the sponsor should be made aware, for example, a conflict with federal or state constitutional law, other federal law, or Arkansas law.

It is to the advantage of the outside drafter to work with the drafting attorney to make appropriate revisions to the draft. This collaborative approach provides a means for the outside drafter to have input into revisions before a bill's enactment. After enactment all bills are conformed to current drafting conventions during the codification process under the direction of the Code Revisor and the Arkansas Code Revision Commission. The outside drafter will not have the opportunity for input during the codification process.

(h) WHEN DRAFT REQUESTS SHOULD BE SUBMITTED.

Bureau staff should encourage members of the General Assembly and state agencies to submit bill requests to drafting attorneys well in advance of the legislative session when there is less demand for Bureau drafting services.

Submission of a draft to the Bureau does not mean that a legislator must file or release the bill.

Bureau staff persons should remind outside drafters that they should not wait until they want the bill filed before asking the legislator to submit the bill to the Bureau. The Bureau still must process and review the bill, and the processing of legislation takes more time than most outside drafters expect. Several steps are involved, and the large volume of bills filed during a legislative session affects how quickly a bill can be reviewed and processed by the Bureau.

(i) BILL REQUESTS AND DRAFTS RECEIVED NEAR A FILING DEADLINE.

Many bills get filed in the last days of the filing period. To ensure that members are able to have a bill to introduce, the Bureau prepares many bills as “shell bills”. These bills contain only a portion of the full bill or merely a short description of the bill. The body of the bill is added by amendment after Bureau staff finishes preparation of the text.
Bureau drafters should make every effort to complete bills before the deadline. However, as the filing deadline approaches, Bureau drafters may be instructed to prepare all remaining bills as shell bills only.

(j) HOW LEGISLATION IS FILED.

Bureau staff cannot file legislation on behalf of a member of the General Assembly. When the lead sponsor is ready to file the bill, the bill is processed for introduction and an introduction packet is prepared. A Bureau staff member delivers the packet to the lead sponsor in the House of Representatives or the Senate.

1.2 FORMAT REQUIREMENTS FOR OUTSIDE BILL DRAFTERS.

Staff should encourage outside bill drafters to provide their drafts to Bureau staff in electronic format. Having the drafts in electronic format helps expedite the bill because it keeps Bureau staff from having to completely retype the bill. Unfortunately, sometimes the document format keeps Bureau staff from using the electronic version.

If possible, provide the Bureau with a copy of the draft bill on a computer disk or as an attachment to an email message. For the file to be useful to Bureau staff, the document must be prepared using the following guidelines:

(1) Use Microsoft Word.
(2) Keep the Word document simple.

- Do not try to duplicate the appearance of an official bill. Almost all formatting added must be removed by the Bureau. Problems frequently arise from formatting inserted by outside drafters and result in significant delays in bill preparation and filing.
- Do not change fonts or the size of fonts. Use one font throughout the draft – preferably the “Courier New” font.
- Do not use *italics* or **bold** font attributes.
- Do not use “indent”. Instead, use “tabs”.
- Use “left alignment”. Do not use “justify”, “center alignment”, or “right alignment”.
- Do not use features such as headers, footers, footnotes, margin changes, tab changes, or other word processing features that will have to be removed when the bill is processed.
- Do not use “styles” to alter the appearance of the document. Use of “styles” will prevent the Bureau from using the electronic document.
- If a “symbol” must be inserted into the document, use only those listed in Microsoft Word under *Symbols – Font (normal text)*.
(3) If the bill amends existing law, the bill typically must show changes to the law as it existed before the current session of the General Assembly as shown in the latest official hard copy of the Arkansas Code. An exception would be those instances in which the bill amends the existing law that has been amended by an act of the current legislative session or uncodified law from previous sessions.

- Use the font attribute “underline” to indicate new language.
- Use the font attribute “strikethrough” to show language that will be deleted from present law.
- Do not use the “track changes” or “highlight changes” function in Microsoft Word as a way of showing additions and deletions to the law. A markup document created by using the “track changes” or “highlight changes” function cannot be used by Bureau staff, and the Bureau will have to retype the entire document.
- Do not use “styles” function in Microsoft Word as a way of showing additions and deletions to the law. A document using “styles” may cause the Bureau to have to retype the entire document.

(4) The document must be free of viruses. Virus-infected documents cause significant delays and may result in the bill and other bills being lost.

(5) If possible, also provide a hard copy of the draft with the electronic version.

1.3 GUIDELINES FOR DRAFTING & AMENDING FISCAL-RELATED BILLS.

(a) TRANSFER TO BUDGET & FISCAL REVIEW DIVISION.

A drafting attorney in the Legal Research and Drafting Section shall direct the requester to the Budget & Fiscal Review Section or take the information and forward the drafting assignment to the Budget & Fiscal Review Section if the request is to draft or amend:

(1) An appropriation section;

(2) A reappropriation section;

(3) A regular salaries section;

(4) An extra help section;

(5) A section transferring a specific amount of money; or

(6) A special language section that modifies or restricts an appropriation section, a reappropriation section, a regular salaries section, or an extra help section unless the Budget & Fiscal Review Section requests assistance.
(b) CONSULT BUDGET & FISCAL REVIEW DIVISION.

A drafting attorney in the Legal Research and Drafting Section should consult with a member of the Budget & Fiscal Review Section if the request is for:

(1) A section that creates, repeals, or changes funds;

(2) A section transferring funds based on a percentage or a transfer providing that moneys received up to a specific amount will be transferred; or

(3) An amendment to Title 19, Chapters 4, 5, or 6 (the State Accounting and Budgetary Procedures Laws, the Revenue Stabilization Laws, and the Revenue Classification Laws).

The drafting attorney may transfer the drafting of the provision to the Budget & Fiscal Review Section.

If time constraints prevent the drafting attorney from consulting with the Budget & Fiscal Review Section before drafting the bill or amendment, the drafting attorney should inform the Budget & Fiscal Review Section concerning the draft.

If the requestor objects to Bureau staff informing or consulting anyone, Bureau staff must respect his or her wishes. If possible, inform the Budget & Fiscal Review Section once the project is public.

1.4 IMPORTANT DATES AND DEADLINES FOR THE REGULAR SESSION.

Prefiling Bills and Resolutions:

Arkansas Code § 10-2-112(a) establishes November 15 of each year preceding a regular session of the General Assembly as the earliest date that legislation may be filed for introduction.

Convening regular session:

Arkansas Code § 10-2-101(a) sets 12:00 noon on the second Monday in January of each odd-numbered year for the convening of the General Assembly in regular session. This rule is derived from Ark. Const., Article 5, § 5, which permits the General Assembly to establish the date.

Deadline to file retirement legislation and certain health care legislation:

Joint Rules and Arkansas Code § 10-2-115 require that legislation affecting any publicly supported retirement system or pension plan be introduced during the first fifteen days of the regular session. After the fifteenth day of the regular session, retirement legislation must be approved for introduction by a three-fourths vote of the full membership of each house.
Joint Rules require that proposed legislation affecting the licensure of any profession, occupation, or class of health care providers not currently licensed or expanding the scope of practice of any profession, occupation, or class of health care providers to be considered by the General Assembly at a regular biennial session be introduced in the General Assembly during the first fifteen calendar days of a regular biennial session. After the fifteenth day of the regular session, any proposed legislation affecting the licensure of any profession, occupation, or class of health care providers not currently licensed or expanding the scope of practice of any profession, occupation, or class of health care providers must be approved for introduction by a three-fourths vote of the full membership of each house.

**Deadline to file constitutional amendments:**

Joint Rules state: “No resolution proposing a constitutional amendment shall be filed in either the House of Representatives or the Senate after the thirty-first (31st) day of each regular session of the General Assembly.”

**Deadline to file appropriation bills:**

Joint Rules state: “No appropriation bill shall be filed for introduction in either the House of Representatives or the Senate later than the fiftieth (50th) day of each regular session except upon consent of two-thirds of the members elected to each house; ...”

**Final deadline to file any legislation:**

Joint Rules state: “...and, no bill shall be filed for introduction in either the House of Representatives or the Senate later than the fifty-fifth (55th) day of each regular session except upon consent of two-thirds of the members elected to each house; ...” The deadline is extended past the 55th day because the rule provides that if the deadline falls on a Saturday or Sunday, the deadline will be the following Monday. This rule is derived from Ark. Const., Art. 5, § 34, which prohibits bills from being filed during the last three days of a session.

### 1.5 IMPORTANT DATES AND DEADLINES FOR THE FISCAL SESSION

**Convening of fiscal session:**

Arkansas Code § 10-2-101(b) sets 12:00 noon on the second Monday in February of each even-numbered year to consider appropriation bills. This rule is derived from Ark. Const., Article 5, § 5, which permits the General Assembly to establish the date.

Ark. Const., Article 5, § 17 states that the fiscal session shall not exceed thirty calendar days in duration. The fiscal session may be given a one-time extension not to exceed fifteen calendar days by a vote of three-fourths of the members elected to each house of the General Assembly.
**Deadline for filing appropriation bills:**
   Joint Rules state: “The deadline for filing appropriation bills is no later than the fifteenth (15th) day of the fiscal session. Prefiling begins the second Monday of January of each year. In order to extend the deadline, a two-third (2/3) vote is required by both houses of the General Assembly.”

**Deadline for filing Concurrent Resolution for nonappropriation bills:**
   Joint Rules state: “A concurrent resolution may not be filed later than the first day of each fiscal session. A two-third (2/3) vote is required by both by houses of the General Assembly.”

**Deadline for filing General Legislation after Concurrent Resolution has been approved:**
   Joint Rules state: “That general legislation may not be filed later than the fifteenth (15th) day of the fiscal session and after concurrent resolution has been approved.”

**Constitutional Amendments:**
   Joint Rules state: “A resolution proposing a constitutional amendment may be considered only during a regular session.”

**Revenue Stabilization Law:**
   Joint Rules state: “The schedule reflecting the allocation of funds in the Revenue Stabilization Law for the next fiscal year shall be submitted to each body of the General Assembly at least three (3) days before the day at which the law is to be considered for final passage.”

**Retirement Bills:**
   Act 962 of 2009 made a number of technical corrections to the Arkansas Code to include references to fiscal sessions. Arkansas Code Annotated § 10-2-115(c) provides in part:

   (c) A bill affecting any publicly supported retirement system or systems shall not be introduced or considered at any special session or fiscal session of the General Assembly unless the introduction and consideration of the bill is first approved by a three-fourths (3/4) vote of the full membership of each house of the General Assembly.
PART 2. PARTS OF A BILL

2.1 THE PARTS OF A BILL ARE AS FOLLOWS:

(a) MARKUP HEADER.
   The markup header explains why some text is underlined and other parts are stricken through. Language that is stricken through shows that the bill would delete the language from present law. Underlined language would be added to present law.

(b) SESSION IDENTIFICATION.
   The session identification section is composed of three lines in the upper left hand corner of the first page. The first line reads “The State of Arkansas”. The second line identifies the General Assembly into which the bill is introduced. This number changes every two years with the beginning of each regular session. The third line designates the type of session, for example, regular, special, or fiscal, and the year in which the session occurred. For a special session, the line will also designate which special session.

Examples:
State of Arkansas
87th General Assembly
Regular Session, 2009

State of Arkansas
87th General Assembly
First Extraordinary Session, 2009

State of Arkansas
87th General Assembly
Fiscal Session, 2010

(c) BILL NUMBER.
   The bill number identifies the house into which the bill was introduced and indicates the number assigned to the bill by the house of introduction. Senate bills are assigned numbers beginning with the number “1” (i.e. SB1). House bills are assigned numbers beginning with the number “1001” (i.e. HB1001).

(d) SPONSOR IDENTIFICATION.
   House bills must have at least one House sponsor, and Senate bills must have at least one Senate sponsor. House bills may include Senate sponsors, and Senate bills may include House sponsors. List House and Senate sponsors separately with the Representatives first on House bills and the Senators first on Senate bills.

(e) TITLE.
   (1) Title as a description.
The title is a description of the general purposes of the bill. The title of a bill containing an emergency clause, or repealing or amending an initiated act should contain a reference to the emergency clause or initiated act in the title. It is the policy of the General Assembly that the title shall not include language that is intended to be humorous, sarcastic, or disrespectful.

Make the title no more specific than necessary to avoid details that might conflict with subsequent amendments.

Example:
Correct:
AN ACT TO INCREASE THE ANNUAL RENEWAL FEE FOR AN AUCTIONEER’S LICENSE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Incorrect:
AN ACT TO INCREASE THE ANNUAL RENEWAL FEE FOR AN AUCTIONEER’S LICENSE TO SIXTY-FIVE DOLLARS ($65.00); AND FOR OTHER PURPOSES.

(2) Form.

- The title of a bill begins immediately below the caption “FOR AN ACT TO BE ENTITLED”. This caption is generated when the bill is formatted by the Bureau of Legislative Research.
- The title begins with the words, “AN ACT ”. The title commonly ends with “; AND FOR OTHER PURPOSES.”, but the phrase is not required.
- The title is written in all capital letters. However, if the title refers to a subsection or subdivision of law with a lowercase designation, then the lowercase letter is retained in the title.
- A title ends with a period.
- There is no limitation on the length of a title.
- Use a semicolon to designate the break between one phrase and another.

(3) Subject expressed in the title – one subject.

A bill must contain only one subject. The title must express the subject. Joint Rules say in part, “No bill shall be passed by either house containing more than one subject, which shall be expressed in the title”.

(f) SUBTITLE.

(1) Subtitle as a short title.

Like the title, the subtitle is a description of the general purposes of the bill. The subtitle of a bill containing an emergency clause, or repealing or amending an initiated act should contain a reference to the emergency clause or initiated act in the subtitle. The
subtitle is a shorter version of the title and is used for electronic display in the House of Representatives.

(2) **Form.**

- The subtitle appears below the title and is limited to six lines of forty characters each.
- The subtitle is written in all capital letters. However, if the subtitle refers to a subsection or subdivision of law with a lowercase designation, then the lowercase letter is retained in the subtitle.
- The subtitle begins immediately below the caption “SUBTITLE”. The caption is generated when the bill is formatted by the Bureau.
- The subtitle should not contain the words “AN ACT.”.
- A subtitle ends with a period.
- Use a semicolon to designate the break between one phrase and another.

**Example:**

TO INCREASE THE ANNUAL RENEWAL FEE FOR AN AUCTIONEER’S LICENSE; TO MAKE TECHNICAL CORRECTIONS; AND TO DECLARE AN EMERGENCY.

(g) **ENACTING CLAUSE.**

The enacting clause reads, “BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:”. This text is mandated by Ark. Const., Article 5, § 19. The enacting clause follows the subtitle.

(h) **BODY.**

(1) The body is the text of the proposed law and is divided into consecutively numbered sections beginning with SECTION 1. Each section is numbered using consecutive whole numbers. If amending the Code or creating new Code sections, each section of a bill should contain only one or consecutive Code sections, subsections, subdivisions, subchapters, or chapters.

(2) **ORDER OF CERTAIN SECTIONS OF A BILL.**

(A) If a bill has a title section, intent section, purpose section, findings section, or definitions section, then these sections are usually found at the beginning of the bill. The sections usually appear in the following order:

- Title
- Legislative findings, intent, and purpose (If the section does not address all these items, then the catchline should be adjusted to reflect the items covered.)
- Definitions
- Substantive provisions
• Applicability
• Construction/interpretation
• Nonseverability, if desired
• Repealing sections
• Effective date or dates
• Emergency clause

(B) The substantive sections of the bill are usually numbered chronologically from the lowest to the highest Code section being amended.

(3) CAPITALIZATION.
To identify a new section in the body of the bill the word “SECTION” is capitalized.

Example:
SECTION 1. It is unlawful to…
SECTION 2. Arkansas Code Title 6, Chapter 60, Subchapter 101 is amended…

In all other instances the word “section” is in lowercase.

Example:
The effective date of section 1 of this act is…

(4) SECTION NUMBERING SYSTEM – WHEN NOT USED.
Reference to a section of a bill by its section number, for example, “section 2 of this bill”, in the body of the bill is used only with new language that does not amend the Arkansas Code or when sections of the bill are given different effective dates. With new language that amends the Arkansas Code, the drafter should refer to the section of the Arkansas Code, not the section of the bill.

Example:
Section 5 of this bill is effective ...

(i) TIME STAMP AND DOCUMENT I.D. NUMBER.
The time stamp and document I.D. number are located in the lower right corner of the bill. They are references used by the Bureau of Legislative Research to distinguish various drafts of bills. The time stamp is used in drafting amendments. The document I.D. number is used to identify the Bureau drafter who drafted the bill or who is responsible for handling a bill initially prepared by an outside drafter.

(j) BAR CODE.
When a sponsor is ready to introduce a bill, it is rerun through the bill preparation program and a bar code is added to the bottom of the bill. The bar code is used by the House and Senate in the introduction and tracking of the bill.
Once the bar code is added, that bill cannot be changed before introduction except by producing another bill with a different document number.

2.2 **PREAMBLE (seldom used).**

In rare instances a preamble is added after the subtitle and before the enacting clause. The preamble may list reasons for introducing the bill and may include a description of the purposes of the bill.

A preamble is composed of one or more statements in resolution style. Each statement begins with "WHEREAS". A preamble ends with "NOW THEREFORE, ".

The use of a preamble is discouraged. Instead of using a preamble, the drafter should consider placing the information in a legislative findings or an intent section of the bill.

2.3 **ENGROSSMENT DATE.**

An engrossment date is the date that an amendment was incorporated into a bill. Only a bill that has been amended will have an engrossment date. If there is an engrossment date, it will appear above the words “A BILL” located at the top of the first page. The engrossment date begins with “H” or “S” to indicate the house that made the engrossment.

2.4 **SPECIAL SESSION CALL ITEM NUMBER.**

When the Governor calls a special session, only bills related to items on the Governor’s proclamation may be considered until the items have been disposed of. Therefore, bills filed in a special session identify the item in the proclamation to which the bill relates. The words “CALL ITEM” and the number appear near the top right side of the first page of the bill.

Example:

CALL ITEM 1

2.5 **PARTS GENERATED BY BUREAU BILL DRAFTING PROGRAM.**

The Bureau drafting attorney must list the sponsors of the bill and prepare the title, subtitle, body, and, if appropriate, the emergency clause of the bill. For every bill introduced into the House or the Senate, the markup header, session identification, enacting clause, and document I.D. number are added automatically by the electronic bill drafting program used by the Bureau of Legislative Research. The designation of Senate Bill or House Bill is added by the program, and the bill number is added by the House or Senate upon introduction.
PART 3. NUMBERING SYSTEM

3.1 ARKANSAS CODE – TITLE, CHAPTER, SUBCHAPTER, AND SECTION.

(a) ARKANSAS CODE NUMBERING SYSTEM.

The Arkansas Code is divided into titles, chapters, subchapters, and sections. An Arkansas Code section number is based on a three-unit numbering system.

- The first unit indicates the title.
- The second unit indicates the chapter.
- The third unit indicates the subchapter number and section number. If the third unit is a three-digit number, the first number represents the subchapter number, and if the third unit is a four-digit number, the first two (2) digits represent the subchapter number. The last two (2) digits of the third unit represent the section number.

Example:
Arkansas Code §1(title)-1(chapter)-1(subchapter)01(section number)

* Note – The title, chapter, subchapter, and section designation use only numbers, except in the Uniform Commercial Code, uniform or model acts approved by the National Conference of Commissioners on Uniform State Laws, or certain interstate compacts. In those instances, the style of the uniform or model acts and compacts is followed.

To refer to a section of the Arkansas Code, include the numbers of all three units separated by a hyphen. Include a section symbol followed by a space before the Arkansas Code section being referenced.

Examples:
Referring to the first section of Arkansas Code Title 1, Chapter 1, Subchapter 1 is written as:
Arkansas Code § 1-1-101;

OR

§ 1-1-101

(b) ORDER OF CODE SECTIONS IN THE ARKANSAS CODE.

If a chapter or subchapter includes a title, intent, purpose, findings, or definitions section, then these sections are usually found at the beginning of the chapter or subchapter. The sections usually appear in the following order:

(1) Title;
(2) Findings;
(3) Purpose;
(4) Legislative intent;
(5) Definitions;
(6) Applicability;
(7) Construction; and
(8) Penalties (general penalties only).

3.2 SUBDIVIDING SECTIONS.

(a) LEVELS.
Divisions within a section are called “subsections” and “subdivisions”. The Arkansas Code makes extensive use of subsections and subdivisions to divide material so that it will be easier for the reader to find information and to clarify any citations made in pleadings or elsewhere in order to aid the public, courts, and litigants. Most multiple sentence sections are divided into subsections or subdivisions.

(1) Subsections.
The first level is referred to as “subsections”. A subsection begins with a lowercase letter only.

- First Level – Subsections: (a), (b), (c), etc.

(2) Subdivisions.
All other levels are referred to as “subdivisions”. A subdivision begins with either a number, uppercase letter, or Roman numeral.

- Second Level – Subdivisions: (1), (2), (3), etc.
- Third Level – Subdivisions: (A), (B), (C), etc.
- Fourth Level – Subdivisions: (i), (ii), (iii), etc.
- Fifth-Eighth Levels – Subdivisions: Repeat the pattern of the first four levels. However, a breakdown below the fourth level should be avoided if at all possible. In the Arkansas Code, the fifth through eighth level subdivisions appear in italics but they do not appear in italics in bills.

Examples: (as they would appear in the Code)
subsection (a)
subdivision (a)(1)
subdivision (c)(4)(C)(iii)(a)(I) of this section.

* Note – There are rare instances where material extends below the fourth level down to an italicized level. However, the drafter should reorganize the Code or add additional Code sections to avoid this if possible. See § 3.2(c)(3) of this manual.
(b) HOW TO USE SUBSECTIONS.

(1) Use a subsection.
A first-level subsection letter is used only if the section is divided into two or more subsections. The first-level “(a)” appears before the first sentence of the section.

Examples:
9-9-999. Example catchline.
(a) This is the main thought.
(b) This is the second main thought.

9-9-999. Example catchline.
This section is not subdivided into subsections or subdivisions and therefore no subsection letter or subdivision number is necessary.

(2) Do not use a subsection.
A list that appears after the text begins is not first-level division. Many definition sections do not have a first-level subsection letter. However, if there is text after the definitions material, the definitions material should be subsection (a) followed by numbers and the subsequent text should begin with subsection (b).

Examples:
9-9-999. Duties.
The Arkansas Towing and Recovery Board shall:
(1) Receive applications for licensure;
(2) Establish procedures for processing applications; and
(3) Issue licenses to qualified applicants.

7-7-777. Definitions.
(a) As used in this subchapter:
(1) “Number” means…
(2) “Road” means…
(b) The definitions in this section shall not apply to…

(c) HOW TO USE LOWER SUBDIVISIONS.
(1) A list immediately following introductory language and a colon; or

Example: After a colon:
2-9-102. Definitions.
As used in this chapter:
(1) “Catfish industry” means any person or entity involved in rearing, processing, or selling of pond-raised catfish for potential profit, including any person, group, or company involved in a support industry;
(2) “Commercial catfish producer” means any person or entity involved in rearing catfish for potential profit;

(3) “Feed seller”, “seller”, or “feed dealer” means any person or entity that sells feed to a commercial catfish producer; and

(4) “Processor” means any person, group, or entity that purchases catfish from a commercial producer for the purpose of redistribution.

(2) If the lower subdivision numbering first appears immediately after the higher level numbering, for example, “(a)(1)”, “(2)(A)”, or “(B)(i)”.

Example 1: First instance lower subdivision appears next to higher division numbering:

7-4-104. Lists of county chairpersons – Notification of vacancies.

(a)(1) It shall be the duty of the majority and minority parties to keep on file with their respective state chairperson a complete list of all of their respective county chairpersons.

(2) It shall be the duty of the respective county chairpersons of both the majority and minority parties to keep on file with the Secretary of State a letter stating the name of the county chairpersons and to notify promptly the Secretary of State of the death, resignation, disqualification, or vacancy in the office of any county chairperson and of the election of a new chairperson to fill the vacancy thus created.

(b) It shall be the duty of the Secretary of State to keep the letters containing the names of the county chairpersons of the majority and minority parties as public records open at all times to public inspection.

Example 2: Incorrect use of lower subdivision:

99-99-999. Permit.

(a) The holder shall carry the permit at all times while engaged in the permitted activity.

(1) The holder shall display a copy of the permit in the holder’s place of business.

(2) Each permit shall be issued for a period of one (1) year from date.

(b) A violation of this section is a Class C misdemeanor.

Example 3: Correct use of lower subdivision:

(a)(1) The holder shall carry the permit . . .

(2) The holder shall display . . .

(3) Each permit . . .

(b) A violation . . .
Example 2 is incorrect because the subdivisions (a)(1) and (2) do not immediately follow introductory language and a colon, nor does the numbering begin immediately following the higher-level numbering.

(3) Code sections with excessive subdividing are those divided beyond four levels and are strongly discouraged. All subdivisions beyond the fourth level are italicized when codified but are not italicized in the bill in order to avoid a misunderstanding that the italicized language is the result of the engrossment of an amendment to the bill. The use of the numbering system beyond the fourth level indicates that reorganizing the material, adding a new subsection, or adding a new section should be considered rather than extending the material beyond the fourth level. Under no circumstances should material extend beyond the eighth level.

Example:

(2)(A) It shall not be necessary to obtain a permit for nor shall it be unlawful to move any vehicle or machinery in excess of the maximum width prescribed in § 27-35-206 and which is used only for normal farm purposes such as, but not limited to, hay harvesting equipment, plows, tractors, bulldozers, combines, etc., where when:

(i) The vehicle or machinery is hauled on a vehicle licensed as a natural resources vehicle;

(ii) The vehicle or machinery is owned by a person primarily engaged in farming operations and is being operated by an owner of the vehicle or an owner's employee;

(iii) The vehicle or machinery is either:

(a) Being transported by a farm machinery equipment dealer or repair person in making a delivery of new or used equipment or machinery to the farm of the purchaser; or

(b) Being used in making a pickup and delivery of the farm machinery or equipment from the farm to a shop of a farm equipment dealer or repair person for repairs and return to the farm; and

(iv) The movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin thereof and no part of the movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility.

(B) It shall not be unlawful to nor shall it be necessary to obtain a special permit to transport round bales of hay upon any public highway or road that is not a fully controlled highway or road if the load does not exceed twelve feet (12') in width.
(d) UNNUMBERED PARAGRAPHS.
Do not divide Code sections into unnumbered paragraphs. Use subsection and subdivision designations.

(e) “PARAGRAPH” NOT USED.
The numbering system normally does not include the designation “paragraph”. However, there are a few instances in which the designation “paragraph” has been used in the Arkansas Code, primarily in uniform acts and interstate compacts. In these instances, the legislation should conform to the Uniform Commercial Code, uniform or model acts approved by the National Conference of Commissioners on Uniform State Laws, or certain interstate compacts designation.

(f) REPETITIVE LANGUAGE.
The unnecessary repetition of language in multiple subsections or subdivisions of an Arkansas Code section often can be avoided through proper subdividing.

Example:
Repetitious:
   (c) The director shall collect the penalty levied by this subchapter.
   (d) The director shall collect the fees imposed by this section.
   (e) The director shall collect all revenues paid into the fund.

Better:
   (c) The director shall collect:
       (1) The penalty levied by this subchapter;
       (2) The fees imposed by this section; and
       (3) All revenues paid into the fund.

3.3 NUMBERING SYSTEM EXCEPTIONS.

(a) EXISTING EXCEPTIONS.
Some exceptions to the numbering system exist in the Arkansas Code. In these instances the drafting attorney should conform to the numbering system used by the present existing Arkansas Code section.

(b) UNIFORM LAWS, MODEL LAWS, AND INTERSTATE COMPACTS.
Uniform and model laws drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and interstate compacts are exempt from the numbering system and the style and formatting rules of the Arkansas Code.
3.4 STATUTORY REFERENCES TO ARKANSAS CODE SECTIONS.

(a) USE OF THE WORDS “ARKANSAS CODE”.

(1)(A) Use the words “Arkansas Code” with the section number if the reference to a section of the Arkansas Code appears in a section of a bill that is not specifically amending the Arkansas Code. Refer to the section by stating, “Arkansas Code §” and then the section number.

Example: Not amending the Arkansas Code
SECTION 2. This act shall not apply to a permit issued under Arkansas Code § 8-6-1305.

(B) In sections that amend or add new sections to the Arkansas Code, the words “Arkansas Code” are used in the lead-in language that states what section is to be amended. The reason for adding “Arkansas Code” is to let the reader know what document is being referenced.

Example: Amending or adding a new section: Introductory language
SECTION 2. Arkansas Code § 8-6-1305 is amended to read as follows:

(2) When to omit the words “Arkansas Code” from the section number.

If the Arkansas Code is being specifically amended and a reference to the Arkansas Code appears within the text being amended, then do not repeat the words “Arkansas Code” and instead use a section symbol followed by the number. The following example is from the 2009 amendment to Arkansas Code § 23-79-138(b).

Example:
SECTION 38. Arkansas Code § 23-79-138 is amended to read as follows:

(b) A person who fails to comply with the provisions of this section shall be subject to the penalties provided in § 23-60-108. . .

(b) WHEN NOT TO INCLUDE THE SECTION SYMBOL WITH THE SECTION NUMBER.

A section symbol is always used with the Arkansas Code section number except in two circumstances.

(1) A section symbol does not appear with the section number in the section catchline of the Arkansas Code. Therefore, in preparing a bill do not include a section symbol with the number at the beginning of the section.
Example:

17-26-101. Title.
This chapter shall be known and cited as the “Cosmetology Act”.

(2) The section symbol does not appear if the section number appears at the beginning of the sentence. Instead the word “Section” or “Sections” is used.

Example:

(c) SECTION THAT REFERS TO ITSELF.
A section that refers to itself does not repeat its section number. The reference is made by stating, “this section”. If an internal reference is made within a subsection, it should be referenced by stating, “in this subsection”. If the reference is an internal reference within a subdivision, it should be referenced by stating, “in this subdivision (a)(3)”.

Examples:
...except as provided by this section.
...except as provided by subdivision (a)(1) of this section

(d) USE OF SECTION SYMBOLS IN SERIES.
A double section symbol precedes a series of Arkansas Code section citations joined by “and”:

Example:
§§ 17-35-601, 17-35-606, and 17-35-803

A double section symbol precedes each series of sections being amended which do not constitute a complete subchapter or chapter:

Example:
§§ 12-33-202 – 12-33-209, and §§ 9-14-305 – 9-14-309

A single section symbol precedes each Arkansas Code section citation in a series of section citations joined by “or”:

Example:
§ 17-26-101, § 17-26-103, or § 17-26-108

A single section symbol precedes each Arkansas Code chapter or subchapter citation in a series of chapter or subchapter citations joined by either “and” or “or”:

Examples:
§ 9-14-101 et seq., § 9-14-201 et seq., and § 9-14-301 et seq.
§ 9-14-101 et seq., § 9-14-201 et seq., or § 9-14-301 et seq.
3.5 NUMBERED LISTS.

Using a numbered list is often helpful to the reader. A numbered list is especially helpful in avoiding confusion if there are modifying phrases attached to various items in the list.

(a) LIST AFTER A COLON.
A numbered (or lettered) list begins after a colon and items appear on separate lines. Each subdivision after the colon ends with a semicolon, except that the last subdivision ends in a period.

(b) A CONJUNCTION IS NEEDED.
Either “and” or “or” appears at the end of the next-to-last subdivision. Without a conjunction it will be unclear whether all requirements must be met or only one must be met.

(c) ONLY ONE CONJUNCTION IS USED AT THE SAME LEVEL IN A LIST.

Example 1:
The director may paint the office:
(1) Red;
(2) Blue;
(3) Green; or
(4) Yellow.

Example 2: (Incorrect use of conjunctions)
The director may paint the office:
(1) Red; or
(2) Blue; or
(3) Green; or
(4) Yellow.

This rule applies to items at the same numbering level. Lists within lists are addressed later.

Do not use both “and” and “or” at the same level in a list because the meaning will be unclear.

Example 3(a): Incorrect
The director may paint the office:
(1) Red; or
(2) Blue; and
(3) Green.

Does example 3(a) mean the office may be painted red or blue but in either case it must also be painted green? Or, does it mean that it may be either painted red, or it may be painted both blue and green?
If you want to allow the office to be painted red or blue but you also want it to include green, you would use numbering to group red and blue in one item.

**Example 3(b): Correct**
The director shall paint the office:
(1) Red or blue; and
(2) Green.

If you want the office to either be painted red or to be painted both blue and green, then the list would read:

**Example 3(c): Correct**
The director may paint the office:
(1) Red; or
(2) Blue and green.

(d) **LIST WITHIN A LIST.**

A list may also contain a list.

**Example 4(a):**
The director shall paint the office:
(1) Red;
(2) Any of the following shades of blue:
   (A) Navy blue;
   (B) Royal blue; or
   (C) Sky blue;
(3) Green; or
(4) Yellow.

**First look to the main list** – which is subdivisions (1), (2), (3), and (4).
Make sure that there is a semicolon at the end of the subdivision except the last, which ends in a period.
Make sure there is a conjunction before the last subdivision in the list.

**Example 4(b):**
The director shall paint the office:
(1) Red;
(2) Any of the following shades of blue:
   (A) Navy blue;
   (B) Royal blue; or
   (C) Sky blue;
(3) Green; or
(4) Yellow.

Next, check to make sure the list within subdivision (2) is correct.
There should be a semicolon after (2)(A) and (2)(B). A conjunction should appear after (2)(B).
Notice that (C) ends in a semicolon because it is the end of subdivision (2). All of subdivision (2) is an item in the main list.

Notice that subdivision (2) will still end with a semicolon.

(e) **NUMBERED LISTS WITH SENTENCES INSERTED.**

An item in a list may have one or more explanatory sentences attached to it.
In example 5(a) you want to modify item (2) by putting restrictions on the use of the color blue. Here are the sentences to be added to subdivision (2): “The color blue shall not be used on the office ceiling. Royal blue shall not be used without the approval of the commission.”

Example 5(a):
The director shall paint the office:
(1) Red;
(2) Blue. The color blue shall not be used on the office ceiling. Royal blue shall not be used without the approval of the commission;
(3) Green; or
(4) Yellow.

Often it will be helpful to subdivide an item containing an explanatory sentence or sentences. In the example 5(b), subdivision (2) is divided into (2)(A), (2)(B), and (2)(C).

Example 5(b):
The director shall paint the office:
(1) Red;
(2)(A) Blue. The color blue shall not be used on the office ceiling.
(B) Royal blue shall not be used without the approval of the commission;
(C) Green; or
(4) Yellow.

(f) READ THE LIST FOR CONSISTENCY.
The numbered list must be read for consistency. Read each item in the list with the text appearing before the colon to make sure the item is worded correctly.

Example 6(a):
The commission may:
(1) Establish procedures for filing complaints;
(2) Investigating complaints;
(3) The commission shall complete investigations within sixty (60) days; or
(4) Revoke or suspend the license if the person:
(A) Violates this subchapter;
(B) Pleads guilty or nolo contendere to or is found guilty of a felony; or
(C) Provides false information to the commission.
Example 6(b):
The commission may:
(1) Establish procedures for filing complaints;
(2) Investigate complaints;
(3) The commission shall complete investigations within sixty (60) days; or
(4) Revoke or suspend the license if the person:
   (A) Violates this subchapter;
   (B) Pleads guilty or nolo contendere to or is found guilty of a felony; or
   (C) Provides false information to the commission.

Example 6(c):
The commission may:
(1) Establish procedures for filing complaints;
(2) Investigate complaints;
(3) The commission shall complete investigations within sixty (60) days; or
(4) Revoke or suspend the license if the person:
   (A) Violates this subchapter;
   (B) Pleads guilty or nolo contendere to, is found guilty of a felony; or
   (C) Provides false information to the commission.

Example 6(d):
The commission may:
(1) Establish procedures for filing complaints;
(2) (A) Investigate complaints.
   (B) The commission shall complete investigations within sixty (60) days; or
(3) Revoke or suspend the license if the person:
   (A) Violates this subchapter;
   (B) Pleads guilty or nolo contendere to, is found guilty of a felony; or
   (C) Provides false information to the commission.

Example 6(e):
Every list, including a list within a list, must have introductory language.

Incorrect (subdivisions (a)(2)(A), (B), and (C) are set out as a list without including introductory language):
(a) The Department of Correction shall:
(1) Investigate complaints;
(2)(A) Provide medical services;
    (B) Provide dental services; and
    (C) Provide counseling services; and
(3) Allow visitation.

Correct:
(a) The Department of Correction shall:
(1) Investigate complaints;
(2) Provide:
    (A) Medical services;
    (B) Dental services; and
    (C) Counseling services; and
(3) Allow visitation.

Example 6(f):
The commission may:
(1) Establish procedures for filing complaints;
(2)(A) Investigate complaints.
    (B) The commission shall complete investigations within sixty (60) days; or
(3) Revoke or suspend the license if the person:
    (A) Violates this subchapter;
    (B) Pleads guilty or nolo contendere to, is found guilty of a felony; or
    (C) Provides false information to the commission.

Notice that subdivision (3) also contains a list. Each item must be read beginning this way: “The commission may” “revoke or suspend the license if the person”

(g) NUMBERED LIST – REVIEWING AN OUTSIDE DRAFT.

- **First** – Check to see if the numbering system is consistent with the rules on numbering.
- **Second** – Check the main list. Is it properly punctuated and is the conjunction correct?
- **Third** – Within each of the main items check for further lists or subdividing.
- **Fourth** – Read the numbered list for consistency.
PART 4. STYLE AND USAGE

4.1 GENERAL CONSIDERATIONS.

(a) CLARITY.
Arkansas Code § 1-2-121 states: “No bill shall be considered and no law enacted unless the bill or law is written in clear, unambiguous language.”

(b) LONG SENTENCES.
Do not use long, complicated sentences. Shorter sentences improve clarity. Lengthy “provisos” and “exceptions” can usually become separate sentences beginning with “However”. Keep related topics together using the classification system to show direct relationship between provisions. A section divided into subsections sets the order, and the subdivisions of the respective subsections clarify the relationships. Parenthetical remarks should be avoided. If a parenthetical remark is necessary, place the parenthetical remark in a separate sentence set out as a separate subdivision.

(c) REPETITION.
Do not avoid repetition. Always repeat defined terms exactly as defined. Using the same vocabulary throughout a statute narrows the range of possible judicial constructions. The use of historical legal shorthand terms (such, same, the same being, etc.) is no longer necessary or useful.

(d) FORMALITY.
The Arkansas Code uses formal language but avoids legalese. Use words in ordinary use but do not use colloquialisms and do not use contractions.

(e) PRESENT TENSE.
Statutes are regarded as speaking in the present, as of the time when they are read or applied. Therefore, draft in the present tense.

<table>
<thead>
<tr>
<th>Example:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incorrect:</td>
</tr>
<tr>
<td>A violation of subsection (a) of this section shall be a Class A misdemeanor.</td>
</tr>
<tr>
<td>Correct:</td>
</tr>
<tr>
<td>A violation of subsection (a) of this section is a Class A misdemeanor.</td>
</tr>
</tbody>
</table>

(f) ACTIVE VERB.
Generally, use an active verb rather than a passive verb. Place the doer of the action in the subject position. An active verb is more direct and less subject to misinterpretation. A verb is passive if it consists of a form of the verb “to be” and a past participle of another verb.
Examples:
Passive: A sufficient quantity of flags shall be obtained by the Secretary of State for distribution in the manner authorized in this section.

Active: The Secretary of State shall obtain a sufficient quantity of flags for distribution in the manner authorized in this section.

(g) SINGULAR AND PLURAL.
Draft using the singular unless the plural is exclusively intended. (Arkansas Code § 1-2-203 states that the singular includes the plural.)

Examples:
The duty of a parent [not “parents”] to pay child support shall continue until an interlocutory decree of adoption is entered.

Upon conviction, a person who violates [not “all persons who violate”] this section is guilty of a Class A misdemeanor.

If the compound word is plural, the significant word takes the plural form:

Example:
attorneys at law, deputy sheriffs, rights-of-way

If both a singular noun and a plural noun are used together, the verb agrees with the nearer noun unless they are connected by “and”. Then the subject and verb would be plural.

Example:
Incorrect: Three girls and one boy is going...
Correct: Three girls and one boy are going...

(h) DANGLING MODIFIERS OR MISPLACED MODIFIERS.
A dangling modifier is an error in sentence structure whereby a grammatical modifier is associated with a word other than the one intended or with no particular word at all, often to unintended humorous effect.

Example:
Smashed flat by a passing truck, Rover sniffed at what was left of a half-eaten hamburger.

Sometimes a sentence can be corrected by simply moving the dangling phrase nearer to the word it modifies. For example:
Example:
**Incorrect:** Carmen saw a hair follicle using her microscope.

**Correct:** Using her microscope, Carmen saw a hair follicle.

At other times, a missing word must be supplied:

Example
**Incorrect:** While talking on the phone, the dinner burned.

**Correct:** While talking on the phone, I let the dinner burn.

(i) **PARALLELISM.**
Listed elements should grammatically follow the introductory language and should be parallel (for example, all nouns, all verbs, all gerunds).

Example:
**Incorrect:** (the introductory language word “including” indicates that all of the listed elements should be nouns)

(1) Publish a volunteer resource book, including:
   (A) Survey parents...;  (verb)
   (B) Determining how ...;  (gerund)
   (C) To include options...;  (infinitive)
   (D) Use of the resource book...;  (noun)

**Correct:**
(1) Publish a volunteer resource book, including:
   (A) A survey of parents...;  (noun)
   (B) A determination of how...;  (noun)
   (C) Inclusion of options...;  (noun)
   (D) Use of the resource book...;  (noun)

(j) **COMMON WORD USAGE ERRORS.**
(1) “In” and “into”. The word “in” indicates location. “Into” indicates direction to a place.

Example:
**Incorrect:**
   The revenue shall be deposited in the fund.

**Correct:**
The revenue shall be deposited into the fund.
(2) “Provided” and “provided for”. Generally, the preposition “for” is used if followed by an object of the preposition.

Example:
Incorrect: This program had funds provided for by the agency.
Correct: Funds were provided for the use of the agency.

(k) USE OF MODIFIERS.
To avoid ambiguity, a drafting attorney must be careful to modify only the words the drafting attorney intends to modify. For instance, in a sequence of terms, an adjective at the beginning of the sequence may be interpreted as modifying only the first term or every term in the phrase.

Examples:
Ambiguous: an unmarried student, parent, or pregnant woman
Clear: a parent, a pregnant woman, or an unmarried student
OR
Clear: an unmarried person who is a student, a parent, or a pregnant woman

(l) SENTENCES WITH MODAL AUXILIARIES.
Avoid placing an adverb between a modal auxiliary (shall, may, etc) and its main verb.

Example:
Incorrect: The agency shall promptly report its findings to the Legislative Council.
Correct: The agency shall report its findings promptly to the Legislative Council.

4.2 CAPITALIZATION.

(a) PROPER NAMES.
Capitalize first letters of proper names. Do not capitalize “department”, “board”, “commission”, etc., if not used as part of the full name.

Examples:
Department of Aeronautics
the department
Public Service Commission
the commission
In general, do not capitalize short versions of officers’ titles.

**Examples:**
The Secretary of the Department of Aeronautics
the secretary

There are certain officers whose titles should always be capitalized such as President, Governor, President Pro Tempore, and Speaker of the House. The titles of Constitutional officers should never be shortened in second references.

Do not capitalize court names unless they refer to a specific court.

**Examples:**
The Supreme Court
Pulaski County Circuit Court
may appeal to the circuit court

(b) PARTICULAR WORDS.
(1) “Act”.
The word “act” when referring to a law is written in lowercase unless the reference includes the act number and year.

**Examples:**
Act 12 of 1999
section 1 of this act
this act

(2) “Constitution”.
The word “constitution” is always capitalized when referring to either the federal or state constitutions.

**Examples:**
United States Constitution
the Constitution of Arkansas
Arkansas Constitution, Article 12, § 8

(3) “Federal”.
The word “federal” is not capitalized unless it is part of a proper name.

**Examples:**
Federal Aviation Administration
any federal regulations on this subject
(4) “Section”.
The word “section” when referring to a law is written in lowercase unless the reference includes the act number and year. The word “section” used at the beginning of a section of a bill is written in all capital letters.

**Examples:**
Section 1 of Act 12 of 1999...
this section...
SECTION 1. Arkansas Code § 1-1-101 is amended to read as follows:

(5) “State”.
The word “state” is not capitalized unless it is part of a proper name or the beginning of a sentence.

**Examples:**
in this state
State of Arkansas
Secretary of State
State Plant Board

(6) “Subsection” and “subdivision”.
The words “subsection” and “subdivision” are written in lowercase except at the beginning of a sentence.

**Examples:**
subsection (a)
subdivision (1)

(7) “Decennial”.
“Decennial” should be capitalized only if it is used as part of a proper name.

**Examples:**
The New York State Library holds the federal Decennial Census of New York State for the years 1790-1930...

Until reapportioned after a federal decennial census...
The 1990 Federal Decennial Census...

(8) “Office”.
- Capitalize *office* when it is a proper noun.
Example:
The Office of Motor Vehicles is established and has the following powers…

- Do not capitalize *office* when it refers to a location.

Examples:
...shall file a copy in the Attorney General's office.
...shall deliver to the Governor's office…

- Do not use *office* when it refers to a person rather than to a location.

Examples:
...and after consultation with the Attorney General (Not “Office of the Attorney General”) ...
...shall be handled by the Attorney General (Not “Office of the Attorney General”).
The person committing the violation of this subchapter furnished the director (Not “director's office”) with all information…

(9) Examples of other words.

<table>
<thead>
<tr>
<th>Capitalize</th>
<th>Use lowercase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney General</td>
<td>circuit court</td>
</tr>
<tr>
<td>Auditor of State</td>
<td>circuit court clerk</td>
</tr>
<tr>
<td>Congress</td>
<td>circuit court judge</td>
</tr>
<tr>
<td>Court of Appeals</td>
<td>city council</td>
</tr>
<tr>
<td>Department of Aeronautics</td>
<td>county board of elections</td>
</tr>
<tr>
<td>General Assembly</td>
<td>county court</td>
</tr>
<tr>
<td>Governor</td>
<td>county court clerk</td>
</tr>
<tr>
<td>Legislative Council</td>
<td>county general fund</td>
</tr>
<tr>
<td>President</td>
<td>county judge</td>
</tr>
<tr>
<td>President Pro Tempore</td>
<td></td>
</tr>
<tr>
<td>Pulaski County Circuit Court</td>
<td></td>
</tr>
<tr>
<td>Speaker of the House</td>
<td></td>
</tr>
<tr>
<td>State Treasury</td>
<td></td>
</tr>
<tr>
<td>Treasurer of State</td>
<td></td>
</tr>
</tbody>
</table>

(c) DIRECTIONAL PARTS OF STATES AND COUNTIES.
Do not capitalize directional parts of states and counties.

Example:
southern Arkansas, southern states
(d) REFERENCES TO LAWS ON A PARTICULAR SUBJECT.
Do not capitalize references to laws on a particular subject.

**Example:**
motor vehicle laws, tax laws

(e) REFERENCES TO A CRIMINAL PENALTY.
Capitalize “Class” when referring to a criminal penalty.

**Example:**
Robbery is a Class B felony.

(f) THE FIRST WORD IN A SENTENCE OR A LIST.
The first word in a sentence or the first word in a list is always capitalized unless it is part of a uniform or model act or an interstate compact that does not follow this style.

(g) MISCELLANEOUS.
Capitalize the names of streets, buildings, nationalities, languages, political parties, and federal and international entities. Capitalize titles of honor and respect when those titles precede the name of a person.

4.3 NUMBERS.

(a) IN GENERAL.
(1) Write numbers as both words and numerals. Enclose the numerals with parentheses.

**Examples:**
two (2) years
twenty-four (24) hours
one hundred feet (100’)
five percent (5%)
three-fourths (3/4)
zero dollars ($0.00)

(2) A number in a hyphenated term does not use numerals.

**Examples:**
four-year term
thirty-day period

(3) Avoid using the words “once”, “twice”, and “thrice”.
Example:
In the order, the court shall specify the requirement of judicial review of the case, either formal or informal, at least one (1) time [not “once”] a year.

(4) Use the word “and” when writing an amount followed by the word “cents”.

Examples:
four dollars and ninety-eight cents ($4.98)
two and one-half cents (2 1/2¢)

(5) Do not use the word “and” between two whole numbers.

Examples:
one hundred fifty pounds per square inch (150 lbs. p.s.i.)
one hundred ten percent (110%)

(b) IN CATCHLINES.
Numbers in catchlines are written in numerals rather than words only if the number is ten or above.

c) IN TABLES.
Numbers in tables, including fractions, decimals, and percentages, are expressed in numerals rather than in words.

d) DECIMALS AND FRACTIONS.
If the number uses a decimal, then both the word and the numeral are expressed using a decimal.

Example:
five-tenths of one percent (0.5%)

If the number is a fraction, then both the word and the numeral are expressed as a fraction.

Example:
one-half (1/2)

Use the word “and” between the part of a written number that represents a whole number and the part of a written number that represents a decimal or fractional number.

Examples:
fourteen and sixty-five hundredths pounds per square inch (14.65 lbs. p.s.i.)
one and sixty-five hundredths cents (1.65¢)
two and three hundred seventy-five thousandths inches (2.375”)
eleven and six-tenths milliliters (11.6 ml)
two and one-half (2 1/2) instructional facilitators

(e) DATES.
Dates are expressed as follows:

Examples:
the June 2003 report (no comma)
the months of June and July 2003 when combined (no comma)
June 29, 2003, (not June 29th)
June 29, 2003, to July 18, 2003,
January 15 (not the 15th day of January)
2003 – 2004 fiscal year
2003 – 2005 biennium

(f) MONEY.

(1) An amount less than a dollar is written as cents.

Example:
twenty cents (20¢)

(2) Whole dollar amounts less than $100 are written to include decimal places for cents.

Example:
fifty dollars ($50.00)

(3) Whole dollar amounts of $100 or more are written without the decimal places for cents.

Examples:
one hundred dollars ($100)
one million five hundred thousand dollars ($1,500,000)

(4) An amount of money in hyphenated form does not use numerals.

Incorrect: a two-thousand-dollar ($2,000) retention bonus
Acceptable: a two-thousand-dollar retention bonus
Preferred: a retention bonus of two thousand dollars ($2,000)
(5) A comma is used to separate hundreds and thousands in a numeral.

**Incorrect:**
fifteen hundred dollars ($1500)

**Correct:**
one thousand five hundred dollars ($1,500)

(g) TIME AND TIME ZONES.
Time and time zones are expressed as follows:

**Examples:**
4:30 p.m.
10:00 p.m.
1:30 p.m.
12:00 noon
12:00 midnight
central standard time (CST)
daylight saving [not “savings”] time (DST)
eastern daylight time (EDT)
Greenwich mean time (GMT)
mountain standard time (MST)
Pacific standard time (PST)

(h) ORDINALS.
Do not write ordinals as numerals; use words only. Do not follow ordinals with numerals in parentheses.

**Examples:**
second
twelfth
eighty-fifth meeting

(i) USE OF THE WORD “ONE”.
Avoid use of the word “one” as a pronoun to refer to a person.

**Example:**
**Incorrect**
The producer is the only one entitled to a vote.

**Correct**
The producer is the only individual entitled to a vote.
When the word “one” is used as a number, it is followed by a numeral in parentheses.

**Example:**
Each producer shall be entitled to one (1) vote.

(j) MILLS.
Reference the taxing unit of a mill by the full word and not by an abbreviation.

**Examples:**
a tax of thirty-eight (38) mills
a twenty-five mill tax

(k) AGE.
Use the present form when referring to a person's age.

**Correct:**
a person who is twenty-one (21) years of age or older
a person who is under eighteen (18) years of age
a person who is at least eighteen (18) years of age

**Incorrect:**
a person aged twenty-one (21) or older
a person of the age of twenty-one (21) years or older

(l) WEIGHTS AND MEASURES.

4.4 PUNCTUATION.

(a) GENERALLY.
(1) Observe general grammatical rules of punctuation.

(2) If the bill is based on a uniform act, interstate compact, or certain model acts, the punctuation should not be changed.

(b) APOSTROPHES.
(1) Do not use apostrophes to form contractions. Legislative drafting requires formal expression. Contractions reflect informal expression that is not used in the body of a law.
(2) Apostrophes indicate the measure of time and space in the possessive case (one year’s time, two years’ time, five days’ grace, twenty-four hours’ notice). If the word “of” cannot be used in place of the apostrophe, the apostrophe is misplaced. Do not use an apostrophe if there is no possessive relation between the time or quantity and the noun (three-day seminar, ten-month period).

(3) Possessives.
(A) To form the possessive of a common singular word ending in “s”, add an apostrophe and “s” unless the next word begins with an “s”, in which case add just the apostrophe.

**Examples:**
- witness’s testimony
- witness’ story

(B) To form the possessive of a proper name ending in “s”, add an apostrophe.

**Examples:**
- President Adams’ term
- Xerxes’ armies

(C) To form the possessive of a plural word ending in “s”, add an apostrophe in most cases.

**Examples:**
- families’ homes
- departments’ funds
- companies’ policies

(D) To avoid awkwardness in some cases, it is best to avoid the use of apostrophes. Use the “of” form instead.

**Examples:**
- convention of attorneys general
- decisions of the courts of appeals

(E) Use a possessive noun before a gerund, or rewrite the sentence or phrase to avoid the gerund.

**Examples:**
- hearing’s being held
  (alternative wording: the holding of a hearing)
- envelope’s being opened
  (alternative wording: the opening of the envelope)
hearing officer’s rendering a decision  
(alternative wording: hearing officer renders a decision)  
student’s completing a course  
(alternative wording: student completes a course)

(c) COLONS.
   (1) Use a colon to precede a series separated by semicolons.

   (2) Use a colon at the end of the enacting clause of a bill.

   (3) In a resolution, use a colon at the end of the clause that begins “BE IT RESOLVED BY THE….”

(d) COMMAS.
   (1) Overuse of commas is a common drafting error. A comma should not be used if it interrupts the thought of the sentence. A comma should be used if it makes the meaning clearer.

   (2) In a series separated by commas, always use a comma before the conjunction.

   **Example:**
   city, county, or school district

   (3) Generally, a subordinate clause at the beginning of a sentence is followed by a comma, and a subordinate clause in the middle of a sentence is enclosed with commas. However, a comma is not necessary when a subordinate clause is at the end of a sentence.

   **Examples:**
   After the act was passed, the legislature adjourned.
   The legislature, after the act was passed, adjourned.
   The legislature adjourned after the act was passed.

   In statutory drafting, the third example is the preferred form of the sentence.

   (4) If a sentence consists of two independent clauses, each with a subject and predicate, use a comma before the conjunction.

   **Example:**
   The commission shall submit a report, and the Governor shall review the report.

   (5) Restrictive and nonrestrictive clauses.
   A restrictive clause provides information without which the meaning of the sentence would be incomplete, unclear, or ambiguous. For a restrictive clause use the word “that” as the introductory pronoun; use the word “which” only when the syntax requires the use of “which”. A restrictive clause is not set off by a comma or commas.
Example of restrictive clause (in italics):
A regulatory agency *that is being abolished* shall file a final report with the Governor.

A nonrestrictive clause gives additional, supplemental, or descriptive but nonessential information about the word it modifies. *Nonessential information generally is inappropriate for statutory language.* A nonrestrictive clause is set off by a comma or commas. A nonrestrictive clause usually begins with the word “which”.

Example of nonrestrictive clause (in italics):
The regulatory agency, *which is about to be abolished*, submitted its final report to the Governor.

(6) Avoid using the phrase “as prohibited in” and the commas that usually accompany the phrase.

(7) A comma follows the section designation in a citation.

**Examples:**
…the applicable rate set forth in Arkansas Constitution, Article 19, § 13, on money due or to become due…
Acts 1969, No. 50, § 46, is codified at …

(e) HYPHENS.
(1) **Do not** use hyphens after the prefixes *co, de, inter, intra, multi, non, pre, pro, re, semi, sub,* or *un* unless the main word is a proper noun.

**Examples:**
copayment proactive
decentralize readmit
interagency semiannual
intrastate subparagraph
multistate undocumented
nonzoned preempt

(2) Use a hyphen to join the prefix to a capitalized word or a number.

**Examples:**
inter-American
pre-1993
(3) Use a hyphen to prevent misinterpretation.

**Examples:**
- re-mark, meaning to mark again
- remark, meaning a comment

(4) Do not hyphenate foreign phrases that are used as adjectives.

**Example:**
- prima facie evidence

(5) Use a hyphen between compound adjectives.

A compound adjective of two or more words is usually hyphenated when it precedes a noun even though it may not be hyphenated if standing alone.

**Examples:**
- Low-income persons may serve two-year terms.
- thirty-day notice [not “thirty (30) day notice”]

(6) Do not use a hyphen with adverb modifiers ending in “ly”.

**Examples:**
- federally funded
- manually operated

In an adverb-adjective combination, such as “federally funded project”, “federally” modifies “funded”, not “project”.

(f) PARENTHESES.

(1) Do not use parentheses to mark off explanatory or qualifying remarks. Set off explanatory or qualifying remarks with commas instead of parentheses or put them in a separate sentence.

(2) Use parentheses to set off the identifying numbers or letters of subsections and subdivisions.

**Example:**
- subdivision (d)(1)

(3) In general, write numbers as both words and numerals. Enclose the numerals with parentheses. *See § 4.3(a)* of this manual.

(4) Use parentheses to enclose a sum, product, or other expression considered or treated as a collective entity in a mathematical operation.
Example:
"The square of the length of the hypotenuse equals the sum of the squares of the lengths of the other two sides \((c^2 = a^2 + b^2)\)."

(g) QUOTATION MARKS.
(1) Periods and commas do not appear inside quotation marks unless the punctuation is part of the quoted material.

Example:
This subchapter shall be known and may be cited as the “Venture Capital Investment Act of 2003”.

(2) Since 2001, quotation marks are no longer used to surround titles, subtitles, or language being amended in a bill or resolution. However, in amendments to bills and resolutions, language being added or deleted is surrounded by quotation marks.

(3) Titles of chapters, subchapters, sections, entities, and funds. Though the language “to be known as” and “may be cited as” is not always necessary, if a title follows this language, the title must be in quotation marks. Generally, an entity or fund can be created without using the “to be known as” and “may be cited as” language. See § 6.2(a) of this manual.

Example:
This act shall be known and may be cited as the "Service Contracts Act".

(4) Use quotation marks when first stating the title of an act, chapter, subchapter, or section created by the act, as in the preceding example.

(5) Use quotation marks when defining a term.

Example:
(1)(A) “Pump” means a gasoline, kerosene, or diesel fuel pump.
(B) “Pump” does not mean…

(h) SEMICOLONS.
Semicolons are used in these two instances:
(1) A series following a colon.
In a series following a colon, use semicolons to separate the items in the list. The next-to-last item includes the conjunction “and” or “or”.

Example:
The board shall:
(1) Receive applications for licensure;
(2) Establish procedures for processing applications; and
(3) Issue licenses to qualified applicants.

(2) A “WHEREAS” clause in a resolution. Use a semicolon at the end of each “WHEREAS” clause, except that a comma should be used after the end of the last “WHEREAS” clause.

4.5 REFERENCES.

(a) INTERNAL REFERENCES.
(1) Use cross-references sparingly.
For clarity it is sometimes necessary to include a reference to another section, subsection, or subdivision of the bill or to the Arkansas Code. However, internal references make the job more difficult because the references must be checked and corrected with each new draft or amendment. In addition, overuse of cross-references makes the job of amending the Arkansas Code more difficult because cross-references to the section being amended must be corrected. Therefore, avoid using superfluous references.

(2) How specific a cross-reference is needed? In order to minimize the number of corrections that must be made to cross-references in the future when the bill or law is revised, a cross-reference should not be more specific than necessary.

For example, in referencing the definition of “journeyman electrician” it is not necessary to refer to the particular subdivision “§ 17-28-101(6)”. The legislation should refer to “§ 17-28-101”.

(3) Ambiguous references. Avoid ambiguous references. Use specific references. See the list “Ambiguous References” in § 4.6(a) of this manual.

(b) ADOPTION OF FEDERAL LAWS OR REGULATIONS OR THE ADOPTION OF INDUSTRY STANDARDS BY REFERENCE.

If the bill adopts federal law or regulations or adopts the standards or manual of a private entity, avoid adopting future revisions of the document referenced. If future changes are included in the incorporation by reference, a delegation of authority has occurred.

In Crowly v. Thornbrough, Comm’r of Labor, 226 Ark. 768, 294 S.W.2d 62 (1956), the court invalidated an act adopting the federal minimum wage scale on public construction contracts to which the state was a party. The act adopted the wage scale as might be amended by the Secretary of Labor of the United States. The court declared the act to be an unconstitutional delegation of legislative authority to the Secretary of Labor to determine Arkansas law.
To ensure that the referenced provision is not construed to include future changes, the document should be adopted as it appears on a specific date. The date should not be in the future. The date should not be a date after the bill has been considered by one house of the General Assembly.

**Examples:**
- …according to regulations adopted pursuant to Pub. L. No. 93-641.
- …according to regulations adopted pursuant to 15 U.S.C. § 1601, as it existed on January 1, 2004

(c) CITING TO FEDERAL LAWS.

When citing to a federal statute, it is preferable to cite to a public law number. If a public law number cannot be cited to, then a citation to the United States Code is acceptable so long as the citation is limited to a specific date. A date should not be necessary when citing to a public law number because the public law number refers to a specific, unique act of Congress.

**Examples:**
- 15 U.S.C. § 1601, as it existed on [insert specific date]
- Pub. L. No. 93-64

When citing to federal regulations, follow the format used by *The Bluebook: A Uniform System of Citation*.

(d) REFERENCES TO STATE ENTITIES AND FUNDS.

The first reference to a state entity or fund in an Arkansas Code section should always use the full name of the state entity or fund. A shortened name may be used for subsequent references in the same Arkansas Code section only when no other references to entities of the same type appear in that section. For example, a first reference to the Department of Health in an Arkansas Code section must use the full name “Department of Health”. Subsequent references to the Department of Health in the same Arkansas Code section should be shortened to “department” if no references to departments other than the Department of Health appear in that section. If two or more entities of the same type, such as a board, commission, or department, appear in an Arkansas Code section, the full name of each entity must be used in every instance. This rule also applies to fund names and obviates the need to define a state entity or fund in a definition section. See § 6.4(g) of this manual.

4.6 WORDS AND PHRASES.

(a) AMBIGUOUS REFERENCES.

Avoid ambiguous references. Use specific references. The following words and phrases should be avoided:

- above
- aforementioned
- aforesaid
before-mentioned  
below  
hereafter  
herein  
hereinbefore  
hereunder  
the following chapter  
the following section  
the following subchapter  
the following subdivision  
the following subsection  
the preceding chapter  
the preceding section  
the preceding subchapter  
the preceding subdivision  
the preceding subsection  
this provision  

(b) ACRONYMS.  
(1) In general.  
In general, avoid using acronyms.  

Do not use:  
DFA  
Department of Finance and Administration (DFA)  
Use:  
Department of Finance and Administration  

(2) Abbreviations of scientific, medical, or technical terms.  
An acronym may be used as an abbreviation of a scientific, medical, or technical term if the acronym is defined and is otherwise commonly known.  

Examples:  
“AIDS” means Acquired Immunodeficiency Syndrome…  
“DNA” means deoxyribonucleic acid…  
“TNT” means trinitrotoluene…  
“HVACR” means heating, ventilation, air conditioning, and refrigeration…  

(c) CONJUNCTIONS.  
(1) If a modifier is intended to affect all terms in a series, link the terms together with the conjunction “and” or “or”. If a modifier is intended to affect only one term, place the modifier immediately before or after the term, and set off the other terms in the series with commas or semi-colons.
Examples:
This section applies to dogs, cats, pet rabbits, and horses kept on a farm.
This section applies to dogs, cats, and pet rabbits and to horses kept on a farm.

(2) In a series using commas, a comma should precede the conjunction.

Incorrect:
This section applies to dogs, cats and horses.

Correct:
This section applies to dogs, cats, and horses.

(d) GENDER REFERENCES.
(1) Generally.
Use gender-neutral terms whenever possible. Arkansas Code § 1-2-203(a) provides that the use of the masculine gender includes the feminine. However, this rule of statutory construction is not an excuse for failing to use gender-neutral language.

Caution should be used in rewriting language to make it gender neutral. Be careful that the gender-neutral substitute does not change the meaning of the term. Do not change language meant to be gender specific.

(2) Avoid gender-specific nouns.

<table>
<thead>
<tr>
<th>Gender based</th>
<th>Preferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>brother</td>
<td>sibling</td>
</tr>
<tr>
<td>chairman</td>
<td>chair</td>
</tr>
<tr>
<td>chairmen</td>
<td>chairs</td>
</tr>
<tr>
<td>committeeman</td>
<td>committee member</td>
</tr>
<tr>
<td>committeemen</td>
<td>committee members</td>
</tr>
<tr>
<td>fireman</td>
<td>firefighter</td>
</tr>
<tr>
<td>he</td>
<td>“he or she” or repeat term</td>
</tr>
<tr>
<td>her</td>
<td>“his or her” or repeat term</td>
</tr>
<tr>
<td>his</td>
<td>“his or her” or repeat term</td>
</tr>
<tr>
<td>husband</td>
<td>spouse</td>
</tr>
<tr>
<td>layman</td>
<td>layperson</td>
</tr>
<tr>
<td>man</td>
<td>individual</td>
</tr>
<tr>
<td>manned</td>
<td>staffed</td>
</tr>
<tr>
<td>manpower</td>
<td>personnel</td>
</tr>
<tr>
<td>policeman</td>
<td>police or law enforcement officer</td>
</tr>
<tr>
<td>she</td>
<td>“he or she” or repeat term</td>
</tr>
<tr>
<td>sister</td>
<td>sibling</td>
</tr>
<tr>
<td>unmanned</td>
<td>unstaffed</td>
</tr>
<tr>
<td>widow</td>
<td>surviving spouse</td>
</tr>
<tr>
<td>widower</td>
<td>surviving spouse</td>
</tr>
</tbody>
</table>
(3) Personal pronouns and gender-neutral drafting.

Limit the use of personal pronouns (he, she, his, hers). Do not use the personal pronoun of only one gender unless the term is intended to be gender specific. If both genders are included, avoid using a personal pronoun or include the personal pronouns for both genders, “he or she” or “his or her”.

The following techniques may be helpful in avoiding personal pronouns:

- Use an article such as “the”, “a”, “an”, or “that” to replace the personal pronoun.

**Example:**
An applicant shall include with the (instead of “his”) activity report..

- Use a possessive noun.

**Example:**
The director shall file an annual report and the director’s (instead of “his”) recommendations.

- Repeat the name or title of the actor.

**Example:**
A person may apply if the person … (instead of “he”).

(e) SIMPLE LANGUAGE.

<table>
<thead>
<tr>
<th>Words and phrases to avoid</th>
<th>Preferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>; however ..............................</td>
<td>However,</td>
</tr>
<tr>
<td>a statement setting forth........................</td>
<td>state</td>
</tr>
<tr>
<td>accord........................................</td>
<td>give</td>
</tr>
<tr>
<td>adequate number of................................</td>
<td>enough</td>
</tr>
<tr>
<td>afforded...........................................</td>
<td>given or provided</td>
</tr>
<tr>
<td>and/or ..............................................</td>
<td>X or Y, or both</td>
</tr>
<tr>
<td>any and all..................................</td>
<td>any</td>
</tr>
<tr>
<td>are deemed to be ................................</td>
<td>are</td>
</tr>
<tr>
<td>by and with ....................................</td>
<td>by</td>
</tr>
<tr>
<td>commence .....................................</td>
<td>begin</td>
</tr>
<tr>
<td>consequence ...................................</td>
<td>result</td>
</tr>
<tr>
<td>constitute and appoint ........................</td>
<td>appoint</td>
</tr>
<tr>
<td>deemed to include ................................</td>
<td>includes</td>
</tr>
<tr>
<td>do and perform ................................</td>
<td>do</td>
</tr>
<tr>
<td>during such time as ............................</td>
<td>while</td>
</tr>
<tr>
<td>duly ..............................................</td>
<td>SUPERFLIOUS WORD – OMIT</td>
</tr>
</tbody>
</table>

53
null and void ....................................................
o on or after .....................................................
part and portion ............................................
prior to ...........................................................
provide assistance to ......................................
assist provided that ...........................................
Provided, however .........................................
However, said ...................................................
the salesman ...................................................
salesperson same ............................................
the set forth .....................................................
shall be construed to mean ................................
means shall be in full force and effect .................
is effective shall have the authority to ...................
may shall mean ..............................................
sole and exclusive ..........................................
sole subsequent to .........................................
“the” (in most instances) after such ................
under the provisions of ...................................
whatever under whatsoever at all or whatever
whenever ......................................................
wherein .......................................................
in which wheresoever ......................................
wherever with reference to ..............................

(f) SYNONYMS.
Avoid the use of synonyms. A change in wording may be construed to convey a change in meaning. See § 6.4(e) of this manual.

Example:
Any medical facility that does not report the medical facility’s [not “hospital's”] failure to treat a person violates this section.

(g) USE OF PARTICULAR WORDS.
(1) “And/or” – The linguistic abomination.
Never use “and/or”, because the term lacks clarity. “And” is conjunctive: All requirements must be fulfilled. “Or” is disjunctive: The fulfillment of any one of the several requirements is sufficient. If you intend either item or both, use: “X or Y, or both.” In Boren v. Qualls, 284 Ark. 65, 680 S.W.2d 82 (1984) the Arkansas Supreme Court called the use of “and/or” as “at best…equivocal, obscure and meaningless,’ at worst ‘slovenly, improper and a linguistic abomination’”.

(2) “Arkansas Code”.

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However, for clarity and consistency, when drafting use only: “Arkansas Code”. Consistency will aid the reader and will help those who access bills and acts using computer word search programs.

(3) “As amended”.
Do not use “as amended” in references to statutes. The term is superfluous in a codification of statutory law such as the Arkansas Code.

(4) “Can”, “may”, “must”, “shall”, “should”, “will”, and “would”.

(A) Can.

- “Can” refers to capability.
- Do not use “can” to grant permission.

(B) May.

- “May” refers to permission.
- Permission or the grant of a power or privilege is best expressed by “may”.

(C) Must.

- Do not use “must” when “shall” is meant.

(D) Shall.

- A duty or obligation is best expressed by “shall”.
- Instead of using “shall be”, use “is”.
- Avoid using a negative subject with an affirmative “shall”:

Example:

<table>
<thead>
<tr>
<th>Do Not Use A Future Tense Verb:</th>
<th>Use A Present Tense Verb:</th>
</tr>
</thead>
<tbody>
<tr>
<td>if a member shall resign</td>
<td>if a member resigns</td>
</tr>
<tr>
<td>it shall be unlawful</td>
<td>it is unlawful</td>
</tr>
<tr>
<td>no person shall be entitled</td>
<td>no person is entitled</td>
</tr>
<tr>
<td>no person shall be guilty</td>
<td>no person is guilty</td>
</tr>
<tr>
<td>no person shall be deemed guilty</td>
<td>no person is guilty</td>
</tr>
</tbody>
</table>
the property shall remain  the property remains
this section shall not be construed to  this section does not
who shall serve  who serves
who shall violate  who violates

A common problem in legislative drafting is that the word “shall” is often used to indicate a legal result rather than a command. This is known as a false imperative.

Incorrect:
The committee shall consist of the Director of the Arkansas Crime Information Center, the Director of the Department of Arkansas State Police, and the Director of the Department of Health.

Correct:
The committee consists of the Director of the Arkansas Crime Information Center, the Director of the Department of Arkansas State Police, and the Director of the Department of Health.

OR

The members of the committee are the Director of the Arkansas Crime Information Center, the Director of the Department of Arkansas State Police, and the Director of the Department of Health.

(E) Should.
• Do not use “should” to state an obligation or duty.

(F) Will.
• Do not use “will” when “shall” is meant.

(G) Would.
• Do not use “would” when “shall” is meant.

(5) “Cause to be”.
The phrase “cause to be” is archaic and should be avoided.

(6) “Convicted”.
Instead of using the word “convicted”, use “pleads guilty or nolo contendere to, or is found guilty of,”.
(7) “E.g.”, “etc.”, and “i.e.”. Avoid using the phrases “e.g.”, “etc.”, and “i.e.”. Alternatives to these phrases are:

Instead of “e.g.” use “for example”;
Instead of using “etc.” after a list, use “including without limitation, …” before the list; and
Instead of “i.e.” use “that is”.

(8) “Email”.
Use “email” instead of “e-mail”.

(9) “Et seq.”
The term “et seq.” can result in vagueness and should be used only in the following instances:

(A) The term already appears in text being amended;

(B) The term is used in conjunction with a statutory popular name (title) and the statute citation states that the name refers to a chapter or subchapter of the Arkansas Code; or

(C) The term is used in conjunction with a statutory popular name (title) and the statute citation states that the name refers to “this act” and the notes to the section indicate that the other sections of the act follow the statutory popular name in the Arkansas Code.

**Examples** (used with statutory popular name that refers to a subchapter or chapter):

Arkansas Administrative Procedure Act, § 25-15-201 et seq.,
County Jail Revenue Bond Act of 1981, § 12-41-601 et seq.,

**Example** (used with statutory popular name that refers to “this act” and remaining sections follow the title section):

Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.,

**Examples** (“et seq.” not used because there is no statutory popular name):

§§ 12-61-101 through 12-61-128
Title 12, Chapter 61, Subchapter 1

(10) “Facsimile” and “fax”.
Use “fax” instead of “facsimile” as a noun when referring to a document transmitted by facsimile machine.

**Example:**
The Governor received the fax from the department yesterday.
Use “fax” instead of “facsimile” as a verb when describing the transmittal of a
document by facsimile machine.

Example:
An applicant may fax his or her application to the
department.

(11) “If”, “when”, and “where”.
Use “if” rather than “where” or “when” to introduce a condition unless the place or
time is relevant.

(12) “Less than” and “fewer than”.
Use “less than” for amounts of money; weights and measures; distance, time, and
degree; and for things or events that cannot be separated into units, for example, energy,
water, equipment.

Examples:
less than one hundred dollars ($100)
less than one hundred pounds (100 lbs.)
less than face value

Use “fewer than” for most things and events that are countable.

Examples:
fewer than five (5) employees
defewer people than expected

(13) “Moneys” and “monies”.
Use the word “moneys” instead of “monies”.

(14) “More than” and “greater than”.
Use “more than” for most things and events that are countable.

Example:
more than one hundred (100) pounds
more than five (5) employees

Use “greater than” for things or events that are not normally separated into units.

Examples:
a number greater than one hundred (100)
a population greater than one hundred (100)

(15) “Paragraph”.
The numbering system of the Arkansas Code normally does not include the designation “paragraph”. See § 3.2(e) of this manual.

(16) “Passage of this act”.
Do not use the phrase “passage of this act”. Its meaning is ambiguous. To set a date pertaining to the effectiveness of an act, specify the actual date or use “the effective date of this act”. See § 6.5(b) of this manual.

<table>
<thead>
<tr>
<th>Examples:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Incorrect:</strong> Upon the passage of this act, the department shall . . .</td>
</tr>
<tr>
<td><strong>Correct:</strong> After January 1, 2004, the department shall . . .</td>
</tr>
<tr>
<td><strong>Correct:</strong> On the effective date of this act, the department shall . . .</td>
</tr>
</tbody>
</table>

(17) “Provided” or “provided, however”.
Avoid stating an exception by beginning a sentence with “provided” or by using a clause beginning with “provided, however”. It is preferable to use “however”, “but”, “except”, or to state the exception directly in a new sentence.

(18) “Such”, “said”, and “the same”.
Do not use the words “such”, “said”, or “the same” as demonstrative adjectives to refer to someone or something previously mentioned. Normally, the word “the” should be substituted. The words “these”, “those”, or “that” may also be used. For example, use “the applicant may”. Do not use “such applicant may”.

*Such* is properly used as an adjective when reference has previously been made to a category of people or things: thus *such* means “of that kind” (e.g., such a person, such people). *Such* is not properly equivalent to *this, that, these, or those*.

*Such*, meaning “of that kind”, is correctly used in these examples:

- **With as:**
  At the termination of the receivership, the director shall file a final report containing the details of his or her actions, together with *such* additional information *as* the court may require.

- **Before an abstract noun:**
  The amount of the credit allowed shall be twenty percent (20%) of the amount that the cost of qualified research exceeds the cost of *such* research in the base year.

- **Before a plural noun:**
  In *such* actions, the remedies for nondelivery or breach shall lie and be enforceable against the persons, firms, or corporations.
• In conjunction with *that*:
  It is an affirmative defense to prosecution under this section that the discharge of
center pivot irrigation waters onto an interstate or state highway resulted from
winds of *such* intensity that no mechanical device that is intended to prevent
spray from reaching the roadway could have prevented the spraying.

*Such* is not acceptable before a singular concrete noun.

**Incorrect:**
Such person shall keep such records as are required by the
director.

**Preferable:**
The person shall keep *such* records as are required by the
director.

(19) “This act”.
Avoid using the phrase “this act” in a section of a bill that amends an existing section
of the Arkansas Code or adds a section to the Arkansas Code. Although the drafter may
intend to refer to the act in which he or she is making changes, depending on the context, the
reference might be read to mean the entire Arkansas Code, a chapter, or various sections of
the Arkansas Code. It is permissible to refer to “this act” in a section that is not amendatory
to the Arkansas Code.

(20) “Website”.
Use “website” instead of “Web site” or “web site”. The use of the word “Internet”
preceding “website” is not necessary.

(21) “Which” and “that”.

• Avoid using the word “which” as a relative pronoun (that is, a pronoun that
  exactly repeats the meaning of the previous noun).
• Use “that” for restrictive relative clauses (clauses which are necessary for
  understanding the sentence); use “which” for nonrestrictive clauses.
• Since legal writing only rarely employs nonrestrictive clauses, use “that” in
  virtually all cases.
• For example, “The portion *that* shall be used as the ballot stub shall be numbered
  consecutively”.

(h) **WORDS FREQUENTLY CONFUSED.**
(1) “Affect” and “effect”.

• “Affect” is most commonly used as a verb meaning to have an influence on.

  **Example:**
  how smoking *affects* your health…
“Effect” is most commonly used as a noun meaning a result or the way in which something influences an object. As a verb, it means “to bring about”.

**Examples:**

the *effect* of a drug on the nervous system…
Layoffs designed to *effect* savings…

(2) “Amount” and “number”.

“Amount” is used to refer to something as a mass (for instance, a certain amount of money). “Number” is used to refer to individual items (for instance, a large number of plants).

(3) “Biannual” and “biennial”.

- “Biannual” means happening twice each year.
- “Biennial” means happening every second year.

(4) “Assure”, “ensure”, and “insure”.

- “Assure” means to inform confidently, with a view to removing doubt.
- “Ensure” means to make certain or guarantee.
- “Insure” means to cover by a contract binding a party to indemnify another against specified loss in return for premiums paid.

(5) “Compose” and “comprise”.

- “Compose” means to make up the constituent parts of.

**Examples:**

The commission shall be *composed* of ten (10) members appointed by the Governor…
The number of justices of the peace that *compose* a county’s Quorum Court shall be determined by law.

- “Comprise” means to include or contain. Avoid the phrase “is comprised of”.

**Example:**

A vast installation, comprising fifty (50) buildings…
(6) “Where”, “when”, and “in which”.
Do not use “where” when setting forth a condition unless the condition is dependent on a location. Use “when” or “in which” when setting forth a condition that is not dependent on a location.

Examples:
Incorrect: Those instances *where* the department is a party...
Correct: Those instances *in which* the department is a party...

Incorrect: *Where* a department is a party to a suit the department shall...
Correct: *When* a department is a party to a suit the department shall...

Correct: The county *where* the department is a party...

(i) REFERENCES TO CONSTITUTIONAL OFFICERS.
Always use the full name of a constitutional officer when referring to the constitutional officer in the Arkansas Code.

Examples:
Attorney General
Auditor of State (not “state auditor” or “auditor”)
Commissioner of State Lands (not “land commissioner” or “commissioner”)
Governor
Lieutenant Governor
Secretary of State (not “secretary”)
Treasurer of State (not “state treasurer” or “treasurer”)

(j) REFERENCES TO CITIES.
Use “city of the first class” and “city of the second class”. Do not use “first class city” and “second class city”.

(k) SUBJECT-PRONOUN AGREEMENT.
Check the defined terms of a chapter or subchapter of the Arkansas Code when amending a section within that chapter or subchapter to determine whether “person” is defined as other than an individual, such as an agency, an entity, a company, etc. If so, the correct pronoun to use in reference to the person would be “that”. If “person” is defined as a natural person or an individual, the correct pronoun would be “who”.

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(l) REFERENCES TO THE STATE OF ARKANSAS.
   Use “state” instead of “Arkansas” or “State of Arkansas” unless a more specific
   reference is needed to avoid ambiguity. If a more specific reference is needed, use “State of
   Arkansas”.

(m) SHORTENED REFERENCES.
   Use a shortened reference only for a state entity or fund, when appropriate.
   See § 4.5(d) of this manual. Do not use a shortened reference for other terms or entities.
   This is especially important regarding references to defined terms.

   **Examples:**
   Any medical facility that does not report the medical
   facility’s (not “facility’s”) failure to treat a person violates
   this section.

   The county treasurer shall submit the county records to the
   county assessor after the county treasurer (not “treasurer”) and county assessor (not “assessor”) have entered into an
   agreement concerning the county records (not “records”).
PART 5. AMENDING OR REPEALING LAWS

5.1 GENERAL CONSIDERATIONS IN AMENDING LAWS.

(a) WHETHER TO AMEND A LAW BY ACT NUMBER OR ARKANSAS CODE NUMBER.

If the law to be amended is codified in the Arkansas Code, then refer to the law by the Arkansas Code number, not by the act number. If the Arkansas Code section has been amended by an act that has not yet been codified, then refer to the Arkansas Code section followed by “as amended by Section ___ of Act ____ of 20__”.

Laws appearing only in the notes of the Arkansas Code and other uncodified acts should be amended by act and section number.

Example:
Uncodified Section 1 of Act 1177 of 1997

(b) WHICH VERSION OF THE ARKANSAS CODE TO USE.

The Arkansas Code is available in hard copy (that is, book) format and electronic format. The hard copy and electronic versions may not always match because they are updated at different times of the year. In addition, it is possible that differences may exist among the various electronic versions that are available. Arkansas Code § 1-2-123 provides: “If the official electronic version of the Arkansas Code differs from the official hard copy version of the Arkansas Code, the hard copy version shall take precedence over the electronic version.” Accordingly, when amending or repealing a chapter, subchapter, or section of the Arkansas Code in a bill, the drafter must mark up the most recent, official hard copy version of the applicable chapter, subchapter, or section of the Arkansas Code.

(c) HOW MUCH TO AMEND.

Arkansas Constitution, Article 5, § 23, provides: “No law shall be revived, amended, or the provisions thereof extended or conferred by reference to its title only; but so much thereof as is revived, amended, extended or conferred, shall be re-enacted and published at length”. This does not mean that an amendment to a bill amending an uncodified act or a section of the Arkansas Code must repeat all of the act or Arkansas Code section to be amended. Acts amending less than the full text of a previous act have been upheld. The primary concern appears to be that the bill be written in a way that the reader will be informed of what the amendment does.

Use the following guidelines for choosing how much to amend in order to clarify what the amendment does:

- To avoid conflicts with other bills do not repeat more language than is reasonably necessary.
If a subdivision is not a complete sentence, move up one level and amend a larger subdivision or a full section or subsection. Sometimes it may be impractical to move up one level because of the length of the text.

If the amendment is to a subsection or subdivision, include a brief statement of the purpose in the introductory portion of the amendatory section. For example, “Arkansas Code § 1-2-113(b), concerning the designation and citation of the Arkansas Code, is amended to read as follows.”

(d) AMENDING ARKANSAS CODE SECTIONS.
   (1) Generally, only one Arkansas Code section is amended per bill section. However, a section of a bill may amend more than one section of the Arkansas Code if consecutive whole sections are amended.

<table>
<thead>
<tr>
<th>Incorrect:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Code §§ 14-27-101 and 14-27-104 are amended to read as follows:</td>
</tr>
<tr>
<td>Arkansas Code §§ 14-27-101 and 14-27-102(a) are amended to read as follows:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Correct:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Code § 14-27-102 is amended to read as follows:</td>
</tr>
<tr>
<td>Arkansas Code §§ 14-27-101 and 14-27-102 are amended to read as follows:</td>
</tr>
<tr>
<td>Arkansas Code §§ 14-27-101 through 14-27-104 are amended to read as follows:</td>
</tr>
<tr>
<td>Arkansas Code Title 14, Chapter 27 is amended to read as follows:</td>
</tr>
<tr>
<td>Arkansas Code Title 14, Chapter 27, Subchapter 1 is amended to read as follows:</td>
</tr>
</tbody>
</table>

   (2) Do not amend an entire chapter or subchapter of the Arkansas Code in one section of a bill unless all the sections in the chapter or subchapter of the Arkansas Code are being revised.

(e) AMENDING SUBSECTIONS OR SUBDIVISIONS OF AN ARKANSAS CODE SECTION.
   A section of a bill may amend a single subsection or subdivision of an Arkansas Code section. A section of a bill may amend more than one subsection of an Arkansas Code section if the subsections are consecutive. A section of a bill may amend more than one subdivision of the same level if the subdivisions are consecutive.

<table>
<thead>
<tr>
<th>Incorrect:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Code § 14-27-102(a) and (c)</td>
</tr>
<tr>
<td>Arkansas Code § 14-27-102(a) and (b)(1)</td>
</tr>
<tr>
<td>Arkansas Code § 14-27-102(b)(2) and (c)</td>
</tr>
</tbody>
</table>
Correct:
Arkansas Code § 14-27-102(a)
Arkansas Code § 14-27-102(b)(1)
Arkansas Code § 14-27-102(a) and (b)
Arkansas Code § 14-27-102(b)(1) and (2)

(f) SECTIONS AFFECTED BY AMENDMENT.

When a bill amends a section, subchapter, or chapter of the Arkansas Code, the drafter must check for Arkansas Code sections that reference or are otherwise affected by the amended law and make any necessary corrections to the affected sections. See Appendix H of this manual for table of dual-codified Arkansas Code sections.

(g) SUBSEQUENT AMENDMENTS TO A BILL AMENDING ARKANSAS CODE SECTIONS.

If a bill as originally introduced amends an Arkansas Code section and that part of the bill is subsequently amended during the legislative process, the drafter must read the bill amendment against the most recent, official hard copy version of the Arkansas Code section. The drafter should not rely upon the version of the Arkansas Code section that was marked up in the bill as originally introduced because that version might not contain all of the language in the section (for example, only part of the section was being amended, therefore only the affected part was set out in the bill as originally introduced). There could be additional language in the Arkansas Code section that is affected by the bill amendment. If that additional language is not properly marked up in the bill amendment, there may be confusion, for example, as to whether existing language in the Arkansas Code section is repealed or is still the law.

5.2 INTRODUCTORY LANGUAGE FOR AMENDATORY TEXT.

(a) AMENDING ENTIRE SUBCHAPTER.

Example:
SECTION 1. Arkansas Code Title __, Chapter __, Subchapter __ is amended to read as follows:

(b) AMENDING A SECTION.

Example:
SECTION 1. Arkansas Code § 1-1-101 is amended to read as follows:
(c) AMENDING A SUBSECTION OR SUBDIVISION.

Example:
SECTION 1. Arkansas Code § 26-51-494(a)(1), concerning the definition of “gross income” for Arkansas income tax purposes, is amended to read as follows:

(d) ADDING A NEW SUBCHAPTER, SECTION, SUBSECTION, OR SUBDIVISION.

Examples:
SECTION 1. Arkansas Code Title __, Chapter __, is amended to add an additional subchapter to read as follows:

    SECTION 1. Arkansas Code Title __, Chapter __, Subchapter __ is amended to add an additional section to read as follows:

    SECTION 1. Arkansas Code § 26-51-494 is amended to add an additional subsection to read as follows:

    SECTION 1. Arkansas Code § 7-5-416(a), concerning counting absentee ballots, is amended to add an additional subdivision to read as follows:

(e) AMENDING AN UNCODIFIED SECTION.
If the bill amends an uncodified section of an act, the introductory language should state that it is an uncodified section.

Example:
SECTION 1. Uncodified Section 5 of Act 32 of 1997 is amended to read as follows:

If the uncodified act has been previously amended, so state.

Example:
SECTION 1. Uncodified Section 5 of Act 32 of 1997, as amended, is amended to read as follows:

(f) AMENDING ARKANSAS CODE PROVISIONS AS AMENDED BY AN ACT NOT YET CODIFIED.
If the Arkansas Code section has been amended by an act that has not yet been codified, refer to the Arkansas Code section followed by “as amended by Section ___ of Act ____ of 20__.”
5.3 MARKUP – UNDERLINE AND STRIKETHROUGH FORMATTING.

(a) WHEN REQUIRED:

(1) Amendatory Sections. Bills and amendments to bills must show the changes they propose to make in the law as it existed before the session of the General Assembly. An exception would be those instances in which the bill amends the present law as amended by an act of the current legislative session. If the bill would delete existing language, the proposed deletion must be indicated by using the font attribute strikethrough on the language to be deleted. Language proposed to be added to law is to be shown by using the font attribute underline.

Example:

...the board may shall ...

(2) Nonamendatory Sections. Underline all the text of nonamendatory sections. Some standard sections in bills are exempt from this rule. See § 5.3(a)(4) of this manual.

(3) Repealing Sections. A section of a bill that repeals a specific law or laws must repeat the text being repealed and show the text using the strikethrough font attribute. The introductory language is not underlined. The text of the law to be repealed is not surrounded by quotation marks. See SAMPLE BILLS, Sample Bill – Repealing Subchapter of this manual for an example of a repealing section that repeals an entire subchapter.

(4) Exceptions to Markup Requirements. The introductory language to amendatory sections is not underlined. For example, you would not underline the following: “SECTION 1. Arkansas Code § 26-26-501 is amended to read as follows:”.

- The markup requirement may be waived by the Speaker of the House of Representatives or the President Pro Tempore of the Senate (in his or her absence, the Chairman of the Senate Rules Committee).
- Underlining is not required of the following: (1) appropriation sections, state agencies regular salary sections, and state agencies extra help sections contained within a bill if the sections do not specifically amend existing law; (2) sections which allocate funds within the Revenue Stabilization Law or within the General Improvement Fund; and (3) sections which amend Arkansas Code §§ 21-5-208(b) and 21-5-209(e).

(b) MARKUP TECHNIQUES.

(1) Show deleted language first. If language is being deleted and replaced, show the deleted language first.

Example:
The board may shall conduct a study.

(2) How much to delete. The markup must accurately reflect the changes being made to the law and must present the changes in a clear manner. The markup must be prepared in a manner that will assist the reader to quickly identify changes.
In most instances the markup should strikethrough only words that are to be deleted from law.

**Avoid:** The board may conduct a study. *The board shall* conduct a study.

**Better:** The board may *shall* conduct a study.

However, sometimes the markup will be clearer if additional language is deleted (strikethrough) and then added (underlined). In the following examples the markup is easier to read when the word “must” is deleted and then added as a part of the new language.

**Avoid:** The applicant *department* must file his or her receive the application and the filing fee within fifteen (15) days.

**Better:** The applicant must file his or her *department* must receive the application and the filing fee within fifteen (15) days.

When numbers are changed the complete number should be deleted (strikethrough) and the new number added (underlined).

**Do not use:** one thousand *five hundred* dollars ($1,000) ($1,500).

**Use:** one thousand dollars ($1,000) one thousand *five hundred* dollars ($1,500).

**Do not use:** twenty five (25) (20) days

**Use:** twenty five (25) twenty (20) days

When renumbering or relettering a subsection or subdivision of a section, strikethrough the parentheses enclosing the existing number or letter and underline the parentheses enclosing the new letter or number.

**Do not use:** (3 4)

**Use:** (3)(4)

Make changes to entire words.

**Do not use:** Because +The board

**Use:** Because the The board

**Do not use:** applicants

**Use:** applicant applicants
5.4 CATCHLINES.

(a) DEFINED.
A catchline is the short description of a section of Arkansas Code that follows the section number. The catchline does not constitute part of the law and does not limit or expand the construction of a section. (See Arkansas Code § 1-2-115.)

(b) WRITING A CATCHLINE.
The following guidelines should be followed in writing a catchline.

(1) Avoid repetition. Work should be planned. The tendency to repeat elements could indicate a need to restructure the logic of your subclassification organization.

- A catchline should not duplicate an element of the preceding heading. For example, if a chapter captioned “State Tollway Authority” contains a section creating the authority, the section catchline should be “Creation” rather than “Creation of State Tollway Authority”.
- The catchline should be sufficiently different from the catchlines of other sections in the same chapter or subchapter so that the content of that section is distinguished from the contents of the other sections.
- The catchline should sufficiently describe the contents of the section without being underinclusive or overinclusive.

(2) Keep it general.
As far as possible, a catchline should be sufficiently general to accommodate subsequent amendments without the need to rewrite the catchline. For example, if a section sets a license fee of fifteen dollars, a catchline reading “Fifteen-dollar license fee” may briefly describe with some specificity the contents of the section, but it would become obsolete if the fee were later changed to twenty dollars. A catchline reading simply “License fee” would be preferable since such a catchline would cover the contents of the section regardless of the amount of the fee.

(3) Separating Components.
Catchlines are punctuated with dashes (not hyphens) between components and a period at the end. Do not close the space between the dash and the components. The initial word, the first words following dashes, and proper names are capitalized.

**Example:**
Employees – Leave granted.

(4) Catchlines.
Do not use separate catchlines for subsections and subdivisions of a section. If it seems that a subsection or subdivision needs its own catchline, then it might be an indication that the subsection or subdivision should be set out as a separate section of the Arkansas Code.
(c) WHEN TO REPEAT A CATCHLINE WITH THE TEXT TO BE AMENDED.

(1) If an entire section of Arkansas Code is amended, the section number and catchline are repeated as part of the section to be amended.

Example:
SECTION 1. Arkansas Code § 5-13-205 is amended to read as follows:
5-13-205. Assault in the first degree.
   (a) A person commits assault in the first degree if he or she recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.
   (b) Assault in the first degree is a Class A misdemeanor.

(2) The section number and catchline are not repeated if only a subsection or subdivision is amended.

Example:
SECTION 1. Arkansas Code § 5-13-205(a), concerning assault in the first degree, is amended to read as follows:
   (a) A person commits assault in the first degree if he or she recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.

(d) CONFORMING A CATCHLINE TO THE SECTION.

A catchline should be revised if other changes in the bill would make the catchline incorrect.

Example:
9-99-999. Registration License required – Penalty for violation.
   (a) It is unlawful for a person to act as a widget designer without being registered with a license issued by the Widget Designers Board.
   (b) A violation of this section is a Class A misdemeanor.

5.5 REPEALING LAWS.

(a) REPEALING A SECTION, SUBCHAPTER, OR CHAPTER OF THE ARKANSAS CODE.

A section, subchapter, or chapter of the Arkansas Code is repealed by:
(1) Stating that the section, subchapter, or chapter is repealed; and
(2) Setting out the text of the section, subchapter, or chapter using the strikethrough font attribute.

Example:

<table>
<thead>
<tr>
<th>SECTION 1. Arkansas Code § 99-99-999 is repealed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All annual reports of the commissioners shall be published one (1) time in one (1) newspaper published in the municipality in which the district exists.</td>
</tr>
</tbody>
</table>

(b) REPEALING MULTIPLE ARKANSAS CODE SECTIONS.
Consecutive sections of the Arkansas Code may be repealed in one section of a bill.

Correct:
Arkansas Code §§ 14-27-101 through 14-27-103
Arkansas Code Title 14, Chapter 27
Arkansas Code Title 14, Chapter 27, Subchapter 1

Incorrect:
Arkansas Code §§ 14-27-101 and 14-27-103

(c) REPEALING A SUBSECTION OR SUBDIVISION OF THE ARKANSAS CODE.
Instead of repealing a subsection or subdivision, consider amending the section of the Arkansas Code. However, a section of a bill may repeal a subsection or subdivision of an Arkansas Code section, consecutive subsections, or consecutive subdivisions of the same level.

(d) CROSS REFERENCES.
If a bill specifically repeals a portion of the Arkansas Code, check for Arkansas Code sections referencing the repealed law, and the references should be corrected if practical.

The drafter also must investigate whether a section of the Arkansas Code that is being repealed is dual-codified. If so, both of the dual-codified sections should be repealed. See Appendix H of this manual for a list of Arkansas Code sections that are dual-codified.

(e) GENERAL REPEALER – NOT USED.
Before 2001, the Bureau of Legislative Research routinely included a general repealer clause that stated that laws and parts of laws in conflict with the act are repealed. The general repealer clause is not necessary and should not be included in the bill.

5.6 ARKANSAS CODE – ADDING NEW SECTIONS.

• In most cases, bills should indicate where new law is to be codified.
• Locate an appropriate place to insert a new section into the Arkansas Code and assign a number to the section.
● Do not reuse the Arkansas Code number of a section that has been repealed by the General Assembly unless the section is not referenced in other statutes or cases.

5.7 ARKANSAS CODE – RENUMBERING AVOIDED.

Avoid renumbering Arkansas Code sections. If you are unable to avoid renumbering sections:

(1) Determine whether the sections to be renumbered have been referenced in any reported case. If so, inform the sponsor of the references and of the potential confusion that could result from renumbering; and

(2) Determine whether the sections to be renumbered are referenced in any other section of the Arkansas Code. If so, amend or repeal the referencing sections to avoid inaccurate references.

(3) Before renumbering, contact the appropriate subject-matter attorney with Statutory Review.

5.8 ARKANSAS CODE – CHANGING CHAPTER AND SUBCHAPTER NAMES.

(a) IN GENERAL.

It is sometimes necessary to change the name of a chapter or subchapter in the Arkansas Code so that the name more accurately describes the subject matter of the chapter or subchapter. For example, amendments to Code sections in the chapter or subchapter, along with the addition of new Code sections and the repeal of other Code sections, taken together, might so change the character of the chapter or subchapter that the original name is no longer appropriate. Also, if the original name of the chapter or subchapter was inaccurate from its enactment, it would be desirable to change the name for accuracy subsequent to enactment, even absent intervening amendments to sections within the chapter or subchapter. In any event, the change in the name must be appropriate to the subject matter, and it cannot be merely an attempt to amend a statute by reference to the title only, which is prohibited by Arkansas Constitution, Article 5, § 23.

Although the Arkansas Code Revision Commission has the authority under Arkansas Code § 1-2-303 to change the names of chapters and subchapters of the Arkansas Code, the commission prefers, with regard to statutorily created names, that the changes be made by legislative enactment. See § 5.8(b) of this manual.

(b) CHANGING CHAPTER AND SUBCHAPTER NAMES THAT ARE STATUTORILY CREATED.

If the name of a chapter or subchapter in the Arkansas Code has been created by statute, the name can be changed by amending the applicable statute. It is not necessary to set out the entire chapter or subchapter if the sole objective is to change the name of that chapter or subchapter; only the Code section that supplies the name need be set out and amended. However, although not a legal necessity, it is always a good practice to replace with the new name any other references to the former name that appear elsewhere in the Code by making the appropriate amendments to the applicable Code sections.
See example below for an illustration of the amendment of a Code section to effect a change in the name of a chapter:

**Example:**
SECTION 3. Arkansas Code § 4-1-101 is amended to read as follows:
4-1-101. Title. This chapter shall be known and may be cited as the “Arkansas Small Business Corporation Act of 1921”.

(c) CHANGING CHAPTER AND SUBCHAPTER NAMES THAT ARE NOT STATUTORILY CREATED.

Not uncommonly, a chapter or subchapter of the Arkansas Code does not have a statutorily created name. In such a case, the chapter or subchapter name has been supplied by the Arkansas Code Revision Commission (and the publisher of the Arkansas Code at the direction of the Arkansas Code Revision Commission) exercising its authority under Arkansas Code § 1-2-303. To effect a change in a nonstatutorily created name of a chapter or subchapter of the Arkansas Code, include a section in the bill stating what the new name is and directing the Arkansas Code Revision Commission to make the desired change, as illustrated in the following example:

**Example:**
SECTION 5. The name of Arkansas Code Title 23, Chapter 1, Subchapter 3, is changed from the “Electric Utility Act of 1935” to the “Arkansas Electricity Utilization Act”. The Arkansas Code Revision Commission shall make all changes in the Arkansas Code necessary to implement this section.

5.9 AMENDING OR REPEALING INITIATED MEASURES.

Arkansas Constitution, Article 5, § 1 (formerly Amendment 7) provides, in part:

**Amendment and Repeal.** No measure approved by a vote of the people shall be amended or repealed by the General Assembly or by any city council, except upon a yea and nay vote on roll call of two-thirds of all the members elected to each house of the General Assembly, or of the city council, as the case may be. [emphasis added]

**Drafting Rule:** A reference to an initiated measure (commonly referred to as an “initiated act”) must be included in the title, subtitle, and body of the bill if the bill:

1. Specifically amends or repeals an Arkansas Code section for which the history line includes a reference to an initiated measure; or
(2) Adds new language which would effectively or impliedly amend or repeal portions of an initiated measure.

The reference to the initiated measure in the title and body of the bill is intended to call attention to the special vote requirement for the bill. It is presumed that a bill containing one or more sections affecting an initiated measure will require a two-thirds vote of each house on the bill as a whole, rather than a separate vote only on the particular sections.

According to the Arkansas Supreme Court, a legislative act can supplement an initiated measure without triggering the two-thirds vote requirement. It is only when the legislative act directly changes or alters the initiated measure that the higher vote is needed. See discussion in *Staples v. Bishop*, 22 Ark. 936, 286 S.W.2d 505 (1956); *Morris v. Torch Club, Inc.*, 295 Ark. 461, 749 S.W.2d 319 (1988).

(a) REFERENCE TO INITIATED MEASURE IN THE TITLE AND SUBTITLE OF A BILL.

TO INCREASE THE BENEFITS AVAILABLE TO AN INJURED WORKER; TO AMEND [A PORTION] [PORTIONS] OF ARKANSAS CODE WHICH RESULTED FROM INITIATED ACT XX OF 20XX; AND FOR OTHER PURPOSES.

(b) REFERENCE TO INITIATED MEASURE IN THE BODY OF A BILL.

(1) Directly amend portion of initiated measure.

SECTION 1. Arkansas Code § xx-xx-xxx, resulting from Initiated Act X of 20XX, is [repealed] [amended to read as follows]:

(2) Add section to a subchapter that is derived from initiated measure, such as workers’ compensation or alcoholic beverage laws.

SECTION 1. Arkansas Code Title X, Chapter Z, Subchapter Y, pertaining to workers’ compensation law and resulting from Initiated Act X of 20XX, is amended to add a new section to read as follows:

(3) Add section to code that indirectly amends portion of an initiated measure.

SECTION 1. Arkansas Code Title X, Chapter Z, Subchapter Y, is amended to add a new section, which amends Initiated Act X of 20XX, as follows:

See Appendix I of this manual for a list, by subject, of Arkansas Code sections derived from initiated measures.
5.10 AMENDING ARKANSAS SUPREME COURT RULES.

Arkansas Constitution, Amendment 80, § 9, authorizes the General Assembly to annul or amend “rules promulgated by the Supreme Court pursuant to Sections 5, 6(B), 7(B), 7(D), or 8” of Amendment 80 by a two-thirds (2/3) vote of each house.

The rules that may be amended or annulled relate to the following:

Section 5 – Court of Appeals. The Supreme Court by rule may establish the number of divisions and appellate jurisdiction of the Court of Appeals.

Section 6 – The Supreme Court has “superintending control” over circuit courts and the judges of a circuit court may divide the court into subject matter divisions.

Section 7 – The Supreme Court by rule may establish the jurisdictional amount and subject matter of cases in district courts.

Section 8 – Referees, masters, and magistrates. The Supreme Court by rule may establish the duties of referees and masters appointed by circuit court judges and the duties of magistrates appointed by district court judges.

(a) DATE OF PROMULGATION OF RULE.

Amendment 80 permits amending or annulling rules “promulgated” pursuant to the amendment. It is not clear whether rules promulgated before the effective date of Amendment 80, July 1, 2001, may be amended or annull by the General Assembly.

(b) LANGUAGE FOR BILL.

If a rule or administrative order of the Supreme Court meets the criteria noted above, the bill amending the rule or order should contain the language shown in subsection (c) below so that the special vote requirement can be noted in each chamber.

(c) BILL TITLE.

AN ACT TO [AMEND][ANNUL] [cite rule or order] OF THE ARKANSAS SUPREME COURT PURSUANT TO SECTION 9 OF AMENDMENT 80 TO THE ARKANSAS CONSTITUTION; ..... 

(d) LEAD-IN LANGUAGE.

Add similar language after the section number:

SECTION 1. Pursuant to Section 9 of Amendment 80 to the Arkansas Constitution, Arkansas Supreme Court [Rule][Administrative Order] is [annulled][amended to read as follows]: [Include text of rule – available from Supreme Court website.]
6.1 APPLICABILITY.

(a) CONTINGENT EVENTS.

Occasionally the effectiveness of an act will be made contingent upon a future event. Exercise caution to avoid an unlawful delegation of legislative authority. The occurrence of the future event should not depend on the discretion of an entity.

Examples:

This act becomes effective immediately following a fiscal year in which the general revenues of the state exceed ten billion dollars ($10,000,000,000).

*This example ties the effectiveness of the act to general revenues, not the discretion of an entity.*

This act becomes effective when the department issues rules administering this act by October 1, 2010, as required by Section 2 of this act.

*This example indicates that other parts of the act mandate that the department issue rules. This removes the discretion of the department in determining the effectiveness of the act.*

This act becomes effective if the department issues rules administering this act.

*This example is of questionable constitutionality because it grants discretion to an executive agency to determine whether or not a legislative act becomes effective.*

(b) GENERAL REPEALER.

In the past it was a common to include a general repealer clause which said, “All laws, and parts of laws, in conflict with this act are repealed.” Do not use a general repealer clause. A drafter should take care to address any direct or indirect conflicts with the current bill and to integrate the current bill within existing law.

(c) GRANDFATHER CLAUSE.

A grandfather clause grants an exemption, typically to a new licensing law. For example, a provision might exempt a person with experience from having to meet the new qualifications for licensure or exempt the person from part of the requirements, such as taking an examination. A grandfather clause should include a time limit for a person to register to receive the benefits of the exemption. There is no need to use the words “Grandfather Clause” in the bill.
Example:
A person who was engaged in _______ work for at least one (1) year before the effective date of this act is entitled to receive a license without examination. A person seeking licensure under this section must register with the board before December 1, 2003, and must pay the license fee.

(d) RETROACTIVE EFFECT.
An act or part of an act may be made to apply retroactively, but it must specifically state that it is retroactive.

Examples:
This act applies retroactively to January 1, 2001.

This act applies retroactively to all persons who retired after December 31, 2000.

(e) SEVERABILITY CLAUSE.
A severability clause provides that if a part of a law is declared invalid the remaining part stays in force. A general severability clause is not necessary, and should not be used. Arkansas Code § 1-2-117 states that the provisions of the Arkansas Code are severable, and Arkansas Code § 1-2-205 states:

“The provisions of each and every act enacted by the General Assembly after July 24, 1973, are declared to be severable and, unless it is otherwise specifically provided in the particular act, the invalidity of any provision of that act shall not affect other provisions of the act which can be given effect without the invalid provision”.

(f) NONSEVERABILITY CLAUSE.
If the author does not want specific provisions to be severable, add a section declaring the provision to not be severable. Bills having a statement of nonseverability are rare.

Example:
SECTION 6. The provisions of this act are not severable, and if any provision of this act is declared invalid for any reason, then all provisions of this act also shall be invalid.

(g) SUPPLEMENTAL NATURE.
If a bill is intended not to repeal other laws on a subject, add a section stating that the bill is intended to be supplemental to other laws. However, a supplemental clause should be rare because a drafter should take care to address any direct or indirect conflicts with the current bill and to integrate the current bill within existing law.
Examples:
This act is supplemental to all other laws and repeals only those laws or parts of laws in direct conflict with it.

This act is supplemental to all other laws concerning _________ and repeals only those laws or parts of laws in direct conflict with it.

This act is supplemental to and does not repeal Arkansas Code § _________.

6.2 CREATION OF A BOARD, COMMITTEE, COMMISSION, TASK FORCE, ETC. – CHECKLIST.
See also the Checklist for Creation of a Board, Committee, Commission, Task force, etc. at Appendix A.

(a) NAME.

- What is the name of the body to be created? There is no need to include “to be known as” language when creating an entity. The entity should be created using its given name. See 4.4(g)(3) of this manual.

Examples:
Incorrect: There is created a department to be known as the “Department of Arkansas State Police” . . .

Correct: The Department of Arkansas State Police is created . . .

(b) MEMBERSHIP.

(1) Number.

- How many members are on the body?

(2) Appointment.

- Who appoints the members?
- Is the official who makes the appointment free to choose any qualified appointee, or must the official appoint from a list submitted by some officer or organization?
- If the official is limited, is there an unlawful delegation of governmental authority?

(3) Qualifications.
What qualifications must an appointee have? For example, must the person meet a residency requirement, be representative of a certain segment of the population, or hold certain business or professional qualifications, etc.?

(4) Legislators as Members – Caution.

- Do not place members of the General Assembly on a board, committee, commission, or task force that is not a legislative committee. (See State Board of Workforce Education v. King, 336 Ark. 409, 98 S.W. 2d 731 (1999)).
- Avoid placing nonlegislators on legislative committees. However, if the legislative committee must include nonlegislators, state clearly that it is a legislative committee and do not give the committee executive branch functions.

(5) Ex Officio Members.

- An ex officio member is one who holds membership by virtue of holding some other office. (Please note that ex officio membership does not mean that the person is a nonvoting member. If he or she is to be a nonvoting member, the draft must so state.)

(6) Voting and Nonvoting Members.

- All members of a body are voting members unless the author specifically state that they are nonvoting members.

(7) Terms of Office.

- Length of term.
- Should the terms of office be staggered? The staggering of terms is accomplished by reducing the terms of some of the initial members so that the terms of only part of the membership will expire at any one time.
- One method for staggering the terms is to have the initial members determine their terms by lot.
- Another method is to have the appointing authority determine which of the initial members will serve a shorter term. In many instances, it is desirable to establish a date for terms to begin and end.

(8) Vacancies.

- If a vacancy occurs on the committee, how is a replacement chosen to fill the unexpired term? Does the appointing authority fill the vacancy or is the vacancy filled by the remaining members?
(c) CHAIR.

- How is the chair selected?
- Is the chair designated by the appointing authority?
- Is the chair selected by the membership of the body?
- If the membership selects its chair, then consider designating a member who is responsible for calling and presiding at the first meeting until a chair is elected.
- How long does the chair serve?

(d) MEETINGS.

- Who is empowered to call the first meeting before election of the chair?
- In what manner is the first meeting to be called?
- What is the quorum to transact business?
- Must the meeting be held at a specific location?
- Is there a maximum or minimum number of meetings in a year?

(e) POWERS AND DUTIES.

- What are the powers and duties of the body?

(f) TEMPORARY ENTITIES.

- If the body is not permanent, when will it expire? Please ensure that a bill creating a temporary entity provides an explicit date for termination of the entity.

(g) REPORTS.

- If the body is to study an issue and make findings or recommendations, to whom will the report be made and by what date?

(h) STAFF.

- Will the body hire its own staff or will staff be supplied by some other agency?

(i) FINANCIAL CONSIDERATIONS.

- Will there be expense reimbursement, per diem, or a stipend? Who is to pay? (For expense reimbursements generally, see Arkansas Code § 25-16-902. For stipends generally, see Arkansas Code §§ 25-16-903 through 25-16-906.)
- Do not provide a stipend for members of the General Assembly. (See Amendment 70, § 1(b).)
Compensation and other payments should be to the extent money is appropriated and available for that purpose.

If an appropriation will be required, inform the sponsor. Refer to the fiscal staff any requests for an appropriation for stipends, mileage reimbursement, or other expense reimbursement for committee members or other expenses of the committee.

6.3 CRIMINAL OFFENSES.

See also Appendix B – Checklist for Creating a Criminal Offense.

(a) SUBDIVIDING SEPARATE CRIMINAL OFFENSES AND MULTIPLE PENALTY LEVELS.

Do not set out separate criminal offenses in the same subsection or subdivision of an Arkansas Code section. Instead, set out each criminal offense in a separate subsection or subdivision of the Arkansas Code section. Likewise, do not set out multiple penalty levels for a criminal offense in the same subsection or subdivision of an Arkansas Code section. Instead, set out each penalty level for the criminal offense in a separate subsection or subdivision of the Arkansas Code section.

(b) PENALTY.

In establishing a penalty for a crime, the classifications in the Arkansas Criminal Code are preferred and should be used when possible. The penalties for each classification are found in Arkansas Code §§ 5-4-201 and 5-4-401.

Example: Not preferred:
A violation of this section is a misdemeanor.

Better:
A violation of this section is a Class A misdemeanor.

If the crime is to be something other than a classified crime under the Arkansas Criminal Code, the penalty must state the amount or range of the fine and, if the penalty includes imprisonment, the length or range of imprisonment. The penalty should clearly state whether both the fine and imprisonment may be imposed. The penalty should state whether the offense is a felony, misdemeanor, or violation. It also should use the word “unclassified” preceding felony or misdemeanor.

Example:
Upon conviction, a person who violates this section is guilty of a violation and may be fined not more than one hundred dollars ($100).

Upon conviction, a person who violates this section is guilty of an unclassified misdemeanor and shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or imprisoned for not less than ten (10) days nor more than thirty (30) days, or both fined and imprisoned.
6.4  DEFINITIONS.

(a) WHEN TO USE.
Define a word or phrase when there is more than one meaning for the word or phrase and the intended meaning is not apparent from the context or when a more specific meaning than the generally recognized meaning is intended.

(b) ORGANIZATION.

- Definitions should be organized into a definition section instead of scattering definitions throughout a bill.
- If a definition must appear in a nondefinition section, the best choice is to add the definition in the same order as normally applies to the order of sections. See § 3.1(b) of this manual. Usually, this means the definition should be subsection (a).
- Alphabetize the definitions.

(c) LANGUAGE CONNECTING THE TERM AND THE DEFINITION.

- Connect the word to be defined with the definition as follows:
- If a definition is restrictive, use “means”;
  
  Example: “Person” means any state agency, municipality, governmental subdivision of the state or the United States, public or private corporation, individual, partnership, association, or other entity; . . .

- If a definition is exclusive, use “only includes”;
  
  Example: “Motor vehicle” only includes the classes and types of vehicles stated in subdivision (1)(A) of this section as defined under § 27-14-601; . . .

- If a definition is not restrictive and is not exclusive, use “includes without limitation”; or
  
  Example: (12)(B) “Lottery” includes without limitation:
  (i) An instant ticket;
  (ii) A draw game; and
  (iii) Participation in a multistate or multisovereign game.
• If it is necessary to exclude a meaning from a definition, use “does not include”.

**Example:**

(12)(C) “Lottery” does not include:
  (i) Casino gambling;
  (ii) A video lottery; . . .

• “Only includes”, “includes without limitation”, and “does not include” can either be stand alone definitions or supplement another definition. Generally, “includes without limitation” should be used if the drafter desires to list helpful examples of the definition. Caution should be exercised when using “only includes” as a supplement to a “means” definition because it will limit the scope of that definition. The drafter should determine whether the definition can be reworded to accomplish the same effect.

• Do not use “shall mean” or “means and includes”.

• “Means” or “includes” always remains singular whether the defined word is singular, plural, or collective.

• Do not use “herein referred to as …” as a way to define a term.

• Normally, the phrase “the term” is superfluous. Do not use “The term ‘person’ means…”. Instead, use “‘Person’ means…”.

(d) **SUBSTANTIVE PROVISIONS.**

  Do not include substantive provisions in a definition. Instead, set out the substantive provisions in a separate Arkansas Code section (or sections).

(e) **ADDITIONAL REQUIREMENTS.**

• Use the defined word. Do not use a variation of the defined word. Do not repeat a portion of the definition when using the defined word.

• Do not give alternate words the same definition. For example, do not use “‘Minor’ or ‘child’ means…” . Choose one term and use that term consistently throughout the bill.

• Avoid acronyms or the use of the initials of an entity as a defined term. For example, do not use “‘DFA’ means Department of Finance and Administration”. *See § 4.6(b) of this manual.*

• Avoid using the phrase “unless the context otherwise requires” to limit the meaning of a definition. In most instances this should not be necessary in a well-drafted law.

• Capitalize only the first letter of the first word of the term, unless the term is a proper name.

• Add quotation marks around each word or phrase defined.

• Always limit the intended scope of a definition by using an introductory phrase such as “as used in this subchapter”, “as used in this section”, “as used in this subsection”, or “as used in subdivision (a)(1) of this section”, as appropriate. This limitation will
ensure that the definition is not misconstrued as applying to the entire Arkansas Code or to sections of the Arkansas Code to which the definition is not intended to apply.

- A defined term should be used somewhere in the applicable section, subchapter, or chapter. Otherwise, there is no reason to define the term.
- Do not define generic terms. For example, do not use “‘Facility’ means a car repair facility”.

(f) EXAMPLE DEFINITION SECTION.

Example:
As used in this chapter:

(1)(A) “Correctional facility” means any place used for the confinement of persons charged with or convicted of an offense or otherwise confined under a court order.

(B) “Correctional facility” does not include juvenile training schools and applies to the Arkansas State Hospital only as to persons detained there charged with or convicted of an offense;

(2) “Custody” means actual or constructive restraint by a law enforcement officer pursuant to an arrest or a court order but does not include detention in a correctional facility, juvenile training school, or the Arkansas State Hospital;

(3) “Escape” means the unauthorized departure of a person from custody or a correctional facility; and

(4) “Governmental function” means any activity which a public servant is legally authorized to undertake on behalf of any governmental unit he or she serves.

(g) WORDS NOT TO DEFINE.

As a general rule, do not define words such as “board”, “commission”, “department”, “director”, or “fund”. The context in which any of these words appears in a section of the Arkansas Code should make the meaning self-evident.

6.5 EFFECTIVE DATE.

(a) EFFECTIVE DATES AND USE OF EMERGENCY CLAUSE.

An act without an emergency clause or specific effective date becomes effective on the ninety-first day after sine die adjournment of the session at which the act was enacted or the ninety-first day of a recess. See Fulkerson v. Refunding Board, 201 Ark. 957, 147 S.W. 2d 980 (1941). This rule is derived from Arkansas Constitution, Article 5, § 1, which gives the people “ninety days after the final adjournment of the session” to file referendum petitions. The day of adjournment is not counted as a day in which petitions may be filed since it is not a full day.
If the act needs to become effective before the date it would otherwise become effective by the operation of law, an emergency clause must be added to the draft and should be referred to in the title and subtitle by using “TO DECLARE AN EMERGENCY” or similar wording. Adoption of the emergency clause requires a two-thirds vote by each chamber under Ark. Const., Art.5, § 1.

(b) EFFECTIVE DATE LANGUAGE.

It is preferable to give a specific date whenever possible. You may refer to “upon the effective date of this act” or “upon the effective date of this section [chapter, subchapter, subsection, or subdivision]”. Do not use “upon the passage of this act” or “upon the enactment of this act”. See § 4.6(g)(16) of this manual.

The effective date of all or a part of an act may be delayed to a future date.

**Examples:**

| Section 10. EFFECTIVE DATE. Sections 7 and 8 of this act are effective on and after January 1, 2014. |
| Section 10. EFFECTIVE DATE. This act is effective on and after January 1, 2014. |

(c) EMERGENCY CLAUSE TEXT – FACTS.

The emergency clause must declare an emergency, state facts constituting an emergency, and state that the bill is necessary “for the preservation of the public peace, health, and safety”. The emergency clause may be drafted to set a specific date or to provide for the act’s immediate application.

In stating the facts constituting the emergency, consider the following questions:

(1) What condition created the problem?
(2) How does the legislation respond to the emergency?
(3) Why is there an immediate or urgent need for the legislation to become effective?

The following language is used to bring an act to immediate effect:

**SECTION___. EMERGENCY CLAUSE.** It is found and determined by the General Assembly of the State of Arkansas that (insert reason for emergency). Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;
(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

The following language is used if a bill is to become effective on a certain date:

SECTION__. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that [insert reason for emergency]. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on [insert date].

Bureau staff cannot correct errors in emergency clauses after emergency clauses become law. Review emergency clauses carefully for errors in effective date language and for other errors such as misspellings, typos, and incorrect officer and agency names.

6.6 REPORTS TO THE GENERAL ASSEMBLY.

Unless the sponsor requests otherwise, a report to the General Assembly should be filed as follows:
- If the bill requires a report to be filed during the regular session of the General Assembly, the bill should require the report to be filed with the Speaker of the House and the President Pro Tempore of the Senate.
- If the bill requires a report to be filed during the interim (between regular sessions), the bill should require the report to be filed with the Cochairs of the Legislative Council.

6.7 SPECIAL REVENUE FUND CREATION.
See also Checklist for Creating a Fund in Title 19 at Appendix C.

(a) WHAT ARE SPECIAL REVENUES?

Special revenues are usually funds collected by a state agency from users of the agency’s services and are available to be used for only specific purposes. However, any tax or fee may be declared to be special revenues and used for a specific purpose. Moneys collected as special revenues can be used only for the purpose for which they were collected. Unlike general revenues, special revenues are not distributed through the Revenue Stabilization Law.

(b) LEGAL SECTION ROLE IN ESTABLISHING A SPECIAL REVENUE FUND.

If an attorney of the Legal Division of the Bureau of Legislative Research creates a special revenue fund, he or she will comply with § 1.3(b) of this manual concerning consultation with the Budget and Fiscal Review Section.
(c) LANGUAGE TO BE INCLUDED IN creating a special revenue fund.

- State that the fund is “created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State”.
- State that the fund is a “special revenue fund”.
- State that the moneys collected from a certain source are to be deposited as “special revenues”.
- State the purpose for which the fund may be used.

(d) WHERE TO CODIFY A SPECIAL REVENUE FUND

A special revenue fund should always be codified in Title 19 of the Arkansas Code. If the drafting attorney is unsure what code section number to assign a special revenue fund, contact the Statutory Review Section.

(e) EXAMPLE FORM.

Example: 19-99-999. (INSERT FUND NAME).

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the (“INSERT FUND NAME”).

(b)(1) All moneys collected under (INSERT SECTION NUMBER) shall be deposited into the State Treasury to the credit of the fund as special revenues.

(2) The fund also shall consist of any other revenues as may be authorized by law.

(2) The fund shall be used by the (INSERT AGENCY NAME) to (STATE THE PURPOSES FOR WHICH THE FUND MAY BE USED).

6.8 TAX LAW – TIME CONSIDERATIONS.

(a) INCOME TAX BILLS.

In an income tax bill, state when the tax changes will apply. The changes should become effective “for tax years beginning on and after January 1, 20__”. Otherwise, the change will become effective in the middle of a tax year and cause serious administrative problems.

Example (if new section is being added to the law):

(b) This section applies to tax years beginning on or after January 1, 2004.
Example (amending existing law):

(a)(1) In the case of an individual, the miscellaneous itemized deductions for any taxable year shall be allowed only to the extent that the aggregate of those deductions exceeds two percent (2%) of adjusted gross income.

(2) In the case of an individual, the miscellaneous itemized deductions for any taxable year shall be allowed only to the extent that the aggregate of those deductions exceeds two percent (2%) of adjusted gross income.

(b) GROSS RECEIPTS TAX, COMPENSATING USE TAX, AND EXCISE TAXES.

(1) A new tax rate or exemption should go into effect on the first day of a calendar month. In addition, the Department of Finance and Administration needs at least thirty days to notify permit holders and make any computer programming changes that are required by a change in the tax rate or exemptions. Depending on the circumstances, a longer period may be required for the implementation of a tax provision.

(A) If the act does not have an emergency clause, language similar to the following example may be used. (Please note that acts without an emergency clause normally become effective on the ninety-first day after sine die adjournment or the ninety-first day of a recess.)

Examples:

SECTION 2. Section 1 of this act becomes effective on the first day of the second calendar month following the effective date of this act.

SECTION 2. Section 1 of this act becomes effective on the first day of the calendar quarter following the effective date of this act.

(B) If the act has an emergency clause, determine whether the date meets the guidelines in this subdivision (b)(1). If it does not provide sufficient notice for the tax change, add language to allow sufficient notice. Language similar to the following example may be used.

Examples:

SECTION 2. Section 1 of this act shall become effective on the first day of the second calendar month following the effective date of this act.
SECTION 2. Section 1 of this act becomes effective on the first day of the calendar quarter following the effective date of this act.

(2) The Department of Finance and Administration sends new forms to permit holders January 1 or July 1. If there is not a need for the law to apply sooner, either of these dates would help with the administration of the law and would be more cost effective. If the changes go into effect on either of these dates, the Department of Finance and Administration can ensure that the sales tax returns contain the correct tax rate and correct instructions concerning possible exemptions. This prevents errors on the return which result from changes in the law that occurred after the returns are printed.

(3) Exemptions to the gross receipts and compensating use taxes.

An exemption to the gross receipts tax and compensating use tax should be codified in Title 26, Chapter 52, Subchapter 4. There is no need to dual codify the exemption in the compensating use tax chapter (Title 26, Chapter 53) because anything exempt under the gross receipts tax is automatically exempted from the compensating use tax. See Arkansas Code § 26-53-112(2).

Example:

There are three basic types of gross receipts tax exemptions: (1) Product-based exemptions; (2) Entity-based exemptions; and (3) Mixed exemptions.

- Product-based exemption:

Example:

26-52-4XX. Sales of flowers.

The gross receipts or gross proceeds derived from the sale of flowers are exempt from the:

(1) Gross receipts tax levied by this chapter; and


- Entity-based exemption:

Example:

26-52-4XX. Sales to farmers.

(a) As used in this section, “farmer” means . . .

(b) The gross receipts or gross proceeds derived from the sale of tangible personal property or a service to a farmer are exempt from the:

(1) Gross receipts tax levied by this chapter; and

- Mixed exemption:

**Examples:**

26-52-4XX. Sales of flowers by farmers.
(a) As used in this section, “farmer” means . . .
(b) The gross receipts or gross proceeds derived from the sale of flowers by a farmer are exempt from the:
   (1) Gross receipts tax levied by this chapter; and

26-52-4XX. Sales of flowers to farmers.
(a) As used in this section, “farmer” means . . .
(b) The gross receipts or gross proceeds derived from the sale of flowers to a farmer are exempt from the:
   (1) Gross receipts tax levied by this chapter; and
PART 7. RESOLUTIONS

7.1 INTRODUCTION.
Resolutions are filed both during sessions of the General Assembly (session resolutions) and during the interim when the General Assembly is not in session (interim resolutions). This part will focus primarily on drafting session resolutions, with the final section of this part providing guidance for drafting interim resolutions.

7.2 HOW SESSION RESOLUTIONS ARE SIMILAR TO BILLS.
During the legislative session, resolutions are prepared by drafting attorneys at the Bureau of Legislative Research. The drafting attorneys have computerized tools to assist in the drafting of the resolutions, so if an outside draft is submitted, only the main text and the type of resolution is needed.

Session resolutions are to be filed by the lead sponsor in the same manner that bills are filed. Like a bill, a session resolution identifies the session of the General Assembly and has sponsors (and cosponsors, if applicable), a title, a subtitle, and a document identification number with a corresponding bar code. Like bill numbers, the resolution number is assigned to the document by the chamber where the resolution is introduced.

An amendment to a session resolution is handled in the same manner as an amendment to a bill. The amendment should reference the page and line numbers that are being amended. For additional details on how to draft amendments, see Part 8 below.

7.3 HOW SESSION RESOLUTIONS ARE DIFFERENT FROM BILLS.
Generally, there is no “markup” on resolutions. However, two exceptions to this rule are:
(1) If the session resolution is amending a House or Senate rule; or
(2) If the session resolution is changing or repealing a provision of the Arkansas Constitution.

7.4 TYPES OF SESSION RESOLUTIONS.
(a) “SIMPLE” RESOLUTIONS.
Resolutions often are referred to informally as “simple” resolutions to distinguish them from the other types of resolutions. A “simple” resolution (House Resolution or Senate Resolution) concerns only one chamber of the General Assembly and directs a matter for the sole action of the chamber in which it was filed. Only one chamber adopts a “simple” resolution. The Governor's approval is not required for “simple” resolutions.

A resolution recognizes a person's achievements, supports a cause, or commemorates an event. A resolution usually concerns a specific constituent or a group of constituents. Newspaper articles can be helpful resources for drafting a resolution, and if the resolution
concerns a sports team, having the roster of players and coaches also is helpful so that everyone is included.

A resolution would be recommended if the member wants only his or her chamber to consider the issue or the member does not have a cosponsor in the other chamber to “run” the resolution. A simple resolution would not be recommended if the member wants a cosponsor from the other chamber unless the sponsors plan to “run” the same or similar resolution separately in each chamber.

Examples include: Amending the rules of one of the chambers, honoring a sports team for winning a state tournament, or addressing Resolutions of Inquiry to the Governor or to heads of the executive departments.

(b) CONCURRENT RESOLUTIONS.

A concurrent resolution (House Concurrent Resolution or Senate Concurrent Resolution) concerns both chambers of the General Assembly, may originate in either chamber, and must be adopted by both chambers. A concurrent resolution can have both House and Senate sponsors and cosponsors. Unlike “simple” resolutions, the Governor’s approval is required for concurrent resolutions, except for concurrent resolutions regarding adjournment.

A concurrent resolution is recommended when a member wants both chambers to consider and adopt the measure or if the issue involves the business of both chambers, such as a concurrent resolution to extend the session or amend the joint rules. A concurrent resolution would not be recommended if the member does not want the resolution adopted by the other chamber or if it is likely that the other chamber or the Governor may not approve the resolution.

Examples include: Adopting joint rules; adjourning the General Assembly; honoring persons, events, or sports teams; or specific recommendations or petitions to Congress, other than for constitutional amendments.

(c) MEMORIAL RESOLUTIONS AND CONCURRENT MEMORIAL RESOLUTIONS.

A memorial resolution usually commemorates and honors the life of someone who has died. For this reason, an obituary for the person who has died is a helpful resource when drafting a memorial resolution.

A memorial resolution can be written as a “simple” memorial resolution that concerns only one chamber (House Memorial Resolution or Senate Memorial Resolution) or as a concurrent memorial resolution (House Concurrent Memorial Resolution or Senate Concurrent Memorial Resolution).

If it is a “simple” memorial resolution, it concerns only one chamber of the General Assembly, only one chamber must adopt it, and it is not approved by the Governor. If it is a concurrent memorial resolution, it concerns both chambers, both chambers must adopt it, and it must be approved by the Governor. To decide which type to recommend, make the decision first as to whether it should include both chambers or only one chamber as discussed above.
The last paragraph of a memorial resolution usually contains an instruction for the chief clerk of the chamber of origination of the memorial resolution to send an appropriate copy of the resolution to the family of the person who is honored by the memorial resolution. See § 7.6 for examples.

(d) JOINT RESOLUTIONS – CONSTITUTIONAL AMENDMENTS.

Joint resolutions are similar to concurrent resolutions. Like concurrent resolutions, a joint resolution (House Joint Resolution or Senate Joint Resolution) concerns both chambers of the General Assembly, may originate in either chamber, and must be adopted by both chambers. Like concurrent resolutions, a joint resolution can have both House and Senate sponsors and cosponsors, and the Governor's approval is required, except for joint resolutions regarding amendments to the Arkansas Constitution.

The easiest way to distinguish joint resolutions from concurrent resolutions is to associate the joint resolutions with constitutional amendments. See Arkansas Code § 7-9-201 et seq. A joint resolution would be recommended if the member wants to amend the Arkansas Constitution or wants the General Assembly to approve an amendment to the United States Constitution.

The filing deadline to file a joint resolution to amend the Arkansas Constitution is by the thirty-first day of each regular session of the General Assembly. Joint resolutions that propose amendments to the Arkansas Constitution are handled by the Joint Committee on Constitutional Amendments and require an affirmative vote by a majority of both the Senate members and the House members. The rules concerning this issue are part of the Joint Rules of the House and Senate for each General Assembly. For the 2009 Regular Session, see H.C.R.1001, Section 21.

7.5 PARTS OF A RESOLUTION.

(a) MARKUP HEADER.

A markup header does not appear on most resolutions. The markup header appears only on amendatory resolutions. A “simple” resolution or concurrent resolution includes a markup header if it proposes a rule change. A joint resolution includes a markup header if the joint resolution proposes a constitutional amendment.

(b) PREAMBLE.

Preambles are rarely used for bills but most resolutions include a preamble. A preamble states the reasons for the resolution and can provide background information on the issue that the resolution is addressing. A preamble is composed of one or more statements beginning with the word “WHEREAS” and after the final statement ends with the words “NOW THEREFORE,.” The preamble is located after the subtitle and before the clause beginning “BE IT RESOLVED”.

(c) BE IT RESOLVED.

The enacting clause in a resolution is different from that found in a bill. The resolution’s enacting clause begins with “BE IT RESOLVED”. The clause identifies the
(d) BODY.

(1) Generally.

The body of the resolution begins after the BE IT RESOLVED clause. The body expresses the opinion, sentiment, will, or desire of one or both chambers of the General Assembly. The body begins with the word “THAT”. Additional paragraphs should begin
with “BE IT FURTHER RESOLVED THAT” unless the paragraph is part of the text of a proposed rule or proposed constitutional amendment.

(2) Proposed amendments to the Arkansas Constitution.
   The body of a joint resolution proposing an amendment to the Arkansas Constitution includes the following clause after the BE IT RESOLVED clause and before the body of the resolution:

   Examples:
   **House Joint Resolution:**
   That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election, adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

   **Senate Joint Resolution:**
   That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Senators and Representatives, if a majority of the electors voting thereon at the election, adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

7.6 DISTRIBUTION OF RESOLUTIONS.
   The distribution of resolutions after adoption by the Chief Clerk of the House or Senate is controlled by the language in the resolution. If the sponsor would like the resolution distributed to a person or entity, the resolution should provide the appropriate instruction to the clerk of the originating chamber. This instruction is usually in the last paragraph of the resolution.

   Examples:
   **Memorial Resolutions:**
   BE IT FURTHER RESOLVED THAT the individual members of the [chamber] hereby express sincere condolences to the family of [name of person memorialized], and upon adoption of this resolution, an appropriate copy shall be provided to the family of [name of person memorialized] by the Chief Clerk of the [chamber of origination of the memorial resolution].
Federal Issues:
BE IT FURTHER RESOLVED that upon adoption of this resolution, the Chief Clerk of the [chamber of origination] shall mail a copy of this resolution to each member of the Arkansas congressional delegation.

Known Stakeholders:
BE IT FURTHER RESOLVED that upon adoption of this resolution, the Chief Clerk of the [chamber of origination] shall mail a copy of this resolution to the following medical boards and associations with a request to encourage its members to accept TRICARE patients:
   (1) The executive secretary of the Arkansas State Medical Board,
   (2) The executive director of the Arkansas State Board of Dental Examiners,
   (3) The president of the Arkansas State Dental Association, and
   (4) The president of the Arkansas Osteopathic Medical Association.

State Agencies:
BE IT FURTHER RESOLVED that upon adoption of this resolution, the Chief Clerk of the [chamber of origination] shall mail a copy of this resolution to the following state agencies:
   (1) The Arkansas Department of Environmental Quality,
   (2) The Arkansas State Highway and Transportation Department,
   (3) The Department of Finance and Administration, and
   (4) The Department of Workforce Services.

7.7 CITATIONS.
A citation is a formal document prepared by the staff of either the House or Senate that is similar to a resolution but printed on parchment-like bond paper with a color picture of the State Capitol and a ribbon adornment. Citations are handled exclusively by the staff of each chamber. At the sponsor's request, either the House or Senate staff may use the text of a resolution or other information to prepare a citation.

7.8 INTERIM RESOLUTIONS.
(a) INTRODUCTION.
All resolutions filed during the interim are called “Interim Resolutions”. There are two types of interim resolutions: an interim resolution filed with Legislative Council and an
interim resolution filed with an interim committee of Legislative Council. Each type has to be tailored with the appropriate enacting clause to file with Legislative Council or the appropriate subject matter interim committee or committees.

**Examples:**

**Interim Resolution sent to Legislative Council:**
BE IT RESOLVED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

**Interim Resolution sent to a committee because the sponsor is a member of one of the committees:**
BE IT RESOLVED BY THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR AND SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

If the sponsor is a member of the interim committee to which the interim resolution relates, the interim resolution can be sent directly to the committee by the secretary of Legislative Council. Otherwise, the interim resolution will be filed with Legislative Council and Legislative Council will refer the interim resolution to the appropriate subject matter interim committee for consideration.

(b) **DRAFTING CONSIDERATIONS.**

When drafting an interim resolution, the issue of whether the sponsor wants both the House and Senate committees to consider the resolution should be addressed.

Also, if the sponsor is wanting to send a copy of the interim resolution to the Arkansas congressional delegation, stakeholders, or state agencies as discussed in § 7.6, similar language can be used but with a change in the instruction for mailing to the staff of the Bureau of Legislative Research instead of the Chief Clerk of the House or Senate.

(c) **HOW INTERIM RESOLUTIONS DIFFER FROM SESSION RESOLUTIONS.**

Interim Resolutions are different from session resolutions in that they are not handled by the General Assembly or the clerks of either chamber but by the Legislative Council or a subject matter interim committee of the Legislative Council under Arkansas Code § 10-3-203(3) or other subchapters of Title 10, Chapter 3. The procedures related to interim resolutions generally are under Arkansas Code § 10-3-313. The staffing related to the interim resolution is handled by the Bureau of Legislative Research.

(d) **FILING.**

All interim resolutions are filed with the Secretary of the Legislative Council. For additional information regarding procedures, see the instructions attached in Appendix D.
PART 8. AMENDMENTS TO BILLS AND RESOLUTIONS

8.1 ORIGINAL PURPOSE OF A BILL.
The original purpose of a bill must not be changed by amendment. Arkansas Constitution, Article 5, § 21, provides: “No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose”. [Emphasis added]

8.2 IN GENERAL.
(a) NUMBERING OF AMENDMENTS.
Amendments are numbered by the chamber in which the amendment is introduced.

(b) AMEND THE LATEST VERSION OF THE BILL.
Determine the latest version of the bill. Look to see if the bill has an engrossment date. If it has an engrossment date, the drafting attorney also will need to reference the time and date stamp.

An engrossment date indicates that the original version of the bill has been changed by an amendment. If there is an engrossment date, it will appear above the words “A BILL” located at the top of the first page. The engrossment date includes the designation of “H” or “S” to indicate the chamber that made the engrossment.

Because a bill may be engrossed more than one time in a day or an engrossing correction may have been made, it is necessary to include the bill’s time and date stamp along with the engrossing date.

Example:
Amendment No. 2 to House Bill No. 2594.
Amend House Bill No. 2594 as engrossed H1/26/05 (version 02-11-2005 12:06):

If there is no engrossment date on the bill, the amendment will indicate the version “as originally introduced”.

Example:
Amendment No. 1 to House Bill No. 2594.
Amend House Bill No. 2594 as originally introduced:

(c) AMENDMENTS AS INSTRUCTIONS.
Amendments are drafted to be instructions to engrossing clerks in the House and in the Senate on how to revise the bill.
8.3 USE OF UNDERLINE AND STRIKETHROUGH IN AMENDMENTS.

A bill uses underline to show what would be added to current law and uses strikethrough to show what would be deleted from current law. Some resolutions such as rule changes and constitutional amendments also use underline and strikethrough to show how the resolution would change the provision.

Amendments to bills and resolutions must be drafted in such a manner so that when the amendment is incorporated into the bill, the bill will still show through its use of underline and strikethrough how it would change present law or rule. Underline and strikethrough are not used to show how the amendment would change the bill but how the amended bill or amended resolution would change the existing law or rule.

8.4 DRAFTING CONSIDERATIONS.

(a) INTRODUCTION.

The text below will be used as the basis for most of the examples in Part 8. The example would appear on page 3 of the bill.

9 (b) The director shall establish the design of the plate.
10 (c) Upon submitting proof of eligibility and complying with the
11 state laws relating to registration and licensing of motor vehicles and the
12 payment of thirty-five dollars ($35.00) for the initial license plate, the
13 applicant shall be issued a special license plate under this chapter section.
14 (d) The license plate fee shall be deposited into the State Central
15 Services Fund as a direct revenue for the support of the Department of
16 Finance and Administration.
17

(b) PUNCTUATION MARKS.

If an amendment deletes only a punctuation mark or refers to a punctuation mark in order to locate where new language is to be added or deleted, refer to the punctuation mark by spelling it as a word.

Example:
Page 3, line 9, add “or plates” between “plate” and the period.

However, if the amendment is to merely underline or strikethrough the punctuation mark then in most instances instead of writing the punctuation mark as a word, it is preferable to repeat the previous word along with the punctuation.

Example:
Page 3, line 11, delete “vehicles” and substitute “vehicles.”

(c) REFERENCE TO LINE AND PAGE OR TO SECTION.

The amendment should reference the line number and page number where the change is to be made. If the amendment changes an entire section, the reference may be
made to the section number. To assist engrossing clerks, the reference to line and page or section should be placed at or near to the beginning of the text of an amendment.

Example:
Page 3, line 9, delete “of the plate” and substitute “of the a special license plate”

(d) REFERENCE TO A WORD USED MORE THAN ONCE.
The word “the” is used more than once on line 9, therefore an amendment to delete “the” and substitute “the a special license” would be unclear. Use adjoining text as a way to identify where the change will be made.

Example:
Page 3, line 9, delete “of the plate” and substitute “of the a special license plate”

(e) RENUMBERING BILL SECTIONS.
When adding or deleting sections of a bill, the remaining sections must be appropriately renumbered. This may be accomplished by including the phrase “and by appropriately renumbering the sections of the bill”. Before using this technique, determine whether renumbering would cause conflicts with internal references. If there are several internal references, consider adding a new section near the end of the bill.

Example:
Delete SECTION 2 in its entirety and appropriately renumber the sections of the bill.

Example:
Immediately following SECTION 2, add an additional section to read as follows:

“SECTION 3. This act becomes effective on January 1, 2004.”

AND

Appropriately renumber the sections of the bill.

(f) REDESIGNATING SUBSECTIONS AND SUBDIVISIONS.
When an amendment makes it necessary to redesignate subsections and subdivisions, it is preferable to redesignate each provision by referencing line and page number. Make sure that it is clear whether the subsections to be redesignated are subsections of a section of the bill or resolution or subsections of a section of Arkansas Code being amended by the section. Below is an example of the preferred way to redesignate subsections or subdivisions:

Example:
Page 3, line 9, delete “(b)” and substitute “(b)(c)”

AND
Page 3, line 10, delete “(c)” and substitute “(c)(d)”

(g) ADDING NEW LANGUAGE.

Example:
Page 3, line 9, delete “plate.” and substitute “plate or plates.”

(h) ADDING OR DELETING ENTIRE SECTIONS OF A BILL.

Example:
Delete SECTION 2 in its entirety and appropriately renumber the sections of the bill.

Example:
Immediately following SECTION 2, add an additional section to read as follows:
“SECTION 3. This act shall be effective January 1, 2004.”

AND

Appropriately renumber the sections of the bill.

(i) ADDING A NEW SUBSECTION OR SUBDIVISION.

New subsections or subdivisions to be added at the end of a section may be added by referring to the blank line at the end of the section.

Example:
Page 3, line 17, add a new subsection to read as follows:
“(d) The director shall promulgate appropriate regulations.”

The technique of inserting text between lines is not allowed. Therefore, if the new subsection is to be inserted between other subsections (or a subdivision between other subdivisions), delete all of the line above or below where the new provision is to be added and then repeat the deleted language along with the new provision. Also remember to redesignate subsequent subsections or subdivisions.

Example:
Page 3, delete line 9, and substitute the following:
“(b) The director shall establish the design of the plate.
(c) The director shall promulgate appropriate rules.”

AND

Page 3, line 10, delete “(c)” and substitute “(c)(d)”
(j) DELETING CURRENT LAW.
   To remove the word “special” from line 13 do not merely instruct that it be “deleted” because the word is part of present law and the bill must show the deletion with strikethrough.

   **Example:**
   Page 3, line 13, delete “special” and substitute “special”

(k) DELETING CURRENT LAW AND ADDING NEW LANGUAGE.
   The following is an example of how to delete the word “eligibility” on line 10 and replace it with the word “ownership”:

   **Example:**
   Page 3, line 10, delete “eligibility” and substitute “eligibility ownership”

(l) RESTORING CURRENT LAW BEING DELETED BY THE BILL.
   The following is an example of a way to restore lines 14 through 16 of the example text.

   **Example:**
   Page 3, delete lines 14 through 16, and substitute the following:
   “(d) The license plate fee shall be deposited into the State Central Services Fund as a direct revenue for the support of the Department of Finance and Administration.”

(m) RESTORING CURRENT LANGUAGE AND REMOVING PROPOSED NEW LANGUAGE.

   **Example:**
   Page 3, line 13, delete “chapter section” and substitute “chapter”

(n) ADDING OR DELETING SPONSORS.
   A page and line number reference is not used in an amendment to add or delete a member of the General Assembly as a cosponsor of a bill or resolution since the sponsor list is easily identified.

   **Examples:**
   Add Representative Brown as a cosponsor of the bill
   Add Representative Brown as a cosponsor of the resolution
   Add Representatives Brown and Green as cosponsors of the bill

   **AND**
Add Senator Black as a cosponsor of the bill
Delete Representative Brown as a cosponsor of the bill

8.5 PROCEDURAL INFORMATION FOR FILING AMENDMENTS.

The following information was obtained from the 87th General Assembly. The legislator is advised to check with the staff of the appropriate chamber to ensure that these filing procedures are still current. Joint Rules and House and Senate procedural rules are adopted each session. Attached as Appendix K is a listing of the procedural rules for the 87th General Assembly.

Amendments to a bill or resolution may be introduced by any member of the General Assembly. In order to ensure that the member has the correct number of copies of the amendment, the drafting attorney needs to know whether the amendment will be going to the chamber or to committee. This is a matter of timing for the member and will typically depend on when the committee is meeting.

Amendments are usually filed first in the chamber. In this situation, once the amendment is approved, it will be engrossed into the bill and sent to committee to be adopted. Once it is adopted, it is sent back to the chamber for a vote.

All amendments must be signed by the sponsor of the amendment. Amendments can be filed only by the sponsor of the amendment and not by committee staff members and it is the sponsor's responsibility to have the amendment properly numbered by the Clerk before it being voted on by the chamber. When in committee, a motion to adopt the amendment must be made by a committee member when the amendment is by someone other than the lead sponsor of the bill. Amendments will appear only on the Internet after they have been engrossed. Amendments that go to committee first will not be engrossed and will not appear on the Internet until they have been filed with the Clerk. Amendments to amendments cannot be offered. Every amendment proposed must be germane to the subject of the proposition to be amended.

**House**

An amendment to a member’s own House bill or Senate bill shall be placed on the "Member’s Own Bill/Own Amendment Calendar" no later than 4:30 p.m. the day preceding the day they are to be considered. Amendments made by the lead sponsor of the bill will be placed on the "Member’s Own Bill/Own Amendment Calendar". Member’s own amendments to their own bills must be presented to the House Bill Clerk only by the sponsor of the bill whose name is listed first in the list of sponsors. The House Bill Clerk will provide the sponsor with a stamped and numbered copy of the amendment which the sponsor will present to the Calendar Clerk in order to have the amendment placed on the "Member’s Own Bill/Own Amendment Calendar". Amendments filed by a member other than the lead sponsor will be placed on the regular House calendar. The amendment cannot be heard in committee on the same day that it was on the House calendar. An amendment
that is deemed noncontroversial and filed by the author of the bill may go on the "Consent Calendar". Upon adoption, amendments will become a part of the bill or resolution. If a committee recommends a bill "do pass as amended" and any of the amendments recommended by the committee are not adopted on the floor of the House, the bill shall be re-referred to the same committee for further consideration and recommendation. Amendments cannot be placed for consideration on any more than one House calendar.

**Senate**

Amendments signed by Senate members to their own bills, the Senate Chairperson of the Joint Budget Committee making the Joint Budget Committee the sponsor of a bill, or the lead Senate sponsor of a House bill changing sponsors of the bill must be presented to the Senate Bill Clerk who shall present stamped, numbered, and signed copies of any proposed amendment to the Bill Custodian who shall have the bill and amendment placed on the "Senate Consent Amendment Calendar". Amendments on the "Senate Consent Amendment Calendar" shall be transmitted directly to Engrossing after having been approved. Proposed amendments may be placed on the "Senate Consent Amendment Calendar" up to one hour after adjournment the day preceding the day the amendment is to be considered. If there is any objection by any member to the amendment, it shall be removed from the calendar and automatically placed on the Senate calendar. There is also a "Non-Controversial Calendar" for items deemed to be noncontroversial, a "Business Agenda", and a "Morning Hour Business Agenda". No oral amendments are accepted on the floor.
PART 9. SPECIAL LANGUAGE

9.1 IN GENERAL.

Special language (not to be confused with special or local acts that have been prohibited in Arkansas since the passage of Arkansas Constitution, Amendment 14 in 1926) is language in an appropriation act that imposes additional conditions or limitations on the disposition of moneys specifically appropriated in the appropriation act. Because special language must be germane to an appropriation, which is itself limited in its duration to a single fiscal year under Arkansas Constitution, Article 5, § 29 [as amended by Arkansas Constitution, Amendment 86], special language is usually neither general in its application nor permanent in its duration and for this reason, not codified in the Arkansas Code. See Part 10 of this manual.

However, a general and permanent amendment to the Arkansas Code may be included as special language in an appropriation bill if germane to the appropriation.

9.2 FORMAT.

(a) CATCHLINES.

(1) To clearly identify temporary special language in an appropriation act, the following catchline is used, set out in all caps, immediately preceding the special language itself:

Example – Temporary Special Language:

SECTION __. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.

(2) To clearly identify an amendment to the Arkansas Code in an appropriation act, the following catchline is used, set out in all caps, immediately preceding the customary lead-in language for amending the Arkansas Code:

Example – Permanent Special Language:

SECTION __. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 17-43-209 is amended to read as follows:

(b) STATEMENT OF TEMPORARY DURATION.

When necessary to make it clear that the special language in the appropriation act is temporary in duration, the following statement is added at the end of the special language limiting its duration to the appropriate fiscal year:
(c) APPLICATION OF LEGISLATIVE DRAFTING MANUAL GUIDELINES.

Even though special language usually is not going to be codified in the Arkansas Code, the basic guidelines set forth in this manual concerning grammar, punctuation, word usage, capitalization, subdividing, references, citation form, etc., should be applied when drafting the special language.

### Examples:

<table>
<thead>
<tr>
<th>Incorrect</th>
<th>Correct</th>
</tr>
</thead>
<tbody>
<tr>
<td>This section is in effect only from July 1, 2010, through June 30, 2011.</td>
<td><strong>SECTION 50. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. SALARIES.</strong> No provisions as provided in Section 34, Various State Agencies – Cash, herein shall be interpreted as the authority to create or establish new positions in addition to the positions established in the agency’s Appropriation Act. In addition, salaries paid from appropriations transferred herein shall be subject to the provision of the Regular Salaries Procedures and Restrictions Act. The provisions of this section shall be in effect only from July 1, 2010 through June 30, 2011.</td>
</tr>
</tbody>
</table>

### Notes:
- Excessive wordiness; not subdivided.
- Negatively worded
- Ambiguous references
- Incorrect statutory name; Arkansas Code citation omitted.
- Comma missing.

---

**Example:**

This section is in effect only from July 1, 2010, through June 30, 2011.
9.3 IMPROPER USE OF SPECIAL LANGUAGE.

(a) AMENDMENT TO ARKANSAS CODE SHOULD NOT BE SET OUT AS SPECIAL LANGUAGE.

Amendments to the Arkansas Code in an appropriation act are only permissible when germane to the purpose of the appropriation. Amendments that are not germane to the appropriation are to be avoided, mainly because of the danger of violating the single subject rule of Arkansas Constitution, Article 5, § 30. Additionally, if nonappropriation-related subject matter is included in an appropriation bill that is to be filed in a fiscal session, the bill might then require a vote of approval for consideration by two-thirds of the members of both houses under Arkansas Constitution, Article 5, § 5. In any event, an amendment to the Arkansas Code in an appropriation act should never be identified solely as “special language,” because the language being amended is, rather, general and permanent.

Examples:

Incorrect:
SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. Arkansas Code § 19-5-1095 is amended to read as follows:

Incorrect:
SECTION 40. SPECIAL LANGUAGE. Arkansas Code § 19-5-1095 is amended to read as follows:

Correct:
SECTION 40. SPECIAL LANGUAGE − CODE AMENDMENT. Arkansas Code § 19-5-1095 is amended to read as follows:

(b) EXISTING LANGUAGE IN THE ARKANSAS CODE SHOULD NOT BE SET OUT AS SPECIAL LANGUAGE.

Do not set out language from an existing section of the Arkansas Code as special language in an appropriation act. An additional complication occurs if the codified language set out in the appropriation act is made temporary. If the language is codified in the Arkansas Code, it is general and permanent and, unless specifically excepted, already applies to the appropriation act. An acceptable alternative, although still of dubious legal necessity, is to set out the applicable Arkansas Code section in the appropriation act rather than to set out the codified language as special language.

Examples:

Incorrect (the language set out is codified as § 19-5-107):
SECTION 48. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER PROCEDURES. In the event that the appropriation is not provided by the General Assembly for Cash Fund expenditures for any state agency,
pursuant to Arkansas Code 19-4-801 et seq., said agency shall request a transfer of appropriation from the Chief Fiscal Officer of the State, stating clearly the amount required. Upon approval of the Chief Fiscal Officer of the State, and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, said cash fund appropriations shall be established upon the books of the Department of Finance and Administration, provided further, that upon request of the state agency and with the approval of the Chief Fiscal Officer of the State, the requested appropriations may be established upon the books of the Department of Finance and Administration in compliance with the applicable classifications of appropriations as enumerated in Arkansas Code 19-4-521 through 19-4-527.

The provisions of this section shall be in effect only from July 1, 2010, through June 30, 2011.

Correct:

SECTION 48. Arkansas Code § 19-5-107 applies to this act.

(c) UNCODIFIED GENERAL AND PERMANENT LANGUAGE SHOULD NOT BE SET OUT AS SPECIAL LANGUAGE.

Do not set out uncodified general and permanent language as special language in an appropriation act. If the language is general in its application and permanent in its duration, it should be codified instead.

Example:

Incorrect (language is general and permanent):

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONSTRUCTION. The Board of Trustees of Henderson State University shall be included as an exempt institution related to projects exceeding five million dollars ($5,000,000) provided that the institution shall have adopted policies and procedures involving the awarding and oversight of the contracts for design and construction services in compliance with State Law.

Correct (the applicable Arkansas Code section is amended to include the general and permanent language rather than setting out the language in the appropriation act as “special language”):

SECTION ____. Arkansas Code § 19-4-1415(b)(5), concerning exempt institutions related to projects exceeding five million dollars ($5,000,000), is amended to read as follows:
(5) The Board of Trustees of the University of Arkansas, the Board of Trustees of Arkansas State University, the Board of Trustees of Henderson State University, and the Arkansas Lottery Commission shall be exempt from review and approval by the authority and any regulations promulgated by it, provided that the Board of Trustees of the University of Arkansas, the Board of Trustees of Arkansas State University, the Board of Trustees of Henderson State University, and the Arkansas Lottery Commission have adopted policies and procedures involving the awarding and oversight of the contracts for design and construction services.
PART 10. TEMPORARY LANGUAGE

10.1 IN GENERAL.

A statute often is intended to be of temporary duration. This fact should be readily apparent from a reading of the statute, as, for example, when a statute provides the date upon which a task force ceases to exist or a beginning and ending date when the statute is in effect. If a statute’s duration is not apparent, the statute should be rewritten to prevent a misinterpretation and, therefore, a misapplication, of the statute and also the possible erroneous codification of the statute.

A codification of statutory law is fairly understood to encompass only those laws of a general and permanent nature, thereby facilitating the goals of accessibility, clarity, and certainty in the use, application, and interpretation of that statutory law. The Arkansas Code is no exception. Arkansas Code § 1-2-101(a) reads as follows: “(a) It is the intent of the General Assembly that this Code, the Arkansas Code of 1987 Annotated, be a recodification, revision, modernization, and reenactment of the laws of Arkansas of a general and permanent nature which are currently in force.” [Emphasis added.] Additionally, Arkansas Code § 1-2-116(a) reads in part: “(a) All acts enacted after December 31, 1987, of a general and permanent nature shall be enacted as amendments to this Code. No local, private, or temporary acts or provisions and no provisions appropriating funds shall be enacted as amendments to this Code.” [Emphasis added.] Finally, Arkansas Code § 1-2-116(f) reads as follows: “(f) In the enactment of new laws, the plan, scheme, style, format, arrangement, and classification of this Code shall be followed as closely as possible with the result that the Code and all amendments to it will compose a harmonious entity containing all the laws of the State of Arkansas of a general and permanent nature.” [Emphasis added.]

This is not to say, however, that a statute is invalid if it isn’t codified in the Arkansas Code or, conversely, that temporary language inappropriately codified in the Arkansas Code is invalid. It is to say that the General Assembly has expressed a clear intent that only statutes of a general and permanent nature be codified in the Arkansas Code and, to that end, every effort should be made to comply with the intent of the elected representatives of the people of Arkansas. That task is made extremely difficult if the intended duration of a statute is ambiguous.

10.2 PROBLEMS IN THE USE OF TEMPORARY LANGUAGE.

(a) AMBIGUITY.

On occasion, a statute is drafted in such a way that it is difficult to determine whether the statute is intended to be of temporary or permanent duration. If the statute is intended to be of temporary duration, use language that makes that intent clear. The following examples illustrate the problem of ambiguity and how to avoid it:.DO NOT USE IF DELETING TEXT FROM THE IMAGE. 112
Examples:

Incorrect (ambiguous; no termination date):

(a) The commission shall make its final report to the General Assembly and to the Governor not later than June 30, 2010.

(b) The final report shall be filed with the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate and shall set out the findings and conclusions of the commission, and make recommendations for addressing problems identified in the commission's analysis.

(c) Any member of the commission may submit additional findings and recommendations as part of the final report.

Correct:

(a) The commission shall make its final report to the General Assembly and to the Governor not later than June 30, 2010.

(b) The final report shall be filed with the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate and shall set out the findings and conclusions of the commission, and make recommendations for addressing problems identified in the commission's analysis.

(c) Any member of the commission may submit additional findings and recommendations as part of the final report.

(d) The commission expires July 1, 2010.

(b) CODIFIED TEMPORARY LANGUAGE.

Do not codify temporary language. Once language is codified in the Arkansas Code, the language will remain in the Code even after it has expired unless the language is subsequently repealed by the General Assembly. Arkansas Code § 1-2-303(d)(3) reads as follows: “(3) No law may be removed from the Arkansas Code unless specifically repealed by the General Assembly.”

Whenever possible, use an appropriate header to indicate temporary language, and include in the header a specific instruction not to codify the language, as in the following example:

Example:

SECTION ___. TEMPORARY LANGUAGE. NOT TO BE CODIFIED.
PART 11. INTERIM STUDY PROPOSALS

11.1 IN GENERAL.

An interim study proposal (ISP) is a formal request by a legislator that an interim committee conduct a study of an issue of concern to the legislator.

An interim study proposal may be drafted through the bill drafting system or it may originate as a bill and be transmitted as an ISP. See Appendix D for instructions on filing an interim study proposal that originates as a bill.

Generally speaking, once an interim study proposal is filed, it may not be amended. See § 11.10 for specific instructions on how and when revisions can be made to a filed interim study proposal.

11.2 IDENTIFYING THE INTERIM COMMITTEE WHERE THE ISP IS TO BE FILED.

A legislator may file an ISP directly with an interim committee only if the legislator is a member of the interim committee. The member may be a voting or a nonvoting member of the interim committee. Otherwise, the legislator must file the ISP with the Legislative Council for referral to an interim committee. See Appendix F for a list of interim committees and their subject matter areas. If the legislator is not a member of the interim committee where he or she desires to file the ISP, the Legislative Council must be selected. The Legislative Council will refer the ISP to an interim committee.

11.3 PARTS OF AN INTERIM STUDY PROPOSAL.

The parts of an interim study proposal are:

- ISP Number
- Title
- Preamble
- Proposal statement
- Summary paragraph
- Author’s signature
- Filing date
- Reference initials
11.4 ISP CAPTION AND NUMBER.

The ISP number appears in the caption at the top of the page. It is not assigned until the ISP is filed with the ISP Numbering Clerk. The number includes the current biennium and the next available ISP number, which will be assigned after filing.

Example:

INTERIM STUDY PROPOSAL 2007-241

11.5 TITLE.

(a) TITLE AS A DESCRIPTION.

The title of an ISP indicates a request for a study by an interim committee and describes the general purposes of the ISP. Always refer to interim committees by their statutory names, which are found in Arkansas Code § 10-3-203. See also Appendix F.

Example of an ISP title:

REQUESTING THE SENATE INTERIM COMMITTEE ON PUBLIC HEALTH, WELFARE AND LABOR AND THE HOUSE INTERIM COMMITTEE ON PUBLIC HEALTH, WELFARE AND LABOR TO STUDY HEALTH ISSUES THAT AFFECT MINORITY POPULATIONS.

(b) FORM.

- The title of an ISP begins immediately below the caption “Interim Study Proposal [number]”.
- The title begins with the word, “REQUESTING “.
- The title is written in all capital letters. However, if the title refers to a subsection or subdivision of law with a lowercase designation, then the lowercase letter is retained in the title.
- The title ends with a period.
- There is no limitation on the length of a title.
- Use a semicolon to designate the break between one phrase and another.

11.6 PREAMBLE (optional).

A preamble may be added after the title and before the phrase "BE IT PROPOSED". The preamble lists reasons or conditions that merit a study and may include a description of the purposes of the study.
A preamble is composed of one or more statements in resolution style. Each statement begins with “WHEREAS”. Each "WHEREAS" is separated by "; and" except that the last "WHEREAS" ends with a comma. A preamble ends with the words “NOW THEREFORE” followed by a comma.

11.7 PROPOSAL STATEMENT.

The proposal statement of an ISP is the language that actually proposes a study:

**Example** (from a member of the interim committee):
BE IT PROPOSED BY THE SENATE INTERIM COMMITTEE ON PUBLIC HEALTH, WELFARE AND LABOR OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

**Example** (from a legislator not a member of the interim committee that is to conduct the study):
BE IT PROPOSED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

11.8 SUMMARY PARAGRAPH.

The summary paragraph of an ISP follows the proposal statement and summarizes what the legislator wishes to study. The legislator may want the study proposal to be broadly stated, in which case usually only one paragraph is needed. If more than one goal exists, additional proposal statements and summary paragraphs may be included. Additionally, after determining the legislator's expectations for the study, the drafting attorney may want to include the specific items to be studied, the manner in which the study will be conducted, or identify the persons to be involved in conducting the study. If a group of persons is named to conduct the study, the legislator may want a report back to the interim committee by a certain date, which may be written or by live testimony.

A paragraph that follows the summary paragraph and contains additional information about the study begins with the phrase "BE IT FURTHER PROPOSED".

11.9 SIGNATURE BLOCK, FILING DATE, AND REFERENCE INITIALS.

There is a "signature block" on an ISP, but the legislator is NOT required to sign it. The bill drafting system will include reference initials of the drafting attorney below the signature block. A filing date will be applied through the system when the ISP is filed.
An ISP only may be filed after the legislator has reviewed the draft and directed that the ISP be filed. See the instructions attached as Appendix D for filing and numbering procedures for ISPs that are either drafted in the bill drafting system or transmitted as a bill draft.

11.10 AMENDING AN ISP.

(a) AMENDING AN ISP FILED DIRECTLY WITH AN INTERIM COMMITTEE BY A MEMBER OF THE COMMITTEE DURING THE INTERIM.

(1) If the amendment merely adds a cosponsor to the ISP, the sponsor may be added by the drafting attorney by emailing the ISP Numbering Clerk requesting the addition of the cosponsor.
   ● The ISP will indicate that it has been “Revised.”

(2) If the amendment makes a substantive change to the body of the ISP, the change should be drafted in the same manner as an amendment to a bill.
   ● The sponsor will present the ISP as drafted and will present the amendment to the committee for consideration.

(b) AMENDING AN ISP FILED AS PROPOSED LEGISLATION.

Proposed legislation that has been recommended officially by the General Assembly for study by the appropriate interim committee during a legislative session cannot be amended. To make changes to the proposed legislation that will be considered as an ISP, a new ISP will need to be created.

(c) AMENDING AN ISP FILED WITH THE LEGISLATIVE COUNCIL FOR REFERRAL.

An ISP filed with the Legislative Council for referral to the appropriate interim committee may be amended by the sponsor of the interim study proposal before referral by the Legislative Council.

After referral by the Legislative Council, the ISP may be amended in the interim committee meeting (as outlined above).
   ● The amended ISP will need to be sent to the Policy Making Subcommittee of Legislative Council for its review of germaneness of the revised ISP to the interim committee considering the ISP.
   ● The Policy Making Subcommittee will then re-refer it back to the appropriate interim committee.
APPENDIX A.   CHECKLIST FOR CREATING A BOARD, COMMITTEE, COMMISSION, TASK FORCE, ETC.

I. Name.

☐ A. State the name of the body that is being created.

☐ B. Consider the type of body that is being created. Is it:

☐ Legislative?
☐ Non-legislative?
☐ Combination?

II. Membership.

☐ A. Number. State the number of members in the body.

☐ B. Appointment. Identify how the members are appointed and by whom.

☐ Is the official who makes the appointment free to choose any qualified appointee?
☐ Must the official appoint from a list submitted by some officer or organization?
☐ If the official is limited, is there an unlawful delegation of governmental authority?

☐ C. Qualifications. State the qualifications of the appointee. Must the appointee:

☐ Meet a residency requirement?
☐ Be representative of a certain segment of the population?
☐ Hold certain business or professional qualifications?

☐ D. Legislators as Members – Caution.

☐ Do not place members of the General Assembly on non-legislative bodies.
☐ Do not place nonlegislators on legislative committees. However, if this must be done:

☐ State clearly that it is a legislative committee; and
☐ Do not give the committee executive branch functions.

☐ E. Ex Officio Members. State whether the ex officio member will be a voting member or a nonvoting member.
F. Voting and Nonvoting Members. Identify any nonvoting members.

G. Terms of Office.
   - State whether the terms of office of the members will be staggered.
   - Identify the method by which the terms will be staggered.
   - State the length of the term of office of each member.

H. Vacancies. Identify the method by which a vacancy is filled.

III. Chair.
   - A. Selection. State how the chair is selected.
     - If the chair is selected by the membership, designate a member who will be responsible for calling and presiding at the first meeting until the chair is elected.
   - B. Term. State the length of the term of office of the chair.

IV. Meetings.
   - Who is empowered to call the first meeting before election of the chair?
   - In what manner is the first meeting to be called?
   - What is the quorum to transact business?
   - Must the meeting be held at a specific location?
   - Is there a maximum or minimum number of meetings in a year?

V. Powers and Duties.
   - State the powers and duties of the body.

VI. Temporary Entities.
   - Set an expiration date for any entities that are not permanent.

VII. Reports. If the body is to study an issue and make findings or recommendations:
   - Identify to whom the report will be made; and
   - State when the report is due (by a certain date, annually, quarterly, etc.).
VIII. Staff.

☐ State whether the body will hire its own staff or will staff be supplied by some other agency.

IX. Financial Considerations.

☐ A. Payment of expenses – Type. State whether there will be:

☐ Expense reimbursement;
☐ Per diem; or
☐ A stipend.

☐ B. Payment of expenses – Who pays.

☐ For expense reimbursement, see Arkansas Code § 25-16-902.
☐ For stipends, see Arkansas Code §§ 25-16-903 – 25-16-906.

☐ C. Appropriation. If an appropriation is required:

☐ Inform the sponsor by letter; and
☐ Refer to the fiscal staff any request for an appropriation for stipends, mileage reimbursement, or other expense reimbursement for committee members or other expenses of the committee.
APPENDIX B. CHECKLIST FOR CREATING A CRIMINAL OFFENSE

I. ESSENTIAL COMPONENTS OF A CRIMINAL OFFENSE.

☐ Culpable mental state;
☐ Elements;
☐ Penalty; and
☐ Any special defenses.

II. CHOOSE A CULPABLE MENTAL STATE FOR THE CRIMINAL OFFENSE.

A. Use a recognized culpable mental state.

☐ Purposely;
☐ Knowingly;
☐ Recklessly;
☐ Negligently; or
☐ Strict liability.

B. Only use the lowest acceptable culpable mental state.

☐ Do not use “If the actor purposely, knowingly, or recklessly...”.
☐ Do not use “If the actor purposely and knowingly”.
☐ Different culpable mental states for different elements of the same
  offense are valid but should be closely examined for appropriateness and
  clarity.

C. Do not use the following culpable mental states:

☐ Intentionally;
☐ Willfully; or
☐ Fraudulently.

III. CHOOSE THE ELEMENTS OF THE CRIMINAL OFFENSE.

☐ Conduct – Act or omission by the actor.
☐ Result – Consequence of an act or omission by the actor.
☐ Attendant circumstances – Fact required to exist by the offense.

IV. CHOOSE A PENALTY FOR THE CRIMINAL OFFENSE.

A. Felony classifications:
☐ Class Y – No fine/10-40 years or life;
☐ Class A – Max of $15,000 fine/ 6-30 years;
☐ Class B – Max of $15,000 fine/ 5-20 years;
☐ Class C – Max of $10,000 fine/ 3-10 years;
☐ Class D – Max of $10,000 fine/ 0-6 years; or
☐ Unclassified – As defined by the offense.

B. Misdemeanor classifications:

☐ Class A misdemeanor – Max of $2,500 fine/ 0-1 year;
☐ Class B misdemeanor – Max of $1,000 fine/ 0-90 days;
☐ Class C misdemeanor – Max of $500 fine/ 0-30 days; or
☐ Unclassified – As defined by the offense.

C. Violations:

☐ Fine omitted – Max of $100 fine;
☐ Fine stated – The stated amount; or
☐ If only a fine is authorized, the offense is a violation.

V. Specify Any Special Defenses.

A. Do not:

☐ Include generally applicable defenses or generally applicable affirmative defenses; or
☐ Place exceptions or defenses within the elements.

B. Types of defenses:

☐ Affirmative defense – Must be designated as an affirmative defense and the defendant must prove by a preponderance of the evidence;
☐ Defense – Anything designated a defense or anything that is an excuse or justification, and the defendant must introduce supporting evidence; or
☐ Exception – Likely to be treated as a defense.
APPENDIX B-1

I. ESSENTIAL COMPONENTS OF A CRIMINAL OFFENSE.

Culpable Mental State + Elements + Penalty + Any Special Defenses

II. CHOOSE A CULPABLE MENTAL STATE FOR THE CRIMINAL OFFENSE.

   1. Purposely:
      - The actor's conscious object is to engage in the conduct or to cause the result.
      - Can be used for a conduct or a result element.
   2. Knowingly:
      - The actor is aware of his or her conduct, the attendant circumstances, or that it is practically certain that his or her conduct will cause the result.
      - Can be used for a conduct, attendant circumstance, or result element.
   3. Recklessly:
      - The actor consciously disregards a substantial and unjustifiable risk that the attendant circumstances exist or the result will occur.
      - Can be used for an attendant circumstance or result element.
   4. Negligently:
      - The actor should be aware of a substantial and unjustifiable risk that the attendant circumstances exist or the result will occur.
      - Can be used for an attendant circumstance or result element.
   5. Strict liability:
      - The mental state of the actor is irrelevant.
      - Can be used for any element.

B. Only use the lowest acceptable culpable mental state.
   1. Do not use “If the actor purposely, knowingly, or recklessly . . .”. Use “If the actor recklessly . . .”
   2. Do not use “If the actor purposely and knowingly”. Use “If the actor knowingly”.
   3. Different culpable mental states for different elements of the same offense are valid, but should be closely examined for appropriateness and clarity.

C. Do not use undefined culpable mental states.
   1. Intentionally:
Choose purposely or knowingly instead. In general, “purposely” satisfies the standard of “intentionally”. Arkansas Code § 5-1-102(17).

2. Willfully:
   Choose purposely or knowingly instead. In general, “knowingly” satisfies the standard of “willfully”. Arkansas Code § 5-1-102(8).

3. Fraudulently:
   Use “purpose to defraud” or “purposely defrauds”.

D. Consequences of omitting a culpable mental state.¹
1. Criminal Code ² misdemeanor and felony offenses:
   A court will likely read a minimum of “recklessly” into the offense. Arkansas Code § 5-2-203(b). However, rather than leave the issue to judicial interpretation, specify the desired culpable mental state.

2. Non-Criminal Code ³ misdemeanor and felony offenses:
   A court will likely either read a minimum of “recklessly” into the offense or treat the offense as a strict liability offense. Arkansas Code §§ 5-2-203(b) and 5-2-204(c)(2). However, rather than leave the issue to judicial interpretation, specify the desired culpable mental state or state that the offense is a strict liability offense.
   Take special caution if omitting a culpable mental state from a non-Criminal Code misdemeanor or felony-level offense because the Supreme Court has recently extended strict liability to a felony-level offense that was outside the Criminal Code. See Adkins v. State, 371 Ark. 159 (2007).

3. Violations:
   A court will likely read the offense as a strict liability offense. Arkansas Code § 5-2-204(c)(1).
   Because of the explicit rule in § 5-2-204(c)(1), a culpable mental state can be omitted for a violation unless a culpable mental state requirement is desired.

¹ The distinction between Criminal Code offenses and non-Criminal Code offenses is extremely important with regard to culpable mental states. Non-Criminal Code offenses are potentially subject to a strict liability standard if a culpable mental state is omitted. Arkansas Code § 5-2-204(c)(2). See also Adkins v. State, 371 Ark. 159 (2007).
² For codification of the Criminal Code see the note at Arkansas Code § 5-1-101. Any criminal statute closely related to the subject matter of the Criminal Code and assigned to Title 5 or amending an existing Criminal Code section is likely to be held to be incorporated into the Criminal Code. See for example Arkansas Code § 5-39-204 (Added in 2007 and creating the new offense of aggravated residential burglary). The Supreme Court has indicated a willingness to consider criminal statutes predating the Criminal Code but assigned to Title 5 as part of the Criminal Code. See McDougal v. State, 324 Ark. 354 (1996). In McDougal, the court applied the culpable mental state requirement of § 5-2-203(b) to § 5-66-103, a gambling statute that predated the adoption in 1975 of the Criminal Code. The court did not address the exception to § 5-2-203(b) for non-Criminal Code statutes that is in § 5-2-204(c)(2).
³ A criminal offense assigned outside of Title 5 is likely to be held to be a non-Criminal Code offense. See for example Adkins v. State, 371 Ark. 159 (2007).
III. **CHOOSE THE ELEMENTS OF THE CRIMINAL OFFENSE.**

A. Types of Elements. Arkansas Code § 5-1-102(5).
   1. Conduct: Arkansas Code § 5-2-201(3).
      - Act or omission by the actor.
   2. Result:
      - Consequence of an act or omission by the actor.
   3. Attendant circumstances:
      - Any fact that the criminal offense requires to exist.

B. Use clear language when stating elements.
   A criminal offense is strictly construed against the State, and the offense must give fair warning to an ordinary person of what is prohibited. Use clear language when defining the elements of the offense. Avoid vagueness and ambiguity.

C. Do not place exceptions or defenses within the elements.

IV. **CHOOSE A PENALTY FOR THE CRIMINAL OFFENSE.**

A. Use an existing penalty classification if possible. Arkansas Code §§ 5-4-201 and 5-4-401.

Using existing penalty classifications allows for easier comparisons of criminal offenses and easier administration of the criminal justice system. The existing penalty classifications are as follows:

1. Class Y felony – No fine/10-40 years or life;
2. Class A felony – Max of $15,000 fine/ 6-30 years;
3. Class B felony – Max of $15,000 fine/ 5-20 years;
4. Class C felony – Max of $10,000 fine/ 3-10 years;
5. Class D felony – Max of $10,000 fine/ 0-6 years;
6. Class A misdemeanor – Max of $2,500 fine/ 0-1 year;
7. Class B misdemeanor – Max of $1,000 fine/ 0-90 days;
8. Class C misdemeanor – Max of $500 fine/ 0-30 days; or
9. Violation – Max of $100 fine or the stated amount for the offense/ No imprisonment.

B. Use of unclassified criminal offenses.
   1. Unclassified felony:
      - If the desired penalty does not fit within an existing penalty classification, then label the offense as an “unclassified felony” if the
maximum imprisonment is more than one (1) year. Arkansas Code § 5-1-106(c)(2).

2. Unclassified misdemeanor:
   - If the desired penalty does not fit within an existing penalty classification, then label the offense as an “unclassified misdemeanor” if the maximum imprisonment is one (1) year or less. Arkansas Code § 5-1-107(c)(2).

C. Do not improperly classify a violation as a misdemeanor or a felony.
   If only a fine is authorized for an offense, the offense is a violation regardless of the designation in the statute. Arkansas Code § 5-1-108.

D. Consequences of omitting penalty provisions.
   1. An unclassified felony with no penalty provision defaults to a Class D felony. Arkansas Code § 5-1-106(c)(1).
   2. An unclassified misdemeanor with no penalty provision defaults to a Class A misdemeanor. Arkansas Code § 5-1-107(c)(1).
   3. An unclassified offense with no penalty provision or only a fine authorized defaults to a violation. Arkansas Code § 5-1-108.

V. SPECIFY ANY SPECIAL DEFENSES FOR THE CRIMINAL OFFENSE.

A. Do not include generally applicable defenses.
   Generally applicable defenses and affirmative defenses are found in Arkansas Code §§ 5-1-101 et seq., 5-2-201 et seq., 5-2-301 et seq., 5-2-404, and 5-2-601 et seq.

B. Do not place exceptions or defenses within the elements.
   1. Specify exceptions and defenses in a separate subsection.
   2. Mixing exceptions or defenses with the elements of the offense creates interpretive havoc over what the prosecution must prove.

C. Affirmative defense.
   1. Must be designated as an affirmative defense. Arkansas Code § 5-1-111(d)(2).

D. Defense.
   1. Anything designated as a defense or an excuse or justification known to the defendant on which he or she fairly can be required to introduce supporting evidence. Arkansas Code § 5-1-111(c)(3).
   2. In general, exceptions are treated as defenses. See for example Jackson v. State, 336 Ark. 530, 986 S.W.2d 405 (1999).
VI. Basic Templates for Criminal Offenses.

A. Criminal Code offense.

**Example:**

5-xx-xxx. [Insert name of offense].

(a) A person commits [insert name of offense] if he or she [insert culpable mental state] [insert elements].

(b) [Insert name of offense] is a [insert penalty classification].

**Example:**


(a) A person commits the offense of defacing a public building if he or she purposely defaces, mars, or otherwise damages a public building.

(b) Defacing a public building is a Class A misdemeanor.”

B. Non-Criminal Code offense.  

1. Specific elements offense.
   a. Culpable mental state offense:
      Upon conviction, a person that [insert culpable mental state] [insert elements] is guilty of a [insert penalty classification].

**Example:**

“Upon conviction, a person that knowingly fails to file a report required to be filed by this section is guilty of a Class A misdemeanor.”

b. Strict liability offense:
   Upon conviction, a person that [insert elements] is strictly liable and is guilty of a [insert penalty classification].

**Example:**

“Upon conviction, a person that fails to file a report required to be filed by this section is strictly liable and is guilty of a Class A misdemeanor.”

c. Violation offense:

---

4 The use of “specific elements offense” and “general elements offense” is designed to reflect the two different styles that have developed in defining non-Criminal Code offenses. A general elements offense usually has only one primary element – violation of a specified part of the law – rather than a listing of specific conduct by the actor.
Upon conviction, a person that [insert elements] is guilty of a violation.

Example:

“Upon conviction, a person that fails to file a report required to be filed by this section is guilty of a violation.”

2. General elements offense.

a. Culpable mental state offense:
A [insert culpable mental state] violation of this [subdivision/subsection/section/subchapter/chapter] is a [insert penalty classification].

Example:

“A purposeful violation of this section is a Class D felony.”

b. Strict liability offense:
A violation of this [subdivision/subsection/section/subchapter/chapter] is a strict liability offense and is a [insert penalty classification].

Example:

“A violation of this subchapter is a strict liability offense and is a Class D felony.”

c. Violation offense:
A violation of this [subdivision/subsection/section/subchapter/chapter] is a violation.

Example:

“A violation of this chapter is a violation.”
APPENDIX C. CHECKLIST FOR CREATING A FUND IN TITLE 19

1. Determine Type of Funds. See Attachment 2 “Characteristics of Types of Funds”.
   - Special Revenue;
   - Miscellaneous;
   - Trust; or
   - Cash.

2. Create the Fund in Arkansas Code.
   - Special Revenue funds should be created in Arkansas Code § 19-6-8.
   - Trust funds should be created in Arkansas Code § 19-5-11.
   - Miscellaneous funds should be created in Arkansas Code § 19-5-12.

   Example:
   “SECTION [ ]. Arkansas Code Title 19, Chapter [ ], Subchapter [ ] is amended to add an additional section(s) to read as follows:”

3. Name of Fund.
   - Make sure the fund has not already been created.
   - Make sure the name of the fund is not similar to other fund names currently in law.
   - Keep fund names concise.

4. Creation of Fund and Fund Type.

   Example:
   “(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a [special revenue or miscellaneous or trust] to be known as the [Insert name of Newly Created Special or Miscellaneous or Trust Fund]”

   □ Completed.

5. Fund Source(s).

   Example:
   “(b) The fund shall consist of administrative or civil penalties levied and collected under § 16-123-301 et seq., and any other moneys as may be provided by law.”

   □ Completed.
6. Fund Purpose.

Example:
“(c) The fund shall be used for providing …”

☐ Completed.

7. Check to see if the new fund requires an appropriation.
   (Contact Kevin Anderson, Administrator – Budget/Fiscal – kevin@blr.arkansas.gov)

☐ Completed.
APPENDIX C-1. CREATING FUNDS IN TITLE 19 – INSTRUCTIONS

I. Things to remember:

- We do not create cash funds by law
- We do not create federal funds by law
- Special Revenue funds should be created in Arkansas Code § 19-6-801 et seq.
- Trust funds should be created in Arkansas Code § 19-5-1101 et seq.
- Miscellaneous funds should be created in Arkansas Code § 19-5-1201 et seq.
- When creating funds, two approaches to the language may be taken, which are equally acceptable (see examples below)

II. Fund must consist of three things:

1. Creation/establishment and fund type language
2. Revenue source for fund and other such revenues as may be authorized by law
3. Fund purpose

!! IMPORTANT !!
Make sure the fund has not already been created.
Make sure the name of the fund is not similar to other names currently in law.

III. Examples:

SPECIAL REVENUE fund example:

19-6-803. Public Legal Aid Fund.
(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the “Public Legal Aid Fund”.
(b) The fund shall consist of such revenues as may be authorized by law.
(c) The fund shall be used for providing financial support for public legal aid organizations and distributed as follows:
   (1) Forty-five percent (45%) of the fund shall be paid to Legal Aid of Arkansas; and
   (2) Fifty-five percent (55%) of the fund shall be paid to the Center for Arkansas Legal Services.
TRUST fund example:

19-5-1135. Arkansas Fair Housing Commission Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Arkansas Fair Housing Commission Trust Fund”.

(b) The fund shall consist of funds received by the Arkansas Fair Housing Commission, administrative or civil penalties levied and collected under § 16-123-301 et seq., and any other moneys as may be provided by the General Assembly.

(c) This fund shall be used for fair housing education of the public and the operational expenses of the commission, as set out in §§ 16-123-301 – 16-123-348.

MISCELLANEOUS fund example:

19-5-1233. Arkansas Technology Infrastructure Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Arkansas Technology Infrastructure Fund”.

(b) This fund shall consist of savings that accrue to state agencies from reductions in the cost of providing services to citizens as a result of employing technology, grants, gifts, and donations received by this state, agency investments toward enterprise projects, and such revenues as may be authorized by law.

(c) This fund shall be used to encourage state agencies to pursue innovative and creative approaches using technology to provide needed citizens services in a more cost effective and efficient manner, as set out in §§ 25-33-201 – 25-33-205 [repealed].
## APPENDIX C-2. CHARACTERISTICS OF TYPES OF FUNDS

<table>
<thead>
<tr>
<th>FUND TYPE</th>
<th>SOURCE OF FUNDS</th>
<th>CHARACTERISTICS</th>
<th>EXAMPLES</th>
</tr>
</thead>
</table>
| GENERAL REVENUE                | Taxes levied on the General Population with no restrictions on usage by law    | • 3% to 4% deducted for administrative service charge  
• Interest earnings go to construction and loans  
• Legislature distributes funds each year through Revenue Stabilization Law for operating budgets  
• Fund balances usually authorized for supplementals and construction fund (exceptions are Education, Public School and Higher Education Institutions) | • Sales tax  
• Income tax  
• Insurance premium tax  
• Racing taxes  
• Alcoholic beverages                                                                 |
| SPECIAL REVENUE                | Fees and taxes levied on user of services. Funds earmarked to support specified programs and cannot be used for anything else | • 1 1/2 to 2% or 3% to 4% deducted for administrative service charge  
• Interest earnings go to construction and loans (Except Highway and Game & Fish)  
• Agencies retain all balances | • Gasoline tax  
• Hunting and fishing licenses  
• Various regulatory fees required to be in the State Treasury |
| FEDERAL FUNDS IN STATE TREASURY | Moneys from the Federal Government either as a reimbursement or a grant for programs under Federal rules and regulations | • No deduction for administrative service charge  
• Interest earnings go to Federal Government  
• Fund balances retained by agencies for federal program | • Medicaid (75%/25%)  
• Interstate Highways (90%/10%)  
• OES (50%/50%)  
• DDSSA (100% Fed) |
| MISCELLANEOUS FUNDS AND REVERSING FUNDS | Variety of sources usually for reimbursement for services provided to public or state agencies. Sometimes used as a means to be exempt from the administrative service charge | • No deduction for administrative service charge  
• Balance retained  
• Interest earnings go to construction and loan funds | • Dept. of Information Systems  
• Geology Map Sales  
• DFA Marketing and Redistribution  
• Education Public School Revolving Loan |
| TRUST                          | Various entities for which the state is the trustee and held for safekeeping    | • No deduction for administrative service charge  
• Balance retained  
• Interest earnings retained and invested by agency or board of trustees | • Retirement Systems  
• Nursing Home Closures  
• Private Career Schools Closures  
• Landfill Closures |
| CASH                           | Funds authorized by law to be deposited in banks instead of State Treasury (Some cash funds now reside in State Treasury under program managed by State Treasurer) | • Balance retained  
• Interest earnings retained and invested by agency or board of trustees or State Treasurer | • Higher Education tuition  
• Fees and ticket sales  
• Workforce Services unemployment taxes  
• Other: University Hospital fees and billings  
• Various occupational boards and commissions |
APPENDIX D. TECHNICAL INSTRUCTIONS FOR CREATING AN INTERIM STUDY PROPOSAL – INTERIM RESOLUTION

Three ways to Create an ISP or IR:

1. Bill Drafting Program* – Write ISP;
2. Bill Drafting Program* – Create Draft Bill, Email to Sponsor, Transmit to ISP numbering clerk; or
3. Word – Legal Rules Toolbar – Formatting Options – Convert a Numbered Bill or Resolution to an ISP.

WRITING AN ISP FROM THE BILL DRAFTING PROGRAM

1. From the Main Menu:
   - Click in the circle next to ISP/IR
   - Click the Write button

2. From the Create an ISP/IR Form:
   - Click in the circle next to ISP or IR (depending on type of document being drafted)
   - Click on the down arrow in the Author's initials box to display attorney names
   - Click on the desired attorney's name
   - Click Next

3. From the Sponsor Tab on the ISP/IR Form:
   - Select the sponsor name(s) from the available sponsors box
   - Click Next

4. From the Committee Tab on the ISP/IR Form:
   - Click in the circle next to Interim Committee Names or All Committees Names
   - Select the committee name that the ISP is to be filed with
   - Click Next

   NOTE: If the primary sponsor of the ISP or IR is not a member of the filing committee, a prompt will appear prohibiting you from continuing. In order to continue, agree to add the Arkansas Legislative Council as the filing committee.

   - The document will automatically be saved to the appropriate location with the appropriate information.
5. From the Title Tab on the ISP/IR Form:
   - Type the desired title in the provided box
     - Note that the filing committee name is supplied unless the Arkansas Legislative Council was added by the prompt
       - If Arkansas Legislative Council was added by the prompt – the name of the committee you originally tried to file the request with will be visible
   - Edit the text in the box as desired
   - Click Next

6. From the Whereas Tab on the ISP/IR Form:
   - If the request will contain WHEREAS clauses:
     - Type in the reason or condition
     - If more than one WHEREAS clause is needed, check the "Insert a Whereas Clause" box to add it – Do not insert it – the program will add the proper formatting and punctuation
     - Click Next when no additional WHEREAS clauses are needed.
   - If the request will NOT contain WHEREAS clauses:
     - Click the 'Leave Blank' box
     - Click Next

7. From the Proposal Tab on the ISP/IR Form:
   - Type in any additional information needed in the provided box – text may be edited freely
   - Click Next

8. From the Summary Tab on the ISP/IR Form:
   - Type in the first summary statement
   - If more than one THAT statement is needed, check the "Insert a THAT Statement" box to add it – Do not insert it – the program will add the proper formatting and punctuation
   - If desired and if more than one THAT statement is used, check the "Insert a Be it Further clause" box to add it – Do not insert it – the program will add the proper formatting and punctuation
   - Click Next

9. From the Finish Tab on the ISP/IR Form:
   - Verify that the displayed information is accurate
   - Click the Create ISP button.

10. An ISP/IR will be generated in Word and will be displayed.
    - If necessary, edits may be made to the document
Do not add an ISP/IR number – numbers will be assigned later in the process.

11. Click the Finish Button on the tool bar to process and save the document.
   - The document is saved to the selected Attorney's BillsX- directory.

TRANSMITTING A BILL DRAFT OR A RESOLUTION DRAFT TO AN ISP

The draft must first be approved by the sponsor. Transmit the bill draft or resolution draft to the sponsor for his or her review first (as a regular bill draft NOT as an ISP). The bill draft or resolution will not contain the ISP language at this point – it will be added when the ISP is numbered.

1. From the Main Menu – after creating the bill draft through regular procedures:
   - Click in the circle next to Bill or Resolution
   - Click the Transmit button
   - Enter the bill draft code (No Numbered Bills – only drafts)
   - Click in the appropriate circle:
     - File Document as an ISP
     - File Document as an IR
   - Click Next

2. From the Select a Committee Form:
   - Click in the circle next to Interim Committee Names or All Committees Names
   - Select the committee name that the ISP is to be filed with
   - Click Next

   NOTE: If the primary sponsor of the bill draft is not a member of the filing committee, a prompt will appear prohibiting you from continuing. In order to continue, you must agree to add Arkansas Legislative Council as the filing committee.

   - The document will automatically be saved to the appropriate location with the appropriate information.

3. An email to the ISP Numbering Clerk will displayed.
   - Review it for accuracy
   - Edit the text or make notations as necessary
   - Click Send.

CONVERT A NUMBERED BILL OR RESOLUTION TO AN ISP/IR

Sometimes a House or Senate Bill or a House or Senate Resolution will be referred to an interim committee for study or a legislator will wish to submit a bill draft for study. In that
event, the bill or bill draft or resolution or resolution draft needs to be revised to add Interim Study Proposal language.

- Check the bill's or resolution's status to determine with which committee the bill or resolution was filed for interim study.
- Check the ISP database to make sure that the bill or resolution has not already been filed as an ISP.

1. From Word (not the Bill Drafting Program):

2. Click on the Formatting Options button on the Legal Rules Toolbar
   - Click on the appropriate action:
     - Convert a Numbered Bill to an ISP or
     - Convert a Numbered Resolution to an IR

3. Double-click the desired bill from the Open File Box

4. From the Select a Committee Form:
   - Click in the circle next to Interim Committee Names or All Committees Names
   - Select the committee name that the ISP or IR is to be filed with
   - Click Next

   NOTE: If the primary sponsor of the numbered bill or resolution is not a member of the filing committee, a prompt will appear prohibiting you from continuing. In order to continue, you must agree to add Arkansas Legislative Council as the filing committee.

   - The document will automatically be saved to the appropriate location with the appropriate information.

5. An email to the ISP/IR Numbering Clerk will displayed.
   - Review it for accuracy
   - Edit the text or make notations as necessary
   - Click Send

**REVISING A DRAFT ISP/IR**

1. From the Main Menu in the Bill Drafting Program:
   - Click in the circle next to ISP/IR
   - Click the Revise button

2. From the Revision Screen:
   - Click in the circle next to ISP or IR (depending on type of document you're revising)
• Click in the circle next to Draft (unnumbered) if the document has not been transmitted for numbering and publication by the ISP Numbering clerk
• Click in the circle next to Numbered ISP if the document has already been assigned a number by the ISP Numbering clerk and appears on the Bureau website.

3. Double-click the desired draft or numbered ISP from the Open File Box

4. Make necessary revisions to the open document.

5. Click the Finish Button on the tool bar to process and save the document. If the document had an assigned ISP/IR number, the document on the website will be updated as well.

6. An email notification that the document has been revised will be automatically sent to the ISP Numbering Clerk.

FILING PROCEDURES
The ISP/IR Numbering Clerk will distribute copies of an ISP or IR as follows:
• Insert a copy into the ISP/IR binder located in Room 315
• Insert a copy into the requesting legislator's correspondence file on the third floor
• Insert a copy into the “reading” file on the third floor
• Forward copies to the appropriate committee staff person and the attorney who drafted the proposal or resolution
APPENDIX E. ARKANSAS CODE TITLES

Title 1. General Provisions
Title 2. Agriculture
Title 3. Alcoholic Beverages
Title 4. Business and Commercial Law
Title 5. Criminal Offenses
Title 6. Education
Title 7. Elections
Title 8. Environmental Law
Title 9. Family Law
Title 10. General Assembly
Title 11. Labor and Industrial Relations
Title 12. Law Enforcement, Emergency Management, and Military Affairs
Title 13. Libraries, Archives, and Cultural Resources
Title 14. Local Government
Title 15. Natural Resources and Economic Development
Title 16. Practice, Procedure, and Courts
Title 17. Professions, Occupations, and Businesses
Title 18. Property
Title 19. Public Finance
Title 20. Public Health and Welfare
Title 21. Public Officers and Employees
Title 22. Public Property
Title 23. Public Utilities and Regulated Industries
Title 24. Retirement and Pensions
Title 25. State Government
Title 26. Taxation
Title 27. Transportation
Title 28. Wills, Estates, and Fiduciary Relationships
<table>
<thead>
<tr>
<th>Interim Committee Name</th>
<th>Subject Matter Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Council</td>
<td>All matters concerning the legislature, except for auditing issues. § 10-3-203</td>
</tr>
<tr>
<td>Committee on Public Health, Welfare, and Labor</td>
<td>Public health, mental health, mental retardation, public welfare, human relations and resources, environmental affairs, water and air pollution, labor and labor relations, and similar legislation. § 10-3-203</td>
</tr>
<tr>
<td>Committee on Public Transportation</td>
<td>Roads and highways, city streets, county roads, highway safety, airports and air transportation, common and contract carriers, mass transit, and similar legislation. § 10-3-203</td>
</tr>
<tr>
<td>Committee on Revenue and Taxation</td>
<td>Matters pertaining to the levy, increase, reduction, collection, enforcement, and administration of taxes and other revenue-producing measures. § 10-3-203</td>
</tr>
<tr>
<td>Committee on Education</td>
<td>Public kindergarten, elementary and secondary education, adult education, vocational education, vocational-technical schools, vocational rehabilitation, higher education, private educational institutions, and similar legislation. § 10-3-203</td>
</tr>
<tr>
<td>Committee on Judiciary</td>
<td>State and local courts, court clerks and stenographers and other employees of the courts, civil and criminal procedures, probate matters, civil and criminal laws, and similar matters. § 10-3-203</td>
</tr>
<tr>
<td>Committee on Agriculture, Forestry, and Economic Development</td>
<td>Agriculture, livestock, forestry, industrial development, natural resources, oil and gas, publicity and parks, levees and drainage, rivers and harbors, and similar legislation. § 10-3-203</td>
</tr>
<tr>
<td>Committee on Insurance and Commerce</td>
<td>Banks and banking, savings and loan associations, stocks, bonds, and other securities, securities dealers, insurance, public utilities, partnerships and corporations, home mortgage financing and housing, and similar legislation. § 10-3-203</td>
</tr>
<tr>
<td>Committee on State Agencies and Governmental Affairs</td>
<td>State government and state agencies except where the subject matter relates more appropriately to another committee, proposed amendments to the Constitution of Arkansas or the United States Constitution, election laws and procedures, federal and interstate relations, and similar legislation. § 10-3-203</td>
</tr>
<tr>
<td>Committee on City, County, and Local Affairs</td>
<td>City and municipal affairs, county affairs, local improvement districts, interlocal governmental cooperation, and similar legislation. § 10-3-203</td>
</tr>
<tr>
<td>Committee on Aging and Legislative Affairs</td>
<td>The aged and problems of the aged, the legislative department of government, the joint rules of the House and Senate, memorials and resolutions, and other matters whenever the subject matter is not germane to the subject matter of any other standing committee. Monitoring and making recommendations for periodic updating, modernizing, and revising of the Code of Ethics for public officers and employees. This committee shall have no jurisdiction of matters affecting the interpretation of the Rules of the House of Representatives and the</td>
</tr>
<tr>
<td>Interim Committee Name</td>
<td>Subject Matter Area</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Senate, but that jurisdiction shall be exercised by the</td>
<td>Senate, but that jurisdiction shall be exercised by the Rules Committees of the respective bodies. § 10-3-203</td>
</tr>
<tr>
<td>Rules Committees of the respective bodies. § 10-3-203</td>
<td></td>
</tr>
<tr>
<td>Senate Interim Committee on Children and Youth</td>
<td>Study the safety, health, development, and problems of children. § 10-3-1320</td>
</tr>
<tr>
<td>Public Transportation, Technology and Legislative Affairs</td>
<td>Pertaining to roads, highway safety, airports and air transportation, common carriers, mass transits, and similar legislation, and matters pertaining to science, technology, bio-technology, and similar legislation, and other matters whenever the subject matter is not germane to the subject matter of any other Class “A” or Class “B” Committee. § 10-3-203(3)(B)(ix)</td>
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<td>Joint Committee on Advanced Communications and Information</td>
<td>The development of access to a statewide public telecommunications network for distance learning, telemedicine, and universal access for governmental entities, and other issues concerning advanced communications and information technology, either initiated by the committee or referred to it by either house of the General Assembly for study, in the interim between sessions of the General Assembly. § 10-3-1704</td>
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</table>
1. **General**

Only units of the SI and those units recognized for use with the SI are used to express the values of quantities. Equivalent values in other units are given in parentheses following values in acceptable units only when deemed necessary for the intended audience.

2. **Abbreviations**

Abbreviations such as sec, cc, or mps are avoided and only standard unit symbols, prefix symbols, unit names, and prefix names are used.

Proper: s or second; cm³ or cubic centimeter; m/s or meter per second

Improper: sec; cc; mps

3. **Plurals**

Unit symbols are unaltered in the plural.

Proper: l = 75 cm

Improper: l = 75 cms

4. **Punctuation**

Unit symbols are not followed by a period unless at the end of a sentence.

Proper: The length of the bar is 75 cm. The bar is 75 cm long.

Improper: The bar is 75 cm. long.

5. **Multiplication and division**

A space or half-high dot is used to signify the multiplication of units. A solidus (i.e., slash), horizontal line, or negative exponent is used to signify the division of units. The solidus must not be repeated on the same line unless parentheses are used.

Proper: The speed of sound is about 344 m·s⁻¹ (meters per second)

The decay rate of ¹¹³Cs is about 21 ms⁻¹ (reciprocal milliseconds)

m/s, m·s⁻², m·kg/(s³·A), m·kg·s⁻³·A⁻¹

m/s, m·s⁻², m·kg/(s³·A), m·kg·s⁻³·A⁻¹
Improper: The speed of sound is about 344 ms⁻¹ (reciprocal milliseconds)
The decay rate of ¹¹³Cs is about 21 m·s⁻¹ (meters per second)
\[m \div s, \text{ m/s/s, m·kg/s}^3/A\]

6. Typeface
Variables and quantity symbols are in italic type. Unit symbols are in Roman type. Numbers should generally be written in Roman type. These rules apply irrespective of the typeface used in the surrounding text. *For more details, see Typefaces for symbols in scientific manuscripts.*

Proper: She exclaimed, "*That dog weighs 10 kg!*"
\[t = 3 \text{ s}, \text{ where } t \text{ is time and } s \text{ is second}\]
\[T = 22 \text{ K, where } T \text{ is thermodynamic temperature, and } K \text{ is kelvin}\]

Improper: He exclaimed, "*That dog weighs 10 kg!*"
\[t = 3 \text{ s}, \text{ where } t \text{ is time and } s \text{ is second}\]
\[T = 22 \text{ K, where } T \text{ is thermodynamic temperature, and } K \text{ is kelvin}\]

7. Typeface
Superscripts and subscripts are in italic type if they represent variables, quantities, or running numbers. They are in Roman type if they are descriptive.

**subscript category typeface proper usage**
*quantity italic* \(c_p\), specific heat capacity at constant pressure
*descriptive roman* \(m_p\), mass of a proton
*running number italic* \(t\)

8. Abbreviations
The combinations of letters "ppm", "ppb", and "ppt", and the terms part per million, part per billion, and part per trillion, and the like, are not used to express the values of quantities.

Proper: 2.0 µL/L; 2.0 x 10⁻⁶ \(V\);
4.3 nm/m; 4.3 x 10⁻⁹ \(l\);
7 ps/s; 7 x 10⁻¹² \(t\),
where \(V\), \(l\), and \(t\) are the quantity symbols for volume, length, and time.

Improper: "ppm", "ppb", and "ppt", and the terms part per million, part per billion, and part per trillion, and the like

9. Unit modifications
Unit symbols (or names) are not modified by the addition of subscripts or other information. The following forms, for example, are used instead.

Proper: \(V_{\text{max}} = 1000 \text{ V}\)
a mass fraction of 10 %

Improper: \(V = 1000 V_{\text{max}}\)
10 % \((m/m)\) or 10 % (by weight)

**10. Percent**  
The symbol % is used to represent simply the number 0.01.

Proper: \(l_1 = l_2(1 + 0.2\%),\) or  
\(D = 0.2\%,\)  
where \(D\) is defined by the relation \(D = (l_1 - l_2)/l_2.\)

Improper: the length \(l_1\) exceeds the length \(l_2\) by 0.2 %

**11. Information and units**  
Information is not mixed with unit symbols or names.

Proper: the water content is 20 mL/kg

Improper: 20 mL H\(_2\)O/ kg  
20 mL of water/ kg

**12. Math notation**  
It is clear to which unit symbol a numerical value belongs and which mathematical operation applies to the value of a quantity.

Proper: 35 cm x 48 cm  
1 MHz to 10 MHz or (1 to 10) MHz  
20 °C to 30 °C or (20 to 30) °C  
123 g ± 2 g or (123 ± 2) g  
70 % ± 5 % or (70 ± 5) %  
240 x (1 ± 10 %) V

Improper: 35 x 48 cm  
1 MHz-10 MHz or 1 to 10 MHz  
20 °C-30 °C or 20 to 30 °C  
123 ± 2 g  
70 ± 5 %  
240 V ± 10 % (one cannot add 240 V and 10 %)

**13. Unit symbols and names**  
Unit symbols and unit names are not mixed and mathematical operations are not applied to unit names.

Proper: kg/m\(^3\), kg \cdot m-3, or kilogram per cubic meter

Improper: kilogram/m\(^3\), kg/cubic meter, kilogram/cubic meter, kg per m\(^3\), or kilogram per meter\(^3\).
14. **Numerals and unit symbols**
Values of quantities are expressed in acceptable units using Arabic numerals and symbols for units.

Proper: \( m = 5 \text{ kg} \)
the current was 15 A

Improper: \( m = \text{five kilograms} \)
\( m = \text{five kg} \)
the current was 15 amperes

15. **Unit spacing**
There is a space between the numerical value and unit symbol, even when the value is used in an adjectival sense, except in the case of superscript units for plane angle.

Proper: a 25 kg sphere
an angle of 2° 3′ 4″
If the spelled-out name of a unit is used, the normal rules of English apply: "a roll of 35-millimeter film."

Improper: a 25-kg sphere
an angle of 2° 3′ 4″

16. **Digit spacing**
The digits of numerical values having more than four digits on either side of the decimal marker are separated into groups of three using a thin, fixed space counting from both the left and right of the decimal marker. Commas are not used to separate digits into groups of three.

Proper: 15 739.012 53

Improper: 15739.01253
15,739.012 53

17. **Quantity equations**
Equations between quantities are used in preference to equations between numerical values, and symbols representing numerical values are different from symbols representing the corresponding quantities. When a numerical-value equation is used, it is properly written and the corresponding quantity equation is given where possible.

Proper: \( (l/m) = 3.6-1 \ [v/(\text{km/h})](t/s) \)

Improper: \( l = 3.6-1 vt \), accompanied by text saying, "where \( l \) is in meters, \( v \) is in kilometers per second, and \( t \) is in seconds"

18. **Standard symbols**
Standardized quantity symbols are used. Similarly, standardized mathematical signs and symbols are used. More specifically, the base of "log" in equations is specified when
required by writing $\log_a x$ (meaning log to the base $a$ of $x$), $\log_2 x$ (meaning log base 2 of $x$), $\ln x$ (meaning log base $e$ of $x$), or $\log_{10} x$ (meaning log base 10 of $x$).

Proper: $\tan x$
$R$ for resistance
$Ar$ for relative atomic mass

Improper: $\tan x$ for tangent of $x$
words, acronyms, or ad hoc groups of letters

19. **Weight vs. mass**
When the word "weight" is used, the intended meaning is clear. (In science and technology, weight is a force, for which the SI unit is the newton; in commerce and everyday use, weight is usually a synonym for mass, for which the SI unit is the kilogram.)

20. **Quotient quantity**
A quotient quantity is written explicitly.

Proper: mass divided by volume

Improper: mass per unit volume

21. **Object and quantity**
An object and any quantity describing the object are distinguished. (Note the difference between "surface" and "area," "body" and "mass," "resistor" and "resistance," "coil" and "inductance.")

Proper: A body of mass 5 g

Improper: A mass of 5 g

22. **Obsolete Terms**
The obsolete terms normality, molarity, and molal and their symbols $N$, $M$, and $m$ are not used.

Proper: amount-of-substance concentration of B (more commonly called concentration of B), and its symbol $c_B$ and SI unit mol/m³ (or a related acceptable unit)
molality of solute B, and its symbol $m_B$ or $m_B$ and SI unit mol/kg (or a related unit of the SI)

Improper: normality and the symbol $N$
molarity and the symbol $M$
molal and the symbol $m$
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APPENDIX I. LIST, BY SUBJECT, OF ARKANSAS CODE SECTIONS DERIVED FROM INITIATED MEASURES

Publication of Laws, Reports, etc.
Ark. Code § 1-3-101 (Init. M. 1914, No. 2, § 13)
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Ark. Code § 1-3-104 (Init. M. 1914, No. 2, § 4) – Repealed
Ark. Code § 1-3-105 (Init. M. 1914, No. 2, § 8)
Ark. Code § 1-3-106 (Init. M. 1914, No. 2, § 12)
Ark. Code § 1-3-107 (Init. M. 1914, No. 2, § 9)
Ark. Code § 1-3-108 (Init. M. 1914, No. 2, § 11)

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Ark. Code § 3-8-201 (Init. M. 1942, No. 1, § 2)
Ark. Code § 3-8-202 (Init. M. 1942, No. 1, § 6)
Ark. Code § 3-8-203 (Init. M. 1942, No. 1, § 2)
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Criminal/Corruption in Public Office

Criminal/Public Health Offenses/Animals

Elections/Campaign Practices/Financing
Ark. Code § 7-6-201 (Init. M. 1990, No. 1, § 1; Init. M. 1996, No. 1, § 1)
Ark. Code § 7-6-205 (Init. M. 1990, No. 1, § 4)
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**Evidence & Witnesses/Witness Attendance**
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APPENDIX J. RECOMMENDED REFERENCE RESOURCES

Legal:


Dictionaries:


Style manuals:

# APPENDIX K  LISTING OF HOUSE AND SENATE RULES FOR THE 87TH GENERAL ASSEMBLY  (2009 Regular Session)

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SAMPLE BILLS, RESOLUTIONS, INTERIM STUDY PROPOSALS, INTERIM RESOLUTIONS, AND AMENDMENTS.
Sample Bill – Amendatory – Simple

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

A Bill

As Engrossed: H4/1/09

MARKUP LANGUAGE

SESSION IDENTIFIER

SPONSOR

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS PERTAINING TO CREDITED SERVICE FOR PAID AND VOLUNTEER HOURS UNDER THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM, AND FOR OTHER PURPOSES.

BILL NUMBER

HOUSE BILL 1202

Will be assigned by originating house.

TITLE

SUBTITLE

ENACTING CLAUSE

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

BODY

SECTION 1. Arkansas Code § 24-10-501(a) and (b), concerning credited service for paid and volunteer hours, are amended to read as follows:

(a)(1) The Board of Trustees of the Arkansas Local Police and Fire Retirement System shall fix and determine by rules and regulations the number of years and months of paid service to be credited to each member for his or her employment as an employee.

(2) In no case shall one (1) month of paid service credit be credited for any one (1) calendar month after the operative date for which an employee’s pay is less than the minimum amount specified in this chapter, nor shall more than one (1) year of service be credited to any member for all covered employment rendered by him or her in any one (1) calendar year, unless the service credit is volunteer service credited under another the employer as provided for in subsection (b) of this section.

(b)(1) Each employer shall regularly report to the board the calendar

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( on bills run for introduction)

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months of covered employment by each of its members that the employer wishes to be credited to the member as volunteer service.

(2) The board shall credit the member with the volunteer service, but in no case shall one (1) month of volunteer service be credited for any one (1) calendar month for which a month of paid service can be granted by the same employer, nor shall more than one (1) year of service be credited for all covered employment rendered by him or her in any one (1) calendar year with the same employer.

(3)(A) Beginning January 1, 1999 Beginning January 1, 2010, the board may credit a member both with volunteer service and with paid service when the member earns the service credit simultaneously under different employers.

(B) except that he or she shall be For purposes of subdivision (b)(3)(A) of this section:

(i) A member is limited to earning volunteer service with only one (1) covered employer at a time, and

(ii) A member shall not earn volunteer service if the member is entitled to paid service for the same work.

/s/ Hoyt
Sample Bill – Adding New Subchapter

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Representative Rainey
By: Senator Elliott

A Bill

For An Act To Be Entitled

AN ACT TO INCREASE ACCOUNTABILITY FOR ACHIEVEMENT GAPS IN SCHOOL DISTRICTS; TO PROVIDE INTERVENTION AND SUPPORT TO PUBLIC SCHOOL DISTRICTS TO ADDRESS THE SEVERITY OF ACHIEVEMENT GAPS; AND FOR OTHER PURPOSES.

Subtitle

TO INCREASE ACCOUNTABILITY FOR ACHIEVEMENT GAPS IN SCHOOL DISTRICTS AND TO PROVIDE INTERVENTION AND SUPPORT TO PUBLIC SCHOOL DISTRICTS TO ADDRESS THE SEVERITY OF ACHIEVEMENT GAPS.

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

Section 1. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

Subchapter 27. Closing the Achievement Gap Program
6-15-2701. Closing the achievement gap program.
(a) As used in this section, "chronically underperforming school" means a public school that does not meet adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as it existed on July 1, 2009, for three (3) or more consecutive years.
(b)(1) A school district that has a chronically underperforming school shall use its national school lunch state categorical funding under § 6-20-
2305(b)(4) to evaluate the impact of educational strategies used by the
chronically underperforming school to address the achievement gaps among
students in the chronically underperforming school.

(2) The evaluation shall:

(A) Identify the categories of programs and intervention
strategies used with national school lunch state categorical funding; and

(B) Report the benchmark assessment scores for the end of
the immediately preceding school year and for the end of the current school
year of students involved in the programs and intervention strategies
identified under this subdivision (b)(2).

(c) The Department of Education shall:

(1) Promulgate rules necessary to implement this section,
including without limitation establishing the categories by which a
chronically underperforming school shall identify programs and intervention
strategies under subsection (b) of this section;

(2) In a chronically underperforming school’s comprehensive
school improvement plan, direct the use of national school lunch state
categorical funding for strategies to close gaps in academic achievement,
including without limitation:

(A) Using an Arkansas Scholastic Audit;

(B) Using disaggregated school data to set academic
improvement targets in reading, writing, mathematics, and science;

(C) Using improvement targets to define professional
development needs related to content, instruction, differentiation, and best
practices in educating special education students, gifted and talented
students, English language learners, and other student subgroups as needed;

(D) Developing interim building-level assessments to
monitor student progress toward proficiency on the state benchmark
assessments;

(E) Developing a plan to immediately address gaps in
learning;

(F) Examining and realigning, as needed, school
scheduling, academic support systems, and assignments of personnel; and

(G) Designing a plan for increasing parental knowledge and
skill to support academic objectives; and

(3) By August 1 of each year, report to the House Committee on
Education and the Senate Committee on Education on:
(A) The use of national school lunch state categorical funding by chronically underperforming schools in the state; and

(B) The status of the achievement gaps at chronically underperforming schools in the state.

(d) The department shall identify the chronically underperforming schools with the largest achievement gaps among students and give to those chronically underperforming schools the department’s highest priority for:

(i) Monitoring school improvement plans; and

(ii) Providing support under this subchapter.

/s/ Rainey
Sample Bill – Adding New Section

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas          As Engrossed: H3/12/09 H3/18/09
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 2082

By: Representative Reynolds

For An Act To Be Entitled

AN ACT TO REQUIRE PERSONS CONVICTED OF DRIVING
WHILE INTOXICATED TO ATTEND A VICTIM IMPACT PANEL; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE PERSONS CONVICTED OF DRIVING
WHILE INTOXICATED TO ATTEND A VICTIM IMPACT PANEL.

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

SECTION 1. Arkansas Code Title 5, Chapter 65, Subchapter 1 is amended to add a new section to read as follows:

5-65-121. Victim impact panel attendance – Fee.

(a)(1) A person whose driving privileges are suspended or revoked for violating § 5-65-103, § 5-65-205, § 5-65-303, § 5-65-310, or § 3-3-203 shall attend a victim impact panel sponsored by an organization approved by the Office of Alcohol and Drug Abuse Prevention of the Department of Human Services.

(2) The organization selected by the office shall be an organization that provides state-wide services to victims of drunk driving.

(b)(1) The organization approved by the office may collect a program fee of ten dollars ($10.00) per enrollee to offset program costs to be remitted to the organization.

(2) The organization approved by the office shall provide proof of attendance and completion to the person required to attend the victim
impact panel upon completion of the victim impact panel.

SECTION 2. Arkansas Code § 5-65-307(d)(1)(A), concerning underage driving while under the influence, is amended to read as follows:

(d)(1)(A) A person whose license is suspended or revoked for violating § 5-65-303 or § 5-65-310 shall:

(i) Both:

(a) Furnish proof of attendance at and completion of the alcohol and driving education program or alcoholism treatment program required under subdivision (a)(1) of this section and at a victim impact panel as provided in § 5-65-121 before reinstatement of his or her suspended or revoked driver’s license; and

(b) Pay any fee for reinstatement required under § 5-65-119, or § 5-65-304, or § 5-65-121; or

(ii) Furnish proof of dismissal or acquittal of the charge on which the suspension or revocation is based.

SECTION 3. Arkansas Code § 5-65-402(h)(1)(A), concerning driving while intoxicated, is amended to read as follows:

(h)(1)(A) A person whose license is suspended or revoked pursuant to this section shall:

(i) Both:

(a) Furnish proof of attendance at and completion of the alcoholism treatment program, alcohol education program, or alcohol and driving education program required by § 5-65-104(b)(1) or § 5-65-307(a)(1) and, if applicable, at a victim impact panel as provided in § 5-65-121 before reinstatement of his or her suspended or revoked driver’s license; and

(b) Pay any fee for reinstatement required under § 5-65-119, or § 5-65-304, or, if applicable, § 5-65-121; or

(ii) Furnish proof of dismissal or acquittal of the charge on which the suspension or revocation is based.

/s/ Reynolds
Sample Bill – Adding New Subsection

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
87th General Assembly
Regular Session, 2009

As Engrossed: S2/16/09

A Bill

HOUSE BILL 1263

By: Representatives Hoyt, Reynolds

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE INTERIM FILLING OF VACANCIES FOR THE OFFICE OF COUNTY JUDGE AND SHERIFF DURING TIMES OF EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR THE INTERIM FILLING OF VACANCIES FOR THE OFFICE OF COUNTY JUDGE AND SHERIFF DURING TIMES OF EMERGENCY.

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

SECTION 1. Arkansas Code § 14-14-1310, concerning filling vacancies in elective offices, is amended to add an additional subsection to read as follows:

(c)(1)(A) Emergency Vacancies. During a declaration of an emergency or circumstances that warrant a declaration of an emergency under § 12-75-107 or § 12-75-108, a vacancy in the office of county judge due to death or disability to the degree of inability to perform the duties of office shall be temporarily filled by executive order of the county judge issued prior to the incapacity of the county judge, designating three (3) persons in succession to fill the vacancy of the office of county judge on an interim basis until such time as the vacancy is filled by the quorum court as provided by this chapter or the disability of the county judge is abated.

(B) Persons so designated shall be listed in succession and may be identified by title or position.

(C) The death or disability of a person in the line of
succession shall result in disqualification of the person and appointment of the next successive person.

(2)(A) During a declaration of an emergency or circumstances that warrant a declaration of emergency under § 12-75-107 or § 12-75-108, a vacancy in the office of sheriff due to death or disability to the degree of inability to perform the duties of office shall be temporarily filled by a policy statement of the sheriff issued prior to the incapacity of the sheriff and adopted by resolution of the quorum court, designating three (3) persons in succession to fill the vacancy in the office of sheriff on an interim basis until such time as the vacancy is filled by the quorum court as provided by this chapter or the disability of the sheriff is abated.

(B) Persons so designated by the sheriff shall be listed in succession and may be identified by title or position.

(C) The death or disability of a person in the line of succession shall result in disqualification of the person and appointment of the next successive person.

(D) The sheriff shall affix his or her signature to the policy statement and to the resolution of the quorum court to signify that the line of succession for the office of sheriff is in accordance with his or her authority.

(3)(A) The county judge and the sheriff shall file the executive order and the resolution with policy statement under subdivisions (c)(1) and (c)(2) of this subsection with the county clerk, and a file-marked copy shall be provided to the Director of the Arkansas Department of Emergency Management no later than sixty (60) days from the beginning of the elected term of office.

(B) Members of the quorum court are not eligible to fill the vacancy in the office of county judge or sheriff under this section.

/s/ Hoyt
Sample Bill – Repealing Subchapter

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Senator J. Key
By: Representative J. Dickinson

For An Act To Be Entitled
AN ACT TO REPEAL THE KINSHIP FOSTER CARE PROGRAM
IN THE DIVISION OF CHILDREN AND FAMILY SERVICES
OF THE DEPARTMENT OF HUMAN SERVICES; AND FOR
OTHER PURPOSES.

Subtitle
TO REPEAL THE KINSHIP FOSTER CARE
PROGRAM IN THE DIVISION OF CHILDREN AND
FAMILY SERVICES OF THE DEPARTMENT OF
HUMAN SERVICES.

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

SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 5 is repealed.

9-28-501. Program established.
There is established a Kinship Foster Care Program in the Division of Children and Family Services in the Department of Human Services.

As used in this subchapter:
(1) “Division” means the Division of Children and Family Services of the Department of Human Services;
(2) “Foster parent” means any person with whom a child in the custody of the division is placed for temporary or long-term care, but shall not include any persons with whom a child is placed for the purpose of
adoption. and

(3) "Kinship foster parent" means any relative within the first,
second, or third degree of consanguinity to the parent or stepparent of a
child who is:

(A) Related through blood or marriage; and
(B) Approved to be a foster parent to a child who is in
the custody of the Department of Human Services.

9-28-503. Powers and duties of the Division of Family Services—
Eligibility standards.

(a)(1) When a child has been removed from his or her home and is in
the custody of the Division of Children and Family Services of the Department
of Human Services, the division shall attempt to place the child with a
relative for kinship foster care.

(2) Kinship foster parents shall meet standards and requirements
established by the division for all foster parents, including, but not
limited to:

(d) Training;
(e) Background checks; and
(f) Home study requirements.

(b) If the relative is approved by the division to provide foster care
services in accordance with rules and regulations adopted by the division
regarding foster care services and a placement with the relative is made, the
relative shall be eligible to receive payment for the full foster care rate
for the care of the child and any other benefits that might be available to
foster parents, whether in money or in services.
Sample Bill – From Initiated Act

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

By: Representatives M. Burris, R. Green
By: Senators J. Taylor, Elliott

For An Act To Be Entitled

AN ACT TO CLARIFY THE LAW REGARDING WORKERS’ COMPENSATION PAYMENTS UNDER THE WORKER’S COMPENSATION LAW THAT RESULTED FROM INITIATED ACT 4 of 1948; TO ENSURE THAT LICENSED CONTRACTORS OBTAIN AND MAINTAIN WORKERS’ COMPENSATION INSURANCE; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO CLARIFY THE LAW REGARDING WORKERS’ COMPENSATION PAYMENTS THAT RESULTED FROM INITIATED ACT 4 of 1948 AND TO ENSURE THAT LICENSED CONTRACTORS OBTAIN AND MAINTAIN WORKERS’ COMPENSATION INSURANCE.

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

SECTION 1. Arkansas Code § 11-9-411(a), concerning the effect of workers’ compensation payments by other insurers, is amended to add an additional subdivision to read as follows:

(a)(1) Any benefits payable to an injured worker under this chapter shall be reduced in an amount equal to, dollar-for-dollar, the amount of benefits the injured worker has previously received for the same medical services or period of disability, whether those benefits were paid under a group health care service plan of whatever form or nature, a group disability

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policy, a group loss of income policy, a group accident, health, or accident
and health policy, a self-insured employee health or welfare benefit plan, or
a group hospital or medical service contract.

(2) The reduction specified in subdivision (a)(1) of this
section does not apply to any benefit received from a group policy for
disability, if the injured worker has paid for the policy.

SECTION 2. Arkansas Code § 11-9-525(e) that resulted from Initiated
Act 4 of 1948, concerning the cessation of workers' compensation for
disability and second injuries, is amended to read as follows:

(e)(1) No claims under this section shall be made on or after January
1, 2008.

(2) For all claims for permanent partial disability or permanent
total disability made on or after January 1, 2008, the employer at the time
of the employee's compensable injury is liable for such benefits subject to
the Workers' Compensation Law, § 11-9-101 et seq., excluding 11-9-525 (a)(1)-
(d)(2).

SECTION 3. Arkansas Code § 11-9-525 that resulted from Initiated Act 4
of 1948, concerning workers' compensation for disability and second injuries,
is amended to add an additional subsection to read as follows:

(f)(1) A claimant who has been deemed permanently totally disabled and
is currently receiving benefits from the Second Injury Trust Fund as of
December 31, 2009, shall receive those benefits from the Death and Permanent
Total Disability Trust Fund commencing January 1, 2010.

(2) For all claims pending against the Second Injury Trust Fund
on and after January 1, 2010, if a claimant becomes eligible to receive
benefits for permanent total disability from the Second Injury Trust Fund,
then upon completion of payment by the employer of its obligation under
subdivision (b)(5) of this section, the claimant shall be paid the remainder
of the compensation that would be due for permanent total disability from the
Death and Permanent Total Disability Trust Fund.

SECTION 4. Arkansas Code § 17-25-308 is amended to read as follows:
17-25-308. Grounds for revocation.

(a) The Contractors Licensing Board shall have the power to may revoke
the certificate of license of any contractor licensed under this chapter who
is found guilty of any fraud or deceit in obtaining a license or for aiding
or abetting any contractor or person to violate the provisions of this
chapter or for gross negligence, incompetence, or misconduct in the conduct
of the contractor's business.

(b) The Contractors Licensing Board may revoke the certificate of
license of a contractor licensed under this chapter who fails to obtain or
maintain worker's compensation coverage as required under the Workers'
Compensation Law, § 11-9-101 et seq. and § 17-25-514.

SECTION 5. Arkansas Code Title 17, Chapter 25, Subchapter 1 is amended
to add an additional section to read as follows:

17-25-316. Workers' compensation coverage required.

(a) A contractor required to be licensed by the Contractors Licensing
Board shall obtain and maintain workers' compensation coverage as required
under the Workers' Compensation Law, § 11-9-101 et seq.

(b) The board shall require proof of current workers' compensation
coverage before issuing or renewing a license to a contractor required to
have workers' compensation coverage under § 11-9-101 et seq.

(c)(1) If a contractor fails to maintain workers' compensation
coverage or fails to maintain proof of current workers' compensation coverage
on file with the board, the board may revoke or suspend the contractor's
license.

(2) A contractor's license that has been revoked or suspended
due to failure to maintain workers' compensation coverage may be reinstated
upon receipt by the board of proof that the contractor has secured workers'
compensation coverage.

(d) The board shall promulgate rules necessary to enforce this section.

/s/ M. Burris
Sample Bill – DO NOT CODIFY language

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Representatives J. Edwards, Harrelson, Saunders
By: Senator D. Wyatt

For An Act To Be Entitled
AN ACT TO ENHANCE SAFE AND RESPONSIBLE PASSENGER TRANSPORTATION OF CHILDREN IN CHILD CARE; AND FOR OTHER PURPOSES.

Subtitle
TO ENHANCE SAFE AND RESPONSIBLE PASSENGER TRANSPORTATION OF CHILDREN IN CHILD CARE.

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

SECTION 1. DO NOT CODIFY. The purpose of this act is to enhance safe and responsible passenger transportation of children in child care by requiring appropriate liability insurance and driver training.

SECTION 2. (a) The Division of Child Care and Early Childhood Education of the Department of Human Services is directed, in collaboration with the State Insurance Department, to develop and promulgate rules requiring sufficient and appropriate minimum levels of general liability insurance coverage for licensed child care centers and licensed and registered child care family homes, including coverage for transportation services when applicable.

(b) The division shall promulgate rules requiring all drivers of vehicles transporting children on behalf of licensed child care centers and licensed and registered child care family homes to complete a comprehensive program of driver safety training.
SECTION 3. DO NOT CODIFY. The rules that require liability insurance and driver safety training shall be in effect no later than December 31, 2009.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the transportation of children is an integral part of child care services and subjects the children to a risk of injury which can be minimalized and insured against; and that this act is immediately necessary to provide protection to children served by various child care centers. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/ J. Edwards
Sample Bill – Shell Bill

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Senator J. Key

A Bill

SENATE BILL 953

For An Act To Be Entitled
AN ACT TO EXEMPT COURT SECURITY VIDEOS FROM THE
FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER
PURPOSES.

Subtitle
TO EXEMPT COURT SECURITY VIDEOS FROM THE
FREEDOM OF INFORMATION ACT OF 1967.

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

SECTION 1. The purpose of this act is to exempt court security videos from the Freedom of Information Act of 1967, § 25-19-101 et seq.
Sample Resolution – Simple Resolution

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Representatives G. Smith, Cheatham, Hopper, House, S. Malone, Word

HR 1006

HOUSE RESOLUTION

TO ENCOURAGE THE ARKANSAS CONGRESSIONAL
DELEGATION TO SUPPORT PASSAGE OF THE COMMERCIAL
ADVERTISEMENT LOUDNESS MITIGATION ACT.

Subtitle

TO ENCOURAGE THE ARKANSAS CONGRESSIONAL
DELEGATION TO SUPPORT PASSAGE OF THE
COMMERCIAL ADVERTISEMENT LOUDNESS
MITIGATION ACT.

WHEREAS, the Federal Communications Commission does not regulate the
volume of television programs or television commercials; and

WHEREAS, FCC rules that limit the amount of power that a television
station can transmit and the peak level of program material give broadcasters
and program producers considerable latitude to vary the loudness of program
material; and

WHEREAS, the Commercial Advertisement Loudness Mitigation Act (the
"CALM" Act) has been introduced in both chambers of Congress as H.R. 6209, S.
3154, and S. 3156; and

WHEREAS, the CALM Act would require the FCC within one (1) year of its
passage to prescribe a standard to preclude a television commercial from
being broadcast at a louder volume than the program the television commercial
accompanies; and
WHEREAS, in response to viewer complaints in Great Britain, the
Broadcast Committee of Advertising Practice, which sets guidelines for the
British broadcasting industry, has adopted rules to limit commercials that
are "excessively noisy or strident" effective July 7, 2008; and

WHEREAS, although in 1984 the FCC concluded that there was no effective
way to control loudness in television programming, new technology makes sound
levels more controllable than ever before,

NOW, THEREFORE,
BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL
ASSEMBLY OF THE STATE OF ARKANSAS:

THAT the House of Representatives of the Eighty-Seventh General
Assembly of the State of Arkansas encourages all members of the Arkansas
congressional delegation to support the prompt passage of the Commercial
Advertisement Loudness Mitigation Act.

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH
GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT upon its adoption a copy of this resolution be mailed by the Chief
Clerk of the House of Representatives to each member of the Arkansas
congressional delegation.
Sample Resolution – Concurrent Resolution

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Senator Miller

SENATE CONCURRENT RESOLUTION

PROVIDING THAT THE SENATE OF THE EIGHTY-SEVENTH
GENERAL ASSEMBLY SHALL RECESS ON THURSDAY,
JANUARY 15, 2009, AND RECONVENE ON WEDNESDAY,
JANUARY 21, 2009.

Subtitle

PROVIDING THAT THE SENATE OF THE EIGHTY-
SEVENTH GENERAL ASSEMBLY SHALL RECESS ON
THURSDAY, JANUARY 15, 2009, AND
RECONVENE ON WEDNESDAY, JANUARY 21,
2009.

WHEREAS, the Senate will complete its work of the first week of the
Eighty-seventh General Assembly on Thursday, January 15, 2009; and

WHEREAS, Arkansas Code § 10-2-128 provides that in respect to Dr.
Martin Luther King, Jr., and in observation of his birthday, neither the
House of Representatives nor the Senate shall convene in session nor shall
any of their committees meet on the third Monday in January; and

WHEREAS, Monday, January 19, 2009, is the third Monday in January of
2007; and

WHEREAS, on January 20, 2009, President-elect Barack Obama will be
sworn in as the forty-fourth President of the United States and the Senate
wishes to recess on that date in recognition of that historic event; and
WHEREAS, Article 5, Section 28 of the Arkansas Constitution provides that neither house of the General Assembly may adjourn for more than three (3) days without the consent of the other house; and

WHEREAS, the Senate of the Eighty-seventh General Assembly wishes to resume its work on Wednesday, January 21, 2009,

NOW THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Senate will recess at the close of business Thursday, January 15, 2009 and reconvene at 1:00 p.m. Wednesday, January 21, 2009.
Sample Resolution – Joint Resolution

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

MARKUP LANGUAGE FOR CONSTITUTIONAL AMENDMENT

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Representative Wills

HOUSE JOINT RESOLUTION
TO AMEND AMENDMENT 82 OF THE CONSTITUTION OF ARKANSAS TO AUTHORIZE THE GENERAL ASSEMBLY TO ESTABLISH CRITERIA BEFORE AUTHORIZING THE ISSUANCE OF BONDS FOR PROSPECTIVE EMPLOYERS PLANNING AN ECONOMIC DEVELOPMENT PROJECT.

Subtitle
TO AMEND AMENDMENT 82 OF THE ARKANSAS CONSTITUTION TO AUTHORIZE THE GENERAL ASSEMBLY TO ESTABLISH CRITERIA BEFORE AUTHORIZING THE ISSUANCE OF BONDS FOR PROSPECTIVE EMPLOYERS PLANNING AN ECONOMIC DEVELOPMENT PROJECT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Amendment 82(d) of the Constitution of Arkansas is amended
to read as follows:

(d) In order for the General Assembly to may authorize the issuance of bonds bearing the full faith and credit of the State of Arkansas, if the prospective employer planning an economic development project is eligible under criteria established by law.
Sample Resolution – Memorial Resolution

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Senator Bryles

SENATE MEMORIAL RESOLUTION
IN RESPECTFUL MEMORY OF GEORGE CLYDE KELL AND IN
RECOGNITION OF HIS CONTRIBUTIONS TO THE STATE OF
ARKANSAS AND MAJOR LEAGUE BASEBALL.

Subtitle
IN RESPECTFUL MEMORY OF GEORGE CLYDE
KELL AND IN RECOGNITION OF HIS
CONTRIBUTIONS TO THE STATE OF ARKANSAS
AND MAJOR LEAGUE BASEBALL.

WHEREAS, George Clyde Kell died on March 24, 2009, at the age of 86 in
Swifton, Arkansas; and

WHEREAS, George Kell grew up in Swifton, Arkansas and played collegiate
baseball at Arkansas State University, which later recognized his
contributions by naming the university’s baseball stadium after him; and

WHEREAS, George Kell went on to play professional baseball as a third
baseman with various organizations, including the Philadelphia Athletics, the
Detroit Tigers, the Boston Red Sox, the Chicago White Sox, and the Baltimore
Orioles; and

WHEREAS, George Kell played professional baseball for 15 seasons,
hitting above .300 nine times and compiling a career average of .306 and in
1949 edged Ted Williams for the American League Batting title; and
WHEREAS, George Kell upon retiring from playing baseball became a
broadcast announcer for the Detroit Tigers games for almost forty years; and

WHEREAS, George Kell was recognized for his outstanding contributions
to baseball and was named as an All-Star ten times and in 1983 was inducted
into the Baseball Hall of Fame; and

WHEREAS, Hall of Fame President Jeff Idelson said, "There's no one who
loved and respected the game more than George. Not only was he one of
baseball's true legends, but he was a fan, too."; and

WHEREAS, baseball great and fellow Arkansan Brooks Robinson called Kell
"a class act through and through" and had Kell by his side when he was
inducted into the Hall of Fame in 1983, saying, "I went in with my hero,
George Kell"; and

WHEREAS, George Kell's love of Arkansas caused him to choose to live in
Swifton, Arkansas, and commute to his job during his many years as a sports
broadcaster; and

WHEREAS, George Kell continued to serve the State of Arkansas and was
appointed by Governor Bumpers to a ten-year term on the Arkansas Highway
Commission; and

WHEREAS, George Kell is survived by his wife Carolyn, brother Everett
"Skeeter" Kell, daughter Terrie Jane Lawrence, five grandchildren, two step-
grandchildren, six great-grandchildren, and six step-great-grandchildren,

NOW THEREFORE,
BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS:

That the Senate of the Eighty-Seventh General Assembly mourns the
passing of George Clyde Kell and recognizes the impact he had on Arkansas and
the baseball community.
BE IT FURTHER RESOLVED THAT the individual members of the Senate hereby express sincere condolences to the family of George Clyde Kell and upon adoption of this resolution, an appropriate copy shall be provided to the family by the Secretary of the Senate.
Sample Resolution – Concurrent Memorial Resolution

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Representatives Overbey, Lea
By: Senator Trusty

HOUSE CONCURRENT MEMORIAL RESOLUTION

IN RESPECTFUL MEMORY OF JUDGE RICHARD MOBLEY AND
IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE
STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Subtitle

IN RESPECTFUL MEMORY OF JUDGE RICHARD
MOBLEY AND IN RECOGNITION OF HIS MANY
CONTRIBUTIONS TO THE STATE OF ARKANSAS
AND HIS LOCAL COMMUNITY.

WHEREAS, Judge Richard Mobley, of Russellville, Arkansas, died on July 4, 2008, at the age of ninety-one (91) years; and

WHEREAS, Judge Mobley was born on a farm in Grenada County, Mississippi, as the son of the late Sion and Margaret Clifford Mobley; graduated from Helena High School; and enrolled at the University of Arkansas at Fayetteville in 1937, where he was a member of Sigma Chi Fraternity and Omicron Delta Kappa and served as editor of the 1940 yearbook, The Razorback; and

WHEREAS, Judge Mobley went on to the University of Arkansas School of Law, where he was a member of Phi Alpha Delta Fraternity; and

WHEREAS, Judge Mobley, along with a number of other law students, took the bar examination early so that he could enlist upon graduation following
the attack on Pearl Harbor in December of 1941; completed the Army's Officers
Candidate School and received a commission as a Second Lieutenant in the
Field Artillery; went to Fort Sill for artillery training, to Fort Campbell
where he was assigned to the 98th Infantry Division, and then to the Pacific
Theater; and completed his military obligation, serving with the occupation
forces in Japan; and

WHEREAS, after the war, Judge Mobley practiced law in Russellville,
Arkansas, with his father-in-law Reece Caudle; completed an unexpired term as
chancery and probate judge in the early 1950s; in 1962 was elected chancellor
of the then-Ninth Judicial Circuit, which he served until 1979 when the
circuit became the Fifth Judicial Circuit; and served as chancellor of the
Fifth Judicial Circuit until his retirement in 1990; and

WHEREAS, Judge Mobley had a distinguished career that spanned six (6)
decades; devoted his life to being an advocate and a judge; and was always
known for his respect for the law, his swift, impartial, and consistent
justice, and his honesty, integrity, and tireless effort; and

WHEREAS, Judge Mobley was a pioneer of Arkansas domestic relations
jurisprudence, introducing a uniform schedule of child support payments, the
basis for the family support formulas used by judges today; and took an
active interest in the welfare of the children and families of divorce; and

WHEREAS, Judge Mobley presided over several well-known oil and gas law
cases as the practice area evolved in Northwest Arkansas; and he was invited
to speak at the Natural Resources Law Institute in 1984 and 1987 due to his
reputation and expertise in oil and gas law; and

WHEREAS, Judge Mobley served as the first chair of the Family Law
Section of the Arkansas Bar Association in 1971; served as the chair of the
editorial review committee for the first Arkansas Domestic Relations Manual
in 1974 and 1975; received the Golden Gavel Award from the Arkansas Bar
Association; served as president of the Arkansas Judicial Council in 1975 and
1976; was honored by the Pope County Bar Association in 1990 for his twenty-
eight (28) years of continuous service on the bench; and upon his retirement,
1 donated most of his legal research materials to the Pope County Law Library;
2 and
3
4 WHEREAS, his memberships in local civic and fraternal organizations
5 spanned more than fifty (50) years; and he belonged to Shriner's Masonic
6 Lodge No. 274, American Legion Post 20, and the Rotary Club of Russellville,
7 Arkansas; and
8
9 WHEREAS, Judge Mobley's passions included horticulture, genealogy, and
10 teaching Sunday School, though his chief recreational interest was fishing,
11 and he made his own lures that were guaranteed to catch fish; and
12
13 WHEREAS, Judge Mobley is predeceased by his wife of sixty (60) years,
14 Louise Caudle Mobley, and his four (4) brothers Ralph, Prentis, Samuel, and
15 Hammons Mobley; and
16
17 WHEREAS, Judge Mobley is survived by his daughter, Margaret Mobley
18 Burgess, of Loveland, Colorado; his son, Richard Reese Mobley and daughter-
19 in-law Nancy R. Mobley, of Westwood, Massachusetts; grandchildren Benjamin C.
20 Dorries and Ryan E. Mobley; granddaughters Sarah and Elizabeth Clabby; and
21 several nieces and nephews; and
22
23 WHEREAS, the House of Representatives of the Eighty-Seventh General
24 Assembly wishes to publicly recognize Judge Richard Mobley's contributions to
25 the State of Arkansas and his local community,
26
27 NOW THEREFORE,
28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL
29 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:
30
31 THAT the House of Representatives recognizes Judge Richard Mobley's
32 commitment, hard work, dedication, and service to the State of Arkansas and
33 his local community, and commends him for his leadership.
34
35 BE IT FURTHER RESOLVED THAT the individual members of the House of
36 Representatives hereby express sincere condolences to the family of Judge
Richard Mobley, and upon adoption of this resolution, an appropriate copy shall be provided to the family of Judge Mobley by the Chief Clerk of the House of Representatives.
INTERIM STUDY PROPOSAL 2009-197

REQUESTING THE ARKANSAS LEGISLATIVE COUNCIL OF THE EIGHTY-SEVENTH
ARKANSAS GENERAL ASSEMBLY TO REFER TO THE ARKANSAS LEGISLATIVE
COUNCIL'S SUBCOMMITTEE ON CHARITABLE, PENAL, AND CORRECTIONAL
INSTITUTIONS A STUDY REGARDING THE STABILIZATION OF THE
DEPARTMENT OF CORRECTION'S INMATE POPULATION.

WHEREAS, the inmate population in the Department of Correction
continues to grow, unabated; and

WHEREAS, it is in the best interests of the people of the State of
Arkansas that the inmate population is stabilized for numerous reasons
societal and financial,

NOW THEREFORE,
BE IT PROPOSED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE EIGHTY-SEVENTH
GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT the Arkansas Legislative Council's Subcommittee on Charitable,
Penal, and Correctional Institutions study different ideas and methods
designed to reduce, slow, or stabilize inmate population growth, including
different strategies, alternative programs, or initiatives currently used by
other states, and for other purposes.

Respectfully submitted,

Senator Bobby Glover
District 28

Filed Date: 10/15/2009    By: BPG/bpg    Revised: 10-16-09
Sample ISP – From a Draft Bill

Stricken language will be deleted and underlined language will be added.

INTERIM STUDY PROPOSAL 2009-232

A Bill

SAG/Ins

SENATE BILL

By: Senator Altes

Filed with: Arkansas Legislative Council

pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO
DEVELOP AND ADOPT CURRICULUM STANDARDS FOR AN
ACADEMIC STUDY OF THE BIBLE COURSE THAT MAY BE
OFFERED AS AN ELECTIVE COURSE IN A PUBLIC SCHOOL
DISTRICT; TO SET REQUIREMENTS FOR TEACHING AN
ACADEMIC STUDY OF THE BIBLE COURSE IN A PUBLIC
SCHOOL; AND FOR OTHER PURPOSES.

Subtitle

TO DIRECT THE STATE BOARD OF EDUCATION
TO DEVELOP AND ADOPT CURRICULUM
STANDARDS FOR AN ACADEMIC STUDY OF THE
BIBLE COURSE.

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

SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 1 is amended
to add an additional section to read as follows:

6-16-141. Academic study of the Bible course.

(a)(1) The State Board of Education shall develop and adopt curriculum
standards for an elective academic study of the Bible course or courses that
consist of a nonsectarian, nonreligious academic study of the Bible and its
influence on literature, art, music, culture, and politics and may be offered
to students in public school districts.
(2) The curriculum standards for an academic study of the Bible course shall meet the:

(A) Academic rigor and standards of other elective courses approved by the state board; and

(B) Requirements of the Arkansas Constitution and the United States Constitution.

(b)(1) A public school district that elects to offer an academic study of the Bible course shall implement the course in accordance with the Arkansas Constitution and the United States Constitution, including the manner in which the course is taught in the classroom and the assignment of school district personnel teaching the course.

(2) Personnel assigned to teach the course shall be licensed to teach in the State of Arkansas.

(3) Personnel shall not be assigned to teach the course based on any:

(A) Religious test;

(B) Profession of faith or lack of faith;

(C) Prior or present religious affiliation or lack of affiliation; or

(D) Criteria involving particular beliefs or lack of beliefs about the Bible.

(c) An academic study of the Bible course offered by a public school district shall:

(1) Be taught in an objective and nondevotional manner with no attempt made to indoctrinate students as to either the truth or falsity of the biblical materials or texts from other religious or cultural traditions;

(2) Not include teaching of religious doctrine or sectarian interpretation of the Bible or of texts from other religious or cultural traditions; and

(3) Not disparage or encourage a commitment to a set of religious beliefs.

(d) The state board shall incorporate the requirements set forth in this section into the criteria to be used to evaluate textbooks for an academic study of the Bible course.

Filed Date: 02/23/2010          By: SAG\lns
Sample ISP – From a Numbered Bill

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-170
As Engrossed, H43/06 A Bill
87th General Assembly
Regular Session, 2009

By: Representative M. Burris

Filed with: House Interim Committee on Public Health, Welfare and Labor pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled
AN ACT TO EXEMPT EMPLOYERS AND TRADE ASSOCIATIONS
FROM THE ARKANSAS LICENSING REQUIREMENTS; AND FOR
OTHER PURPOSES.

Subtitle
TO EXEMPT EMPLOYER AND TRADE ASSOCIATION
TRAINING FROM THE LICENSING REQUIREMENTS
OF THE STATE BOARD OF PRIVATE CAREER
EDUCATION.

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

Section 1. Arkansas Code § 6-51-603, concerning exemptions for private
resident and correspondence schools, is amended to add an additional
subdivision to read as follows:

(13) Training offered by Arkansas Associations that have been
registered with the Secretary of State for not less than three (3)
consecutive years.

/s/ M. Burris

Filed Date: 04/15/2009 By: MAG\VJF
INTERIM RESOLUTION 2009-002

REQUESTING THE SENATE INTERIM COMMITTEE ON PUBLIC HEALTH, WELFARE
AND LABOR TO ENCOURAGE THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL
QUALITY TO EXPEDITE THE CLEANUP OF THE CEDAR CHEMICAL CORPORATION
SITE IN HELENA—WEST HELENA.

WHEREAS, on June 11, 2009, the Senate Subcommittee on Minority Health
held a legislative meeting in Helena—West Helena, Arkansas; and,

WHEREAS, over three hundred (300) residents were present and were
provided an opportunity to inform the Subcommittee about the need for health
services, the perception of how existing services are being used, the gaps in
health services, and their health concerns; and

WHEREAS, residents who addressed the Senate Subcommittee expressed a
reoccurring theme centered on the lack of progress made in cleaning up the
chemical spill at the Cedar Chemical Corporation and the perceived health
problems that the spill has caused and continues to cause the residents of
Helena—West Helena; and

WHEREAS, the Arkansas Department of Environmental Quality researched
and determined that chemical spills from the site were contaminating the
groundwater; and

WHEREAS, the safety of the community and its drinking water is vital to
the health and security of the residents; and

WHEREAS, the cleanup of the site will be important for economic
development and attracting business to the area; and

WHEREAS, the cleanup of the site is important in making Helena—West
Helena a thriving community to live in and to attract jobs,

NOW THEREFORE,
BE IT RESOLVED BY THE SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR

LMG002
OF THE STATE OF ARKANSAS:

That the Arkansas Department of Environmental Quality:

(a) Expedite a decision regarding the cleanup and monitoring of the
Cedar Chemical Corporation site;
(b) Select the most protective remedy or remedies for the groundwater
and the water supply;
(c) Report the progress of the cleanup to the community and to the
affected citizens;
(d) Seek out and hold contributors to the contamination responsible
for their actions; and
(e) Take any necessary action within their authority to secure the
site, maintain the land, and clean up the contamination.

Respectfully submitted,

Senator Jack Crumbly
District 16

Senator Percy Malone
District 26

Filed Date: 09/21/2009     By: LMG/rck
INTERIM RESOLUTION 2005-002

State of Arkansas
85th General Assembly
First Extraordinary Session, 2005

By: Public Health, Welfare And Labor Committee- House

Filed with: House and Senate Interim Committees on Public Health, Welfare & Labor pursuant to A.C.A. §10-3-217.

HOUSE CONCURRENT RESOLUTION
REQUESTING THE ARKANSAS CONGRESSIONAL DELEGATION
TO REVIEW THE IMPACT OF RECENT REVISIONS TO THE
CHILD NUTRITION AND WIC REAUTHORIZATION ACT; TO
SEEK WAIVERS TO AND REVISIONS OF THE ACT THAT
WILL PROTECT BOTH PROGRAM PARTICIPANTS AND THE
BUSINESSES DEVOTED EXCLUSIVELY TO SERVING THOSE
PARTICIPANTS.

Subtitle
REQUESTING THE ARKANSAS CONGRESSIONAL
DELEGATION TO REVIEW THE IMPACT OF
RECENT REVISIONS TO THE CHILD NUTRITION
AND WIC REAUTHORIZATION ACT.

WHEREAS, the Child Nutrition and WIC Reauthorization Act of 2004 enacts
broad changes in the long-established national program for providing
nutritious foods to women, infants, and children; and

WHEREAS, the changes to the existing program create new, narrow
constraints on the flexibility of individual states to tailor programs to the
specific needs of women, children, and infants within each state; and

WHEREAS, over the past forty years of WIC program operation, businesses
devoted exclusively to serving WIC participants have developed across the
nation and throughout Arkansas; and

WHEREAS, businesses that provide services exclusively to WIC
participants will be hard pressed to remain in operation under the revised
WIC act; and

WHEREAS, exclusively WIC businesses will be placed at a serious
competitive disadvantage by the proposal to base reimbursement payments on
average prices charged by retailers who do not devote their businesses
exclusively to WIC participants; and

WHEREAS, exclusively WIC businesses provide nutritional education and
guidance to WIC participants, education and guidance not available through
other retailers; and

WHEREAS, many exclusively WIC businesses are located in areas easily
accessible to WIC participants who have difficulty gaining access to other
retailers; and

WHEREAS, the proposed changes to the WIC program will weaken the
program by reducing WIC participants' access to WIC outlets and by reducing
the opportunities for WIC participants to receive regular and continuing
education and guidance; and

WHEREAS, the proposed changes to the WIC program threaten to roll back
forty years of progress in improving nutrition among women, infants, and
children,

NOW THEREFORE,
BE IT RESOLVED BY THE HOUSE AND SENATE INTERIM COMMITTEES ON PUBLIC HEALTH,
WELFARE, AND LABOR OF THE 85th ARKANSAS GENERAL ASSEMBLY:

THAT the House and Senate Interim Committees on Public Health, Welfare,
and Labor request the Arkansas Congressional Delegation to both seek a waiver
from the Secretary of the United States Department of Agriculture to exempt
Arkansas' exclusively WIC businesses from the deleterious effects of the
revised Child Nutrition and WIC Reauthorization Act and to amend the act to
create permanent protection for Arkansas' exclusively WIC businesses.

BE IT FURTHER RESOLVED that upon adoption of this resolution, a copy of
this resolution shall be transmitted to each member of the Arkansas
Congressional Delegation and to the Secretary of the United States Department
of Agriculture.

Respectfully Submitted,

Representative Jay Bradford
Co-chair

Senator Jack Critcher
Co-chair

Filed: 01-04-06 By: MGF/Jgj
STATE OF ARKANSAS
87th GENERAL ASSEMBLY
REGULAR SESSION, 2009

By: Senators Madison, Salmon, Elliott, Bookout, Bryles, Crumbly, Faris, J. Jeffress, B. Johnson, D.
Johnson, Laverty, Luker, T. Smith, Steele, R. Thompson, H. Wilkins, Wilkinson, D. Wyatt
By: Representatives L. Smith, T. Baker, Blount, Carroll, Cash, Cheatham, Cole, Cook, Davenport, Davis,
J. Edwards, Everett, Flowers, Gaskill, Harrelson, House, Ingram, Kidd, W. Lewellen, Lindsey, McCrarry,
McLean, Moore, Nickels, Nix, Pennartz, Perry, Pierce, Powers, Rainey, Reep, J. Roebuck, J. Rogers, T.
Rogers, Saunders, Shelby, G. Smith, Tyler, Wagner, Webb, B. Wilkins, Williams, Wills

Filed with: Senate Interim Committee on State Agencies and Governmental Affairs
pursuant to A.C.A. §10-3-217.

SENATE JOINT RESOLUTION
RATIFYING THE PROPOSED AMENDMENT TO THE UNITED
STATES CONSTITUTION PROVIDING THAT EQUALITY OF
RIGHTS UNDER THE LAW SHALL NOT BE DENIED OR
ABRIDGED BY THE UNITED STATES OR ANY STATE ON
ACCOUNT OF SEX.

Subtitle
RATIFYING THE PROPOSED AMENDMENT TO THE
UNITED STATES CONSTITUTION PROVIDING
THAT EQUALITY OF RIGHTS UNDER THE LAW
SHALL NOT BE DENIED OR ABRIDGED BY THE
UNITED STATES OR ANY STATE ON ACCOUNT OF
SEX.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

SECTION 1. That the General Assembly of the State of Arkansas pursuant
to Article V of the United States Constitution, hereby ratifies an amendment
to the Constitution of the United States, to wit:

"ARTICLE

Section 1. Equality of rights under the law shall not be denied or
abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by
appropriate legislation, the provisions of this Article.

Section 3. This amendment shall take effect two years after the date
of ratification."

SECTION 2. The Secretary of State of the State of Arkansas shall
notify the Archivist of the United States, pursuant to 1 U.S.C. 106b and 112,
as amended by Public Law 98-497 (98 Stat. 2291), of the action of the 87th
General Assembly of the State of Arkansas, Regular Session, 2009, by sending
to him or her a copy of this resolution.

SECTION 3. That the Secretary of State shall also send copies of this
resolution to both United States Senators from Arkansas, all four (4) United
States Representatives from Arkansas, the Vice-President of the United
States, and to the Speaker of the United States House of Representatives with
the request that the resolution be printed in full in the congressional
record.

Filed Date: 04/22/2009  By: MAG\VJF
Amendment – Simple amending

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 140
"TO INCREASE THE AMOUNT OF TIME A MEMBER OF THE ARKANSAS PUBLIC
EMPLOYEES' RETIREMENT SYSTEM MUST TERMINATE EMPLOYMENT IN ORDER
TO QUALIFY FOR RETIREMENT BENEFITS."

Amendment No. 2 to Senate Bill No. 140.

Amend Senate Bill No. 140 as engrossed, S1/27/09 (version: 01-27-2009 09:10):

Page 1, line 27, delete “(b)” and substitute “(b)(1)”
AND
Page 1, line 29, delete “(1)” and substitute “(2)(A)”
AND
Page 1, line 32, delete “(2)” and substitute “(2)(B)”
AND
Page 1, delete line 36 and substitute the following:
"date of retirement.
(2) A member participating in the Arkansas Public Employees' Retirement System Deferred Retirement Option Plan on January 1, 2009, shall have the one-hundred eighty-day separation requirement waived and may return to employment otherwise covered by the Arkansas Public Employees Retirement System no sooner than thirty (30) calendar days from the commencement of his or her retirement."

The Amendment was read the first time, rules suspended and read the second time and ______________________
By: Senator Faris
MMC/MAJ - 02-17-2009 10:17
MMC178
___________________________
Secretary
Amendment – Replace Title and Subtitle

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 873
"TO MAKE THE TERM OF OFFICE OF THE DIRECTOR OF THE DEPARTMENT OF LABOR COINCIDE WITH THE GOVERNOR'S TERM OF OFFICE."

Amendment No. 1 to Senate Bill No. 873.

Amend Senate Bill No. 873 as originally introduced:

Delete lines 9 through 12 and substitute the following:
"AN ACT TO AMEND THE TERM OF OFFICE OF THE DIRECTOR OF THE DEPARTMENT OF LABOR; AND FOR OTHER PURPOSES."

AND

Delete lines 15 through 18 and substitute "TO AMEND THE TERM OF OFFICE OF THE DIRECTOR OF THE DEPARTMENT OF LABOR."

AND

Page 1, delete lines 26 and 27 and substitute "until his or her successor is appointed and qualified. The director shall serve at the pleasure of the Governor."

The Amendment was read the first time, rules suspended and read the second time and ________________________

By: Senator T. Smith
MAG/CDS - 03-16-2009 15:14
MAG275

______________________________ Secretary
ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 128
"TO ALLOW FEDERAL MILITARY RETIREMENT MEMBERS TO PURCHASE CREDITED
SERVICE, ENHANCE THE PURCHASE OF COMPENSATED SERVICES BY ARKANSAS
NATIONAL GUARD AND ARMED FORCES RESERVE MEMBERS, AND PROVIDE
EMPLOYMENT PROTECTION."

Amendment No. 2 to Senate Bill No. 128.

Amend Senate Bill No. 128 as originally introduced:

Add Senator Wilkinson as a cosponsor of the bill

AND

Add Representative Stewart as a cosponsor of the bill

The Amendment was read the first time, rules suspended and read the second time and ____________________________
By: Senators Faris, Wilkinson
Representative Stewart
MMC/MAJ - 02-04-2009 08:29
MMC152

_________________________________________ Secretary
Amendment – Renumber the sections of the bill

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 959
"TO ABOLISH DORMANT BOARDS AND COMMISSIONS AND TO CLARIFY THE LAW CONCERNING ONGOING BOARDS AND COMMISSIONS."

Amendment No. 1 to Senate Bill No. 959.

Amend Senate Bill No. 959 as engrossed, S4/1/09 (version: 04-01-2009 14:42):

Delete Section 3 in its entirety

AND

 Appropriately renumber the sections of the bill
Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 2023
"TO PROVIDE THAT BEFORE A LAW ENFORCEMENT VEHICLE IS SOLD FOR RESALE
ALL LIGHTS, DECALS, LAW ENFORCEMENT RADIO, SIRENS, AND OTHER ITEMS
THAT ARE ASSOCIATED WITH LAW ENFORCEMENT VEHICLES SHALL BE
REMOVED."

Amendment No. 1 to House Bill No. 2023.

Amend House Bill No. 2023 as originally introduced:

Delete everything after the enacting clause and substitute:
"SECTION 1. Arkansas Code Title 5, Chapter 77, Subchapter 2 is amended
to add a new section to read as follows:
5-7-204. Resale of law enforcement vehicles.
(a) Except as provided in subsection (b) of this section, before a law
enforcement vehicle is offered for sale to the public, the seller of the law
enforcement vehicle shall remove from the law enforcement vehicle the:
   (1) Lightbar;
   (2) Spotlight;
   (3) Siren;
   (4) Law enforcement decals and signage;
   (5) Radios; and
   (6) Other items associated solely with law enforcement vehicles.
(b) The items required to be removed under subdivisions (a)(1) - (6)
of this section are not required to be removed if the law enforcement vehicle
is sold to a law enforcement agency.
(c) A violation of subsection (a) of this section is a violation and
punishable by a fine of not more than one thousand dollars ($1,000)."