

Legislative Drafting Manual



STATE OF ARKANSAS
BUREAU OF LEGISLATIVE RESEARCH

LEGISLATIVE DRAFTING MANUAL QUICK REFERENCE GUIDE

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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Unpublished memoranda, working papers, and correspondence of members of the General Assembly are not subject to disclosure under Arkansas Code § 25-19-105(b)(7).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 **in sessions with a bill-filing deadline in place**. 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 “~~striketrough~~” 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 Section 19.(D) states, “A resolution proposing a constitutional amendment shall not 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 Section 14.(B)(1) states, “No appropriation bill shall be filed for introduction in either the House of Representatives or the Senate later than the fiftieth (50th) day of a regular session except upon consent of two-thirds (2/3) of the members elected to each house.”

Final deadline to file any legislation:

In the past, the Joint Rules have imposed a general bill filing deadline. It is unknown from session to session if this practice will continue. Arkansas Constitution, Article 5, § 34, provides: No new bill shall be introduced into either house during the last three days of a regular or fiscal session.

1.5 IMPORTANT DATES AND DEADLINES FOR THE FISCAL SESSION

Convening of fiscal session:

Arkansas Code § 10-2-101(b) states:

“(b)(1) The General Assembly shall meet in a fiscal session to consider appropriation bills in each even-numbered year at 12:00 noon on the:

(A) Second Monday in February in years in which the preferential primary election is held in May under § 7-7-203; and

(B) Second Wednesday in April in years in which the preferential primary election is held in March under § 7-7-203.

(2) A bill other than an appropriation bill may be considered in a fiscal session if two-thirds (2/3) of the members of each house of the General Assembly approve consideration of the nonappropriation bill.”

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 Section 14.(C)(1) states, “No appropriation bill shall be filed for introduction in either the House of Representatives or the Senate later than the fifteenth (15th) day of a fiscal session except upon consent of two-thirds (2/3) of the members elected to each house.”

Deadline for filing identical resolutions for nonappropriation bills:

Joint Rules Section 14.(C)(2) and (3) state:

“(2) For a fiscal session, a non-appropriation bill shall not be filed for introduction until identical resolutions authorizing the introduction of the non-appropriation bill have been approved by an affirmative vote of two-thirds (2/3) of the members elected to each house.

(3) The identical resolutions authorizing the introduction of a non-appropriation bill in a fiscal session shall not be filed for introduction in either the House of Representatives or the Senate later than the first (1st) day of a fiscal session.”

Deadline for filing general legislation after identical resolutions have been approved:

House Rules Section 14.(C)(4) states, “A non-appropriation bill shall not be filed for introduction in either the House of Representatives or the Senate later than the fifteenth (15th) day of a fiscal session.”

Constitutional Amendments:

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

Revenue Stabilization Law:

House Rules Section 16.(E)(7) states, in part, “The schedule reflecting the allocation of funds in the Revenue Stabilization Law for the next fiscal year shall be submitted during a regular session or fiscal session to each body of the Arkansas General Assembly at least three (3) calendar days prior to the day at which the same 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.

1.6 HOUSE AND SENATE RULES

House and Senate Rules of each General Assembly are filed early in the regular session. The House resolution is usually HR1001, and the Senate resolution is usually SR1. Please refer to the General Assembly's website for the current resolutions.

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
93rd General Assembly
Regular Session, 2021

State of Arkansas
93rd General Assembly
First Extraordinary Session, 2021

State of Arkansas
93rd General Assembly
Fiscal Session, 2022

(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 — SECTIONS OF A BILL.

(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) SECTION HEADINGS.

A section does not generally contain a section heading other than the section number. However, certain provisions require that a specific section heading be included before any introductory language or other language of the section.

(A) Language Not To Be Codified. If the language of a section should not be codified because it is merely explanatory and need not be included in the Arkansas Code or because it concerns an uncodified act, then the section heading "DO NOT CODIFY" should be used. When possible, language that is not to be codified should appear at the beginning of a bill.

Examples:

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

SECTION 1. DO NOT CODIFY. The purpose of this act is to allow an insurance consumer to safely purchase commercial liability insurance coverage at a fair price to insure against the risk of property damage or bodily injury resulting from faulty workmanship.

SECTION 1. DO NOT CODIFY. The Arkansas Code Revision Commission is authorized to codify Uncodified Act 755 of 2003, as amended by Act 1438 of 2005 and Act 138 of 2007.

(B) Emergency Clauses and Effective Dates. If the act will go into effect on a date other than the ninety-first day after *sine die* adjournment, then a section heading should be used to indicate that the act includes an emergency clause or a specific effective date. See § 6.5 of this manual for more detailed information concerning emergency clauses and effective dates.

Examples:

SECTION 1. EFFECTIVE DATE. This act is effective for tax years beginning on or after January 1, 2012.

SECTION 1. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly of the State of Arkansas that the workload of the Eighth Judicial District-North is burdensome and the prosecuting attorney for the Eighth Judicial District-North should be employed on a full-time basis; that the workload of the Ninth Judicial District-West does not justify Division A status; and that this act is immediately necessary in order to ensure the efficient administration of justice in the Eighth Judicial District-North. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on March 1, 2012.

(C) Special and Temporary Language. Certain section headings are required for sections containing special or temporary language, as described in detail in §§ 7 and 8 of this manual.

(3) 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.

(4) 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...

(5) 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 digits represent the subchapter number. The last two 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)(1) 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) Use lower subdivisions in a list following introductory language and a colon.

Example:

13-7-102. Definitions.

As used in this subchapter:

(1) “Historic preservation” means the research, interpretation, presentation, protection, restoration, and rehabilitation of historic property; and

(2) “Historic property” means any building, structure, object, district, area, or site that is significant in the history, architecture, archeology, or culture of this state, its communities, or the nation.

(2) Use lower subdivisions 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 is not be necessary to obtain a permit for nor shall it be unlawful to move a vehicle or machinery in excess of the maximum width prescribed in § 27-35-206 and that is used only for normal farm purposes that require the use of such vehicles or machinery hay harvesting equipment, plows, tractors, bulldozers, or combines ~~when~~ if:

- (i) The vehicle or machinery is hauled on a vehicle licensed as a natural resources vehicle;
- (ii) The vehicle or machinery is owned or leased by a person primarily engaged in farming operations and is being operated by an owner or lessor of the vehicle or machinery or the owner's or lessor'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 a new or used vehicle or new or used machinery to the farm of the purchaser; or
 - (b) Being used in making a pickup and delivery of the vehicle or machinery from the farm to a shop of a farm machinery 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 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.

(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) UNNECESSARY REPETITION.

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 and interstate compacts are exempt from the numbering system and the style and formatting rules of the Arkansas Code. *See* Uniform Acts, Model Acts, and Interstate Compacts in [Appendix O](#) of this manual.

3.4 STATUTORY REFERENCES TO ARKANSAS CODE SECTIONS.

(a) USE OF THE WORDS “ARKANSAS CODE”.

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

Example: Not amending the Arkansas Code

SECTION 2. This act does 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 a reference to a citation to a section number.

If a reference to an Arkansas Code section appears within statutory text, it is not necessary to preface the reference with the words “Arkansas Code”.

Example:

This section does not limit additional governmental entities from becoming members of the district under § 8-15-106.

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

A section symbol is always used with the Arkansas Code section number with two exceptions.

(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:

Sections 17-35-601 – 17-35-606, 17-35-701, 17-35-702, and 17-35-801 – 17-35-803 may be cited as the “Arkansas Residential Interior Designers Title Registration Act”.

(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 this subsection
...subsection (b) of this section
...except as provided by subdivision (a)(1) of this section
...this subdivision (f)(2)

(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.

If a series of Arkansas Code sections contains a citation that has been repealed, set out section symbols again.

Example:

§§ 17-35-601–17-35-603, § 17-35-604 [repealed], § 17-35-606, and § 17-35-803

When a series of Arkansas Code sections features citations below the whole-section level, use section symbols for each citation.

Example:

§ 1-2-303, § 1-2-304(b), § 1-2-308(a), and § 17-35-606

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.

Example 1:

The director may paint the office:

- (1) Red;
- (2) Blue;
- (3) Green, or
- (4) Yellow.

Semicolons

Conjunction

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

Example 2: (Incorrect use of conjunctions)

The director may paint the office:

- (1) Red; or
- (2) Blue; or
- (3) Green; or
- (4) Yellow.

Delete conjunctions

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

Unclear meaning

- (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.

A **period** has been added after the word “Blue” to indicate that a complete sentence will follow.

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

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.
 - (B) The color blue shall not be used on the office ceiling.
 - (C) Royal blue shall not be used without the approval of the commission;
- (3) Green; or
- (4) Yellow.

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

(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

OK

(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) 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.

Wrong.
Not "Investigating"
Should be
"Investigate"

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 or is found guilty of a felony; or
(C) Provides false information to the commission.

This command does not fit as an item in a list of permissive actions. It should be removed from the list or could be attached to item (2) as an explanatory sentence.

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 or is found guilty of a felony; or
(C) Provides false information to the commission.

OK

The explanatory sentence is not dependent on the text before the colon. It is not read with the introductory phrase.

Example 6(e):

Every list, including a list within a list, must have introductory language.

Incorrect (subdivisions (a)(2)(A)-(C) are set out as a list without including introductory language):

- (a) The Department of Corrections 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 Corrections 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 a crime for which the person is found guilty of a felony; or
 - (C) Proves guilty of a crime for which the person is found guilty of a felony by 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—for example, “such”, “same”, or “the same being”—is no longer necessary or useful.

(d) FORMALITY.

When drafting in the Arkansas Code, use formal language but avoid legalese. Use words that are common in ordinary usage, but do not use colloquialisms or 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.

Example:

Incorrect:

A violation of subsection (a) of this section shall be a Class A misdemeanor.

Correct:

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

(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”. If a singular noun and a plural noun are connected by “and”, the subject and verb are considered plural, and a plural form of the verb should be used.

Example:

Incorrect: The commissioners and the director is required...

Correct: The commissioners and the director are required...

(h) DANGLING MODIFIERS OR MISPLACED MODIFIERS.

A dangling modifier is an error in a sentence structure that occurs if a grammatical modifier is associated with a word other than the one intended or with no particular word at all.

Example:

If the fee is paid by an applicant that is required within five (5) days...

Sometimes a sentence can be corrected by simply moving the dangling phrase nearer to the word it modifies.

Example:

Incorrect: The committee may purchase the playground equipment using the funds appropriated for that purpose.

Correct: Using the funds appropriated for that purpose, the committee may purchase the playground equipment.

At other times, a missing word must be supplied:

Example:

Incorrect: Before submitting the action plan required by this section, the following factors shall be considered:

Correct: Before submitting the action plan required by this section, the director shall consider the following factors:

(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 treasurer shall deposit the money in the fund.

Correct: The treasurer shall deposit money 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 Finance and Administration

the department

Arkansas 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 the Governor, the President Pro Tempore, and the Speaker of the House of Representatives, and should not be shortened to second references. Likewise, the titles of constitutional officers should never be shortened to second references.

Examples:

Governor
Lieutenant Governor
Secretary of State
Attorney General
Auditor of State
Treasurer of State
Commissioner of State Lands
(not "the secretary", "the auditor", "the treasurer", or "the commissioner")

(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 United States Constitution or the Arkansas Constitution.

Examples:

United States Constitution
Arkansas Constitution, Article 12, § 8
Constitution of Arkansas

(3) "Federal".

The word "federal" is not capitalized unless it is part of a proper name.

Examples:

Federal Aviation Administration
any federal regulations related to the program

(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:

according to the most recent federal decennial census
the 2000 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.

Capitalize

Attorney General
 Auditor of State
 Congress
 Court of Appeals
 Department of Aeronautics
 General Assembly
 Governor
 Legislative Council
 President
 President Pro Tempore
 Pulaski County Circuit Court
 Speaker of the House
 State Treasury
 Treasurer of State

Use lowercase

circuit court
 circuit court clerk
 circuit court judge
 city council
 county board of elections
 county court
 county court clerk
 county general fund
 county judge

(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.

- (1) Do not capitalize references to laws on a particular subject.

Example:

motor vehicle laws
tax laws

- (2) If referring to a statutorily named act that addresses a particular subject, capitalize the act name and include the Arkansas Code citation.

Example:

the Arkansas Registered Volunteers Program Act, § 6-22-101
et seq.

(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 modifying 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. Decimal notation uses tenths, hundredths, and thousandths.

Example:
five-tenths of one percent (0.5%)
eight-hundredths (0.08)
two and five-tenths (2.5)

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

Example:
one-half (1/2)
two and one-half cents (2 1/2¢)

three-fourths ($\frac{3}{4}$)
five-eighths ($\frac{5}{8}$)

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 ($2\frac{1}{2}$) instructional facilitators

two and nine-tenths (2.9) teachers

(e) DATES.

Dates are expressed as follows:

Examples:

the June 2019 report

the July 1, 2021, deadline

the months of June and July 2020 when combined (no comma)

July 1, 2022 (not July 1st)

June 30, 2020, to July 1, 2021,

January 15 (not the fifteenth day of January)

2019-2020 fiscal year

2019-2021 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. However, avoid using the hyphenated form.

Examples:

Incorrect: (a) The applicant shall pay a twenty-five-dollar (\$25.00) fee.

Correct: (a) The applicant shall pay a fee of twenty-five dollars (\$25.00).

Acceptable: (b) The twenty-five-dollar fee described in subsection (a) of this section.

Preferred: (b) The fee described in subsection (a) of this section.

(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.

Follow the *Chicago Manual of Style*, 17th edition, sections 10.64-10.68, and the format used by the National Institute of Standards and Technology.

See “NIST Reference on Constants, Units, and Uncertainty – SI Unit Rules and Style Conventions – Checklist for Reviewing Manuscripts”, in [Appendix G](#) of this manual.

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" or a proper name ending in "s", add an apostrophe and "s".

Examples:

Witness's testimony
Xerxes's armies
Arkansas's rivers

(B) To form the possessive of a plural word ending in "s", add an apostrophe.

Examples:

families' homes
departments' funds

(C) 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

(D) 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 equation.

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 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) 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, using highly specific internal references can cause complications because the internal references must be checked and corrected with each new draft or amendment if the language is changed or if the subsections or subdivisions are redesignated. To help with this issue, avoid superfluous references below the whole-section level when referring to another Code section.

(2) How specific an internal reference is needed?

In order to minimize the number of corrections that must be made to internal references in the future when the bill or law is revised, an internal 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.

(4) Common examples of when to use an internal reference.

When clarifying the source or scope of a right or duty

Examples:

A petition filed **under § 16-1-101** shall . . .

A person shall not file a petition **under subdivision (a)(1) of this section** if . . .

When clarifying an object

Example:

The report **described in subsection (a) of this section** may . .

When clarifying the scope of a particular provision of law

Examples:

Subsection (a) of this section does not mean . . .

This section does not apply to . . .

This chapter applies to . . .

When referring to a criminal offense

Example:

If a person commits theft of property, § **5-36-103**, the court . .

When referring to a chapter or a subchapter with a designated name

Example:

Arkansas Juvenile Code of 1989, § **9-27-301 et seq.**

When adopting a definition for a term from another part of the Arkansas Code

Examples:

A person **as defined in § 16-1-101** shall . . .

As used in this section, “person” means the same as defined in § **16-1-101**.

(b) ADOPTION OF FEDERAL LAWS OR REGULATIONS OR 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. To ensure that the date is before the bill has been considered, the date generally used is January 1 of the year of the current session, unless a different date is more appropriate under the circumstances.

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) ADOPTING OR CITING TO FEDERAL LAWS.

When adopting or citing to a federal statute, it is preferable to use a United States Code section. The reference should be as the section existed on a specific date. If a United States Code section cannot be used, then a public law number is acceptable. A date should not be necessary when using 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 January 1, 2019

Pub. L. No. 93-64

When adopting or citing to a federal regulation, use the Code of Federal Regulations. As with references to the United States Code, the reference should be as the regulation existed on a specific date.

Example:

16 C.F.R. § 444, as it existed on January 1, 2019

(d) ADOPTING OR CITING TO INDUSTRY STANDARDS

When adopting or citing to an industry standard, the reference should be to the industry standard as it existed on a specific date or to a specific edition of a publication.

Examples:

North American Industry Classification System code 55111,
as it existed on January 1, 2003

Section 1607, Standard Building Code, 1997 Edition

(e) REFERENCES TO STATE ENTITIES AND FUNDS.

(1) First and second references.

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 the section.

Example:

(a) The Division of Aeronautics shall assist in the location of landing fields and the promotion and development of aeronautics throughout the state.

(b) The division may use for the construction and development of these fields and for the grading and construction of highways leading thereto, any equipment of the Arkansas Department of Transportation which is not at that time required for other construction purposes.

(2) When to use full name only.

If two or more entities of the same type 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.

Example:

When using full name each time is not needed:

- (a) Each conservation district in this state shall annually assess the thistle problem within the district and report to the Arkansas Natural Resources Commission no later than September 30 each year regarding the extent of the thistle problem within the district and methods proposed to be used to eradicate and control the thistles.
- (b) The commission may provide financial assistance to the conservation districts from any funds available for that purpose.

When using full name each time is needed:

- (a) The Division of Career and Technical Education, in partnership with the Division of Elementary and Secondary Education and the Division of Higher Education, shall develop and administer the College and Career Coaches Program.
- (b) The Division of Career and Technical Education shall manage the College and Career Coaches Program.

(3) Exception.

References to the State Board of Education can still be shortened to “state board” in an Arkansas Code section that contains a reference to another board. This exception is commonly seen in Title 6.

Example:

Responsibilities shall include without limitation:

- (1) Establishment of policies and procedures for the operation and management of the education service cooperative, which shall be in written form and shall be filed with the **State Board of Education**;
- (2) Preparation of an annual budget estimating income and expenditures for programs and services in accordance with procedures established by the **state board**; and
- (3) Carrying out other duties as may be required for the efficient operation of the education cooperative for which the **board of directors** is responsible.

(4) Use of “Office” or “office”.

Use of “Office” or “office” when referring to state entities should be avoided unless the term is part of the official name of the entity. *See* § 4.6(g)(15) of this manual.

(f) REFERENCES TO FEDERAL ENTITIES AND OFFICIALS OF FEDERAL ENTITIES.

To distinguish between federal entities and state entities of the same or similar name, add “United States” as a descriptor to the name if it is not already part of the entity name as it was created in the United States Code.

Example:

United States Department of Education
United States Supreme Court
United States Environmental Protection Agency

If “United States”, “Federal”, or “National” is part of the created name, then no additional modifier is needed. This style rule applies also to the names of federal officials when those officials’ titles do not include the full name of the associated entity.

Example:

Federal Bureau of Investigation
Federal Transit Commission
United States Secretary of Education

However, no additional modifier is needed when referring to the Internal Revenue Service or the Social Security Administration, as these entities are uniquely identifiable as federal entities. Do not use second references to federal entities or officials.

See the Masterlist for a current listing of federal and national entities mentioned in the Arkansas Code.

(g) REFERENCES TO COURT CASES

When referring to a decision of a court, use *The Bluebook: A Uniform System of Citation*, except that case names should not be underlined or italicized. This is to avoid problems with the markup system and to avoid confusion with bill amendments.

Examples:

Arkansas Supreme Court

Burnell v. State, 2020 Ark. 244

Lake View School Dist. No. 25 v. Huckabee, 351 Ark. 31 (2002)

Arkansas Court of Appeals

Greenway Equipment, Inc. v. Johnson, 2020 Ark. App. 336

Hamilton v. State, 97 Ark. App. 172 (2006)

United States Supreme Court

McCulloch v. Maryland, 17 U.S. 159 (1819)

United States Court of Appeals

Stufflebeam v. Harris, 521 F.3d 884 (8th Cir. 2008)

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. When changing existing 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.

<u>Gender based</u>	<u>Preferred</u>
brother	sibling
chairman	chair
chairmen	chairs
committeeman	committee member
committeemen	committee members
fireman	firefighter
he	“he or she” <i>or</i> repeat term
her	“his or her” <i>or</i> repeat term

his	“his or her” <i>or</i> repeat term
husband	spouse
layman	layperson
man	individual
manned	staffed
manpower	personnel
policeman	police <i>or</i> law enforcement officer
she	“he or she” <i>or</i> repeat term
sister	sibling
unmanned	unstaffed
widow	surviving spouse
widower	surviving spouse
wife	spouse
woman	individual

(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.

<u>Words and phrases to avoid</u>	<u>Preferred</u>
; however	However,
a statement setting forth.....	state
accord.....	give
adequate number of.....	enough

afforded..... given *or* provided
 and/or X or Y, or both
 any and all..... any
 are deemed to be are
 by and withby
 commencebegin
 consequence.....result
 constitute and appointappoint
 deemed to include includes
 do and perform.....do
 during such time aswhile
 duly SUPERFLUOUS WORD – OMIT
 each and every each
 evidence, documentary or otherwiseevidence
 final and conclusiveconclusive *or* final
 forthwithpromptly *or* immediately
 full and complete full *or* complete
 give consideration to..... consider
 has the duty to shall
 hereby SUPERFLUOUS WORD – OMIT
 if any person shall violate a person who violates
 if any person violates a person who violates
 if it shall appear thatif it appears
 if it shall be necessary.....if it is necessary
 in its discretion may.....may
 in no event shall shall not
 including, but not limited to,..... including without limitation
 is authorized and directed to shall
 is authorized to.....may
 is considered is
 is deemed to be is
 is defined and shall be construed to meanmeans
 is defined asmeans
 is defined to mean.....means
 is directed to..... shall
 is empowered to.....may
 is hereby authorized and empowered tomay
 is hereby authorized to.....may
 is hereby empowered tomay
 is hereby vested with authority and powermay
 is hereby vested with authoritymay
 is hereby vested with powermay
 is ordered and directed to..... shall
 is ordered to shall
 is ordered, directed and required to shall
 is required to shall
 it shall be lawful.....may

make application apply
 make inquiry inquire
 means and includes means
 member of a partnership partner
 monies moneys
 nothing in this act shall be construed to this act does not
 nothing in this chapter shall be construed to this chapter does not
 nothing in this section shall be construed to this section does not
 nothing in this subchapter shall be construed to this subchapter does not
 nothing in this subdivision shall be construed to this subdivision does not
 nothing in this subsection shall be construed to this subsection does not
 null and void and of no effect void
 null and void void
 on or after beginning
 part and portion part
 prior to before
 provide assistance to assist
 provided that however *or* but *or* except
 Provided, however However,
 said the
 the salesman salesperson
 same the
 set forth state
 shall be construed to mean means
 shall be in full force and effect is effective
 shall have the authority to may
 shall mean means
 sole and exclusive sole
 subsequent to after
 such “the” (*in most instances*)
 under the provisions of under
 whatsoever at all *or* whatever
 whensoever whenever
 wherein in which
 wheresoever wherever
 with reference to about

(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”.

Arkansas Code § 1-2-113 allows the Arkansas Code of 1987 Annotated to be referred to in any of the following ways: “Arkansas Code of 1987 Annotated”, “Arkansas Code of 1987”, “Arkansas Code Annotated”, “Arkansas Code”, “the Code”, or “this Code”. 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 sections in the Arkansas Code. The term is superfluous in a codification of statutory law.

(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” to avoid the false imperative.

Example:

Incorrect: The fee shall be paid... (The fee is an inanimate object that does not have a duty or obligation to be paid.)
Correct: A person shall pay the fee...

Avoid using a negative subject with an affirmative “shall”.

Example:

Incorrect: No person shall... (This means that no one is required to act. The obligation is negated, but not the permission to act.)

Correct: A person shall not...

Do Not Use A Future Tense Verb:

if a member shall resign

it shall be unlawful

no person shall be entitled

no person shall be guilty

no person shall be deemed guilty

the property shall remain

this section shall not be construed to

who shall serve

who shall violate

Use A Present Tense Verb:

if a member resigns

it is unlawful

no person is entitled

no person is guilty

no person is guilty

the property remains

this section does not

who serves

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 – 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
fewer 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) votes
more than five (5) employees

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

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

(15) “Office” and “office”.

Use of “Office” or “office” when referring to state entities should be avoided unless the term is part of the official name of the entity. A statutory duty or authority should always be given to an entity by using its official name. However, it is acceptable to use “Office of the [Position]” in the context of referring to a person elected to or holding a particular office of state government.

Examples:
Incorrect:
(a) The Office of the Attorney General shall . . .
(a) The Attorney General’s office shall . . .
Correct:
(a) The Attorney General shall . . .
(a) The Office of Motor Vehicles shall . . .
(a) The person elected to the Office of Attorney General may . . .

If the use of “office” cannot be avoided when referring to a state entity, then it should be lowercased and follow the entity’s name to avoid confusion with the entity or position itself.

Example:
(a) The Attorney General’s office shall staff the commission.

(16) “Paragraph”.

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

(17) “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.

Examples:

Incorrect: Upon the passage of this act, the department shall

...

Correct: After January 1, 2004, the department shall . . .

Correct: On the effective date of this act, the department shall . . .

(18) “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.

(19) “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.

(20) “This act”.

Avoid using “this act” in a section in 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 amended by the act. It is permissible to refer to “this act” in a bill section that is not amendatory to the Arkansas Code.

Examples:

Incorrect: the program created under this act

Correct: the program, as created in § 6-1-101

(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 sum 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, to form the substance of something.

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 phrasing “is comprised of” as nonstandard usage. Use “is composed” or “consists of” instead.

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...

(7) “Health care” and “healthcare”

- “Health care” is used when writing about the service provided or received.

Examples:

Preventive health care
Prenatal health care

- “Healthcare” is used when modifying another word.

Examples:

Healthcare provider
Healthcare costs

(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”.

(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) SECOND REFERENCES.

(1) Use a second reference only for a state entity or fund, when appropriate. See [§ 4.5\(e\)](#) of this manual. Do not use a shortened reference for other terms or entities. This is especially important regarding references to defined terms.

Examples:

Incorrect: A medical facility that does not report the facility’s failure to treat a person violates this section.

Correct: A medical facility that does not report the medical facility’s failure to treat a person violates this section.

Incorrect: The county treasurer shall submit the county records to the county assessor after the treasurer and assessor have entered into an agreement concerning the records.

Correct: The county treasurer shall submit the county records to the county assessor after the county treasurer and county assessor have entered into an agreement concerning the county records.

(2) Do not use second references for private entities or federal entities or funds.

Agricultural Council of Arkansas
United States Secretary of Labor
Wetlands Reserve Program

(n) RESPECTFUL LANGUAGE.

(1) Arkansas Code § 1-2-124(a) and (b) state:

‘(a)(1) The General Assembly recognizes that language used in reference to individuals with disabilities shapes and reflects society's attitudes toward people with disabilities. Many of the terms currently used demean the humanity and natural condition of having a disability. Certain terms are demeaning and create an invisible barrier to inclusion as equal community members.

(2) The General Assembly finds it necessary to clarify preferred language for new and revised laws by requiring the use of terminology that puts the person before the disability.

(b)(1) In any bill or resolution, the Bureau of Legislative Research shall avoid all references to:

- (A) “Disabled”;
- (B) “Developmentally disabled”;
- (C) “Mentally disabled”;
- (D) “Mentally ill”;
- (E) “Mentally retarded”;
- (F) “Handicapped”;
- (G) “Cripple”; and
- (H) “Crippled”.

(2) The Arkansas Code Revision Commission shall change such references in any existing statute or resolution as sections including these references are republished or otherwise amended by law.

(3) The Bureau of Legislative Research and the Arkansas Code Revision Commission shall replace the inappropriate terms in subdivision (b)(1) of this section with the following terms:

- (A) “Individuals with disabilities”;
- (B) “Individuals with developmental disabilities”;
- (C) “Individuals with mental illness”; and
- (D) “Individuals with intellectual disabilities”.

(2)(A) When amending language to replace inappropriate terms in the Arkansas Code, use language that is neutral and precise to describe the condition of disability.

Examples:

Incorrect: ~~person~~ individual suffering from ~~mental retardation~~ an intellectual disability

Correct: ~~person suffering from mental retardation~~ individual with an intellectual disability

(B) When describing individuals with disabilities use language that is neutral and precise.

Examples:

Incorrect: If an individual with a disability is incapable of performing daily tasks...

Correct: If an individual with a disability needs assistance with activities of daily living, such as grooming, toileting, ambulation, and bathing...

(3) In adhering to the requirements of § 1-2-124, use person-first language when writing about a classification of people categorized by a single attribute.

Examples:

Incorrect: children from needy families

Correct: children three (3) years of age and four (4) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines

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.

When amending or repealing laws, the preferred practice is to amend or repeal sections of the Arkansas Code rather than the acts that amended the Arkansas Code. In other words, if the law to be amended is in effect and codified in the Arkansas Code, then refer to the law by the Arkansas Code **section** as codified and not by the act number. Exceptions to this general rule are outlined below.

(1) Section Being Amended During the Same Session in Which the Section Was Enacted or Amended.

If the Arkansas Code section has been enacted or amended by an act that has not yet been codified, then refer to the Arkansas Code section followed by “as [enacted][amended] by [Acts ___], [No. ____], [§__]”.

Examples:

SECTION 1. Arkansas Code § 26-52-301, as enacted by Acts 2011, No. 291, § 3, is amended to read as follows:

SECTION 1. Arkansas Code § 26-52-301, as amended by Acts 2011, No. 291, § 3, is amended to read as follows:

SECTION 1. Arkansas Code § 26-52-301, as enacted by Acts 2011, No. 291, § 3, is repealed.

(2) Delayed Effective Dates—Acts and Code Sections Amended by Acts That Will Not Take Effect Before the Next Session Begins.

If an Arkansas Code section has been amended by an act that will not take effect before the beginning of the next session because of a delayed effective date, then:

(A) Include a purpose and intent section that fully explains the purpose of the bill;

Example:

SECTION 1. DO NOT CODIFY. Purpose and legislative intent.

(a)(1) Acts 2011, No. 1058, was signed into law on April 1, 2011.

(2) Acts 2011, No. 1058, § 3:

(A) [Fully describe what the act or the relevant part of the act did]; and

(B) Is effective on and after July 1, 2012.

(b) It is the intent of the General Assembly by the enactment of this act to amend Acts 2011, No. 1058, § 3, for the purpose of:

(1) [Fully describe the purpose of the act, e.g., to amend all or part of the act to deny the amendments to the Arkansas Code occasioned by the act from taking effect]; and

(2) Setting forth the revisions of [all or part of the Arkansas Code section(s), if any] as provided in Section 2 of this act.

(B) State the changes to the Arkansas Code as it will read on the effective date of the amending act; and

Examples:

SECTION 2. Arkansas Code § x-xx-xxx, as amended by Acts 2011, No. 1058, § 3, and effective on and after July 1, 2012, is amended to read as follows:

SECTION 2. Arkansas Code § x-xx-xxx, as enacted by Acts 2011, No. 1058, § 3, and effective on and after July 1, 2012, is amended to read as follows:

(C) Consider whether an emergency clause is needed to fulfill the purpose of the bill.

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

Example:

SECTION 1. Uncodified Acts 1997, No. 1177, § 1, is amended to read as follows:

SECTION 1. Uncodified Acts 1997, No. 1177, § 1, is repealed.

If the uncodified act has been previously amended, amend the amended, uncodified act by act number, and include a statement of the amending acts.

Example:

SECTION 2. Uncodified Acts 2003, No. 1366, § 4, as amended by Acts 2005, No. 1823, § 1, Acts 2007, No. 560, § 2, and Acts 2011, No. 723, § 1, is amended to read as follows:

(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:”.
- Do not amend only the introductory language of a list. The entire list must be set out for proper context.

(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.

Incorrect:

Arkansas Code §§ 14-27-101 and 14-27-104 are amended to read as follows:

Arkansas Code §§ 14-27-101 and 14-27-102(a) are amended to read as follows:

Correct:

Arkansas Code § 14-27-102 is amended to read as follows:

Arkansas Code §§ 14-27-101 and 14-27-102 are amended to read as follows:

Arkansas Code §§ 14-27-101 through 14-27-104 are amended to read as follows:

Arkansas Code Title 14, Chapter 27 is amended to read as follows:

Arkansas Code Title 14, Chapter 27, Subchapter 1 is amended to read as follows:

(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.

Incorrect:

Arkansas Code § 14-27-102(a) and (c)

Arkansas Code § 14-27-102(a) and (b)(1)

Arkansas Code § 14-27-102(b)(2) and (c)

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.

Use appropriate introductory language to describe what is being amended in the bill.

(a) SECTION HEADINGS.

Introductory language that describes what is being amended immediately follows the section heading. A section does not generally contain a section heading other than the section number. However, certain provisions require that a specific section heading be included before any introductory language or other language of the section. *See* § 2.1(h)(2) of this manual for a detailed discussion on the requirements for section headings.

(b) AMENDING ENTIRE CHAPTER OR SUBCHAPTER.

Examples:

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

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

When an entire chapter or subchapter is amended, the entire chapter or subchapter, including sections that are not amended, must be restated. However, Arkansas Code sections should usually be amended individually if each section within the chapter or subchapter is not being amended.

(c) AMENDING A SECTION.

(1) Amending a Codified Section.

If the current version of the section is being amended, refer to the Arkansas Code section.

Example:

SECTION 1. Arkansas Code § 1-1-101 is amended to read as follows:

(2) Amending a Section That Has Been Amended by an Act That Has Not Been Codified.

If the Arkansas Code section has been amended by an act that is in effect but has not yet been codified, refer to the Arkansas Code section followed by “as amended by [Section __ of] Act ____ of 20__”.

Example:

Arkansas Code § 26-52-301, as amended by Act 291 of 2011, is amended to read as follows:

(d) AMENDING A PORTION OF A SECTION.

When amending less than an entire section of the Arkansas Code, a description of the provision being amended should be provided, beginning with the word “concerning.”

(1) 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:

(2) Amending the Introductory Language of a Section, Subsection, or Subdivision.

If introductory language to a *lengthy* section, subsection, or subdivision needs to be amended, it is permissible to amend only the introductory language if it is amended in a manner that adequately illustrates the purpose of the amendment and the portion of the Code being amended.

Example:

SECTION 1. The introductory language of Arkansas Code § 8-4-103(i), concerning criminal penalties under the Arkansas Water and Air Pollution Control Act, is amended to read as follows:

(i) Solicitation, as defined by § 5-3-301 et seq., or conspiracy, ~~as defined by § 5-3-301 et seq. and § 5-3-401 et seq.~~, to commit any criminal act proscribed by this section and 8-6-204 and 8-7-204 shall be punishable as follows:

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

Examples:

SECTION 1. Arkansas Code Title __ is amended to add an additional chapter to read as follows:

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:

(f) AMENDING AN ACT.

(1) Acts Being Amended During the Same Session in Which the Acts Were Passed. *See* § 5.1(a)(1) of this manual.

(2) Acts That Will Not Take Effect Before the Next Session Begins. If an act or Arkansas Code section has been amended by an act that is not yet in effect due to a delayed effective date, then amend the act as stated in § 5.1(a)(2) of this manual.

(3) Amending All or Part of an Uncodified Act. If the bill amends all or part of an uncodified act, the introductory language should state that it is an uncodified section or act. *See* § 5.1(a)(3) of this manual.

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~~ Class D felony.

(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:

SECTION 1. Arkansas Code § 99-99-999 is repealed.

~~99-99-999. Report of commissioners.~~

~~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.~~

(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 and 14-27-102

Arkansas Code §§ 14-27-101 – 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 by using appropriate introductory language.

Example:

Arkansas Code § 2-33-105(c), concerning bond requirements for the State Veterinarian, is repealed.

(d) REPEALING ALL OR PART OF A CHAPTER, SUBCHAPTER, SECTION, SUBSECTION, OR SUBDIVISION AMENDED DURING THE SAME SESSION.

See § 5.1(a)(1) of this manual.

Example:

Arkansas Code § 26-52-301, as amended by Acts 2011, No. 291, is repealed.

(e) REPEALING ALL OR PART OF AN ACT.

An act should not be repealed or partially repealed by reference. To repeal or partially repeal an act, set out the law as enacted or amended by the act and then use mark-up to repeal the effects of the act that are intended to be repealed. *See* §§ 5.1(a) – (d) of this manual for repealing acts that are codified and § 5.1(f) for repealing acts that are uncodified.

(f) UNCODIFIED ACTS.

(1) Repeal an unamended, uncodified act by its act number, and show the strikethrough of the uncodified language.

Example:

SECTION 1. Uncodified Acts 2003, No. 755, § 5, is repealed.

~~The commission shall expire on June 30, 2005.~~

(2) Repeal an amended, uncodified act by its act number and amending acts, and show the strikethrough of the uncodified language as amended.

Example:

SECTION 1. Uncodified Acts 2003, No. 1366, § 4, as amended by Acts 2005, No. 1823, § 1, Acts 2007, No. 432,

§ 1, Acts 2009, No. 560, § 1, and Acts 2011, No. 723, § 1, is repealed.

~~SECTION 4. Sunset Clause.
This act expires on July 1, 2015.~~

(3) Special language without a built-in expiration date is required to be repealed to no longer be effective as law. Repeal special language in the same manner as § 5.5(f)(1) or (f)(2) of this manual.

(g) **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.

(h) **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.

(i) **REPEAL OF A REPEALER.**

The repeal of a repeal does not revive the underlying act. If a repealer has a delayed effective date, the section that contains the repealer may be repealed, but only if the repeal of the delayed repealer takes effect before the effective date of the delayed repealer. Likewise, if an amendment to a section is not yet in effect due to a delayed effective date, the section that makes the amendatory change may be repealed.

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 annulled 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.]

PART 6. COMMON PROVISIONS

6.1 APPLICABILITY, CONSTRUCTION, AND INTENT.

(a) GENERAL APPLICABILITY AND SCOPE OF AN ACT.

If an act applies only to a particular group of people or things or particular actions, include a provision that clearly states the applicability or scope of the act. This provision may appear in a section containing other provisions, or it may be in a stand-alone section.

Examples:

21-101-102. Scope.

(a) This chapter applies to an insurer or producer transacting creditor-placed insurance as defined in this subchapter.

9-99-999. Application.

This chapter applies to an insurer or producer transacting creditor-placed insurance as defined in this subchapter.

(b) LEGISLATIVE FINDINGS AND INTENT.

Any official findings and intent of the General Assembly with respect to an act should be stated in a separate section of the act. The findings and intent are effective in helping a court construe the law whether it is codified, as in the example below, or uncodified in a “DO NOT CODIFY” section of the bill.

Example:

20-77-1701. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Health care providers who serve Medicaid recipients are an indispensable and vital link in serving this state's needy citizens; and

(2) The Department of Human Services already has in place various provisions to:

(A) Ensure the protection and respect for the rights of Medicaid recipients; and

(B) Sanction errant Medicaid providers when necessary.

(b) The General Assembly intends this subchapter to ensure that the department and its outside contractors treat providers with fairness and due process.

(c) 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 must be subject to factual verification and should not depend on the discretion of an entity.

Correct:

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.

Incorrect:

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.

(d) 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.

(e) 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) 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.

(b) A person seeking licensure under subsection (a) of this section must register with the board before December 1, 2003, and must pay the license fee.

(f) RETROACTIVE EFFECT.

An act or part of an act may be made to apply retroactively, but it must specifically state that it is retroactive. However, a retroactive change to vested substantive rights, as opposed to procedural rights, is of questionable constitutionality.

Examples:

This act applies retroactively to January 1, 2001.

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

(g) 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”.

(h) NONSEVERABILITY CLAUSE.

If the author does not want specific provisions to be severable, add a section declaring that the provisions are not severable.

Example:

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

(i) 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 used rarely 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 laws or parts of laws that directly conflict with the act.

This act is supplemental to all other laws concerning _____ and repeals only those laws or parts of laws that directly conflict with the act.

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 “Division of Arkansas State Police” . . .

Correct: The Division 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 appointing official must select a member from a list submitted by an officer or organization, are the official’s choices so limited that there is 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?
- What vote is necessary to pass a motion at a meeting?
- 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?
- Should any powers or duties be delegated to a person or entity to exercise between meetings of the body? If so, are there any limitations on the ability of the person or entity to handle these matters (*e.g.*, approval by the board, etc.)?

(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.

Examples:

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.

Examples:

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\(g\)\(17\)](#) 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.

(c) 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~~ For tax years ending before January 1, 2004, 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~~ For tax years beginning on or after January 1, 2004, 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%)~~ one percent (1%) 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

(2) Compensating use tax levied by the

Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

- 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

(2) Compensating use tax levied by the

Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

- 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
(2) Compensating use tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

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
(2) Compensating use tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

6.9 RULE PROMULGATION TIED TO A DEADLINE.

If a member would like an agency to have rules in effect by a specific date, the temporary language template provided below makes it clear that an agency shall file a final rule by a specific date but recognizes that the agency will not be able to file the final rule if it has not been approved by Legislative Council. It also requires the agency to have the rule before Legislative Council for approval in a timely manner. This language may require adaptation depending on the particular facts of a bill. See [Part 8](#) of this manual for more information on temporary language.

Example:

SECTION X. DO NOT CODIFY.
Temporary language.
(a) When adopting the initial rules to implement this act, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):
(1) On or before [date]; or
(2) If approval under § 10-3-309 has not occurred by [date], as soon as practicable after approval under § 10-3-309.
(b) The [name of agency] shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of [date], so that the Legislative Council may consider the rule for approval before [date].

PART 7. SPECIAL LANGUAGE

7.1 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 8](#)* 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.

7.2 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:

Example:

This section is in effect only from July 1, 2010, through June 30, 2011.

(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:

Incorrect (not subdivided; excessively wordy; ambiguous references; incorrect statutory name; punctuation errors; omitted Arkansas Code citation):

SECTION 50. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. SALARIES. **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.

Excessive wordiness; not subdivided.

Negatively worded

Ambiguous references

Incorrect statutory name; Arkansas Code citation omitted.

Correct:

SECTION 50. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. SALARIES.

Comma missing.

(a) Section 34 of this act, Various State Agencies – Cash, does not authorize the creation or establishment of new positions in addition to the positions established in the agency's appropriation act.

(b) Salaries paid from appropriations transferred in this act are subject to the Regular Salary Procedures and Restrictions Act, § 21-5-101.

(c) This section is in effect only from July 1, 2010, through June 30, 2011.

7.3 IMPROPER USE OF SPECIAL LANGUAGE.

(a) AMENDMENT TO ARKANSAS CODE SHOULD NOT BE SET OUT SOLELY 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 8. TEMPORARY LANGUAGE

8.1 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.

8.2 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:

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. ←

Termination date.

(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 __. DO NOT CODIFY. TEMPORARY LANGUAGE.

PART 9. TECHNICAL CORRECTIONS BILLS

9.1 OVERVIEW.

(a) ORIGIN.

The Statutory Review Section of the Bureau of Legislative Research is responsible for compiling, reviewing, and submitting technical corrections on behalf of the Arkansas Code Revision Commission.

(b) PURPOSE.

Technical corrections bills are used to correct errors, omissions, and inconsistencies in the Arkansas Code. The provisions of a technical corrections bill may serve a variety of purposes:

- To correct various errors, including grammatical errors and stylistic errors;
- To add language inadvertently omitted during the codification process;
- To remove obsolete language;
- To clarify language and references; and
- To amend or add language to ensure consistency and eliminate conflicts within the Arkansas Code.

A separate technical corrections bill is usually drafted for each title of the Arkansas Code that needs to be amended for technical reasons for each regular session. A technical corrections bill should not contain substantive amendments to the Arkansas Code.

9.2 PARTS OF A TECHNICAL CORRECTIONS BILL.

(a) TITLE.

The title of a technical corrections bill should indicate that the purpose of the bill is to make technical corrections to a particular title of the Arkansas Code. Because one of the purposes served by the title of the bill is to assist the House and Senate in assigning the bill to the appropriate committee, the title of the bill should also include the subject matter of the title being amended.

Example:

AN ACT TO MAKE TECHNICAL CORRECTIONS TO
TITLE 14 OF THE ARKANSAS CODE CONCERNING
LOCAL GOVERNMENT; AND FOR OTHER PURPOSES.

See [§ 2.1](#) of this manual for additional requirements regarding the form of the title and subtitle.

(b) **INTRODUCTORY LANGUAGE FOR AMENDATORY TEXT.**

(1) Include an explanation of why the technical correction is being made in the introductory language of each section of the bill.

Examples:

Arkansas Code § 8-5-902 is amended to read as follows to correct certain statutory references:

Arkansas Code § 19-10-212 is amended to read as follows to conform the dollar amount in the section to the dollar amount set out in uncodified sections of acts passed by the General Assembly pertaining to the same subject and to clarify the wording:

Arkansas Code § 26-35-201 is amended to read as follows to make it consistent with Arkansas Code § 26-34-101:

Arkansas Code § 26-53-148 is amended to read as follows to remove obsolete language and to make stylistic changes:

(2) If only a portion of the statute is being amended, also include a brief statement in the introductory language describing the statute.

Examples:

Arkansas Code § 19-5-1227(c) and (d), concerning the Educational Adequacy Fund, are amended to read as follows to reflect amendments made to the fund by Acts 2003 (2nd Ex. Sess.), No. 107:

Arkansas Code § 26-52-902(c), concerning the certification required for steel mill tax incentives, is amended to read as follows to incorporate language from Acts 1987, No. 48, that was omitted from the codification of § 26-52-902:

See § 5.2 of this manual for additional requirements regarding the introductory language used in amending the Arkansas Code.

(c) **CONSTRUCTION.**

Each technical corrections bill shall include the following language, amended as appropriate to indicate the proper session, as the final section of the bill:

SECTION __. DO NOT CODIFY — CONSTRUCTION. It is the intent of the General Assembly that:
(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the [Ninety-Third] General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the [Ninety-Third] General Assembly and this act:

(A) The act of the regular session of the [Ninety-Third] General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the [Ninety-Third] General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

9.3 TECHNICAL CORRECTIONS OF INITIATED MEASURES.

If a technical corrections bill amends or repeals an initiated measure, incorporate the guidelines stated in § 5.9 of this manual regarding initiated measures.

PART 10. RESOLUTIONS

10.1 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.

10.2 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. *See* Part 11 of this manual for additional details on how to draft amendments.

10.3 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.

10.4 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 [§ 10.6](#) 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.

10.5 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 chamber or chambers making the resolution and to which General Assembly the chamber belongs. A joint resolution proposing a constitutional amendment includes additional text concerning incorporation of the amendment into the Arkansas Constitution.

Examples:

“Simple” House Resolution:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

“Simple” Senate Resolution:

BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

House Concurrent Resolution:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

Senate Concurrent Resolution:

BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

House Joint Resolution:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

Senate Joint Resolution:

BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

(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:

10.6 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.

10.7 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.

10.8 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 voting or nonvoting 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. Although a member may sponsor an interim resolution only in his or her chamber, an interim resolution may go to both a House committee and a Senate committee if it has both a House sponsor and Senate sponsor who are members of the relevant committees. *See* Appendix F for the proper names of interim committees.

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 [§ 10.6](#), 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 11. AMENDMENTS TO BILLS AND RESOLUTIONS

11.1 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]

11.2 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.

11.3 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.

11.4 DRAFTING CONSIDERATIONS.

(a) INTRODUCTION.

The text below will be used as the basis for most of the examples in Part 11. 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 “~~(e)~~(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 “~~(e)~~(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

11.5 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 12. INTERIM STUDY PROPOSALS

12.1 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* [§ 12.10](#) for specific instructions on how and when revisions can be made to a filed interim study proposal.

12.2 FILING AN ISP WITH AN INTERIM COMMITTEE.

(a) Identifying the Interim Committee.

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. An ISP may be referred only to a committee of the sponsor's chamber, even if two interim committees customarily meet jointly. *See* Appendix F for the proper names of interim committees.

(b) Filing Deadlines.

(1) The deadline for a member to file an ISP with the member's committee is determined by the chair of the committee.

(2) The deadline for a member to file an ISP with Legislative Council is the Council's August meeting before the next regular session.

12.3 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

12.4 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

12.5 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 COMMITTEE ON PUBLIC HEALTH, WELFARE AND LABOR AND THE HOUSE 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.

12.6 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.

12.7 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 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:

12.8 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".

12.9 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.

12.10 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 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.

APPENDICES

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. OUTLINE OF A CRIMINAL OFFENSE

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.

A. Use a recognized culpable mental state. Arkansas Code § 5-2-202.

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 Code² 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 Code³ 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).

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).

- 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.

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).
2. Defendant must prove by a preponderance of the evidence. Arkansas Code § 5-1-111(d)(1).

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:

“5-71-216. Defacing public buildings.

(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.⁴

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].

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.

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:

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:

19-5-1234. Division of Workforce Services 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 fund to be known as the “Division of Workforce Services Fund”.

(b) The fund shall consist of those general revenues as may be authorized by law and any other nonfederal funds as may be provided by law.

(c) The fund shall be used for the maintenance, operation, and improvement required by the Division of Workforce Services in carrying out those powers, functions, and duties imposed by law upon the Director of the Division of Workforce Services as set out in the Division of Workforce Services Law, § 11-10-101 et seq., and § 20-76-101 et seq., or any other duties that may be imposed by law upon the division, including those duties transferred to the division under the provisions of § 20-76-111 [repealed].

APPENDIX C-2. CHARACTERISTICS OF TYPES OF FUNDS

FUND TYPE	SOURCE OF FUNDS	CHARACTERISTICS	EXAMPLES
GENERAL REVENUE	Taxes levied on the General Population with no restrictions on usage by law	<ul style="list-style-type: none"> • 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) 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • No deduction for administrative service charge • Interest earnings go to Federal Government • Fund balances retained by agencies for federal program 	<ul style="list-style-type: none"> • Medicaid (75%/25%) • Interstate Highways (90%/10%) • OES (50%/50%) • DDSSA (100% Fed)
MISCELLANEOUS FUNDS AND REVOLVING 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	<ul style="list-style-type: none"> • No deduction for administrative service charge • Balance retained • Interest earnings go to construction and loan funds 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • No deduction for administrative service charge • Balance retained • Interest earnings retained and invested by agency or board of trustees 	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • Balance retained • Interest earnings retained and invested by agency or board of trustees or State Treasurer 	<ul style="list-style-type: none"> • 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

APPENDIX F. INTERIM COMMITTEES

Interim Committee Name	Subject Matter Area
Legislative Council	All matters concerning the legislature, except for auditing issues. § 10-3-203
Committee on Public Health, Welfare, and Labor	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
Committee on Public Transportation	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
Committee on Revenue and Taxation	Matters pertaining to the levy, increase, reduction, collection, enforcement, and administration of taxes and other revenue-producing measures. § 10-3-203
Committee on Education	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
Committee on Judiciary	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
Committee on Agriculture, Forestry, and Economic Development	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
Committee on Insurance and Commerce	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
Committee on State Agencies and Governmental Affairs	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
Committee on City, County, and Local Affairs	City and municipal affairs, county affairs, local improvement districts, interlocal governmental cooperation, and similar legislation. § 10-3-203
Committee on Aging and Legislative Affairs	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

Interim Committee Name	Subject Matter Area
	the interpretation of the Rules of the House of Representatives and the Senate, but that jurisdiction shall be exercised by the Rules Committees of the respective bodies. § 10-3-203
Senate Interim Committee on Children and Youth	Study the safety, health, development, and problems of children. § 10-3-1320
Public Transportation, Technology and Legislative Affairs	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)
Joint Committee on Advanced Communications and Information Technology	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

APPENDIX G. The NIST Reference on Constants, Units, and Uncertainty

SI Unit rules and style conventions

Checklist for Reviewing Manuscripts

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: $l = 75 \text{ cm}$

Improper: $l = 75 \text{ cms}$

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 ÷ s, m/s/s, m·kg/s³/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!"

$t = 3$ s, where t is time and s is second

$T = 22$ K, where T is thermodynamic temperature, and K is kelvin

Improper: He exclaimed, "***That dog weighs 10 kg!***"

$t = 3$ s, where t is time and s is second

$T = 22$ K, where T is thermodynamic temperature, and K 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

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 $\mu\text{L/L}$; 2.0 $\times 10^{-6}$ V;

4.3 nm/m; 4.3 $\times 10^{-9}$ l;

7 ps/s; 7 $\times 10^{-12}$ 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: $V_{\text{max}} = 1000$ 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 H₂O/ 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/m³, kg · m⁻³, or kilogram per cubic meter

Improper: kilogram/m³, kg/cubic meter, kilogram/cubic meter, kg per m³, or kilogram per meter³.

14. Numerals and unit symbols

Values of quantities are expressed in acceptable units using Arabic numerals and symbols for units.

Proper: $m = 5$ kg
the current was 15 A

Improper: $m =$ five kilograms
 $m =$ 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: $(l/m) = 3.6 \cdot 10^{-1} [v/(km/h)](t/s)$

Improper: $l = 3.6 \cdot 10^{-1} vt$, 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), $\text{lb } x$ (meaning $\log_2 x$), $\ln x$ (meaning $\log_e x$), or $\text{lg } x$ (meaning $\log_{10} x$).

Proper: $\tan x$
 R for resistance
 A_r for relative atomic mass

Improper: $\text{tg } x$ 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/m^3 (or a related acceptable unit)
molality of solute B , and its symbol b_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

APPENDIX H. TABLE OF DUAL-CODIFIED ARKANSAS CODE SECTIONS

Code §	Also codified at	Year	Act	Act §
2-16-102	20-20-101	1959	458	1, 2
3-5-405	3-5-803	1935	69	3
3-9-101	3-5-405 – repealed	1935	69	3
3-5-803	3-5-222	1985	965	1, 2
3-5-222	3-9-101	1985	965	1, 2
4-25-105	18-27-101	1959	161	1, 2
4-28-208(e)	28-72-301	1971	728	3
4-88-207	19-6-473	1993	138	2
5-4-321	27-50-701, 27-50-702	1985	967	1, 2
5-14-123(a)	16-82-101(a), 20-15-904(a)	1989	614	1
5-26-310(b)	9-15-202(c)(2)	1995	401	1
5-38-310(b)	5-38-311(b), 20-22-305	1935	85	8
5-38-311(b)	5-38-310(b), 20-22-305	1935	85	8
5-39-213(b)	5-67-101(b)	1941	359	3
5-54-119	12-29-109	1975	280	2819
5-60-202	20-7-310	2003	750	2
5-64-705	12-12-102	1985	675	1
5-64-710	5-65-116	1989 3rd Ex Sess.	93	1, 3, 4
5-65-104	5-65-120(c), 5-65-205(c) – repealed	1995	802	5(a)
5-65-116	5-64-710	1989 3rd Ex. Sess.	93	1, 3, 4
5-65-120(c)	5-65-104, 5-65-205(c) – repealed	1995	802	5(a)
5-65-205(c) – repealed	5-65-104, 5-65-120(c)	1995	802	5(a)
5-66-118	5-66-119	1987	835	1, 2
5-66-119	5-66-118	1987	835	1, 2
5-67-101(b)	5-39-213(b)	1941	359	3
6-10-113	6-51-102, 6-61-108	1965	48	1 – 3
6-16-110 – repealed	6-61-106	1923 1st Ex. Sess.	31	1, 2, 4
6-16-507	27-18-107	1987	598	2
6-17-108	6-63-101	1973	196	1
6-17-306(d)	21-4-102(e), 21-4-212(f)	1991	956	1
6-17-804	6-63-102	1949	316	1
6-20-103	19-4-408	1993	540	
6-21-103	6-62-102	1955	176	1
6-21-111(a)	13-2-104(a)	2001	1533	1
6-21-501 et seq.	14-16-201 et seq., 14-59-1301 et seq.	1941	291	
6-43-101	25-17-205	1979	497	1
6-43-102	25-17-212 – repealed	1927	37	12
6-43-103	25-17-212 – repealed	1927	37	12, 14
6-43-104	25-17-212 – repealed	1927	37	14
6-51-102	6-10-113, 6-61-108	1965	48	1 – 3
6-60-303	19-5-1076	1985	1185	34
6-61-106	6-16-110 – repealed	1923 1st Ex. Sess.	31	1, 2, 4
6-61-108	6-10-113, 6-51-102	1965	48	1 – 3
6-62-102	6-21-103	1955	176	1
6-63-101	6-17-108	1973	196	1

Code §	Also codified at	Year	Act	Act §
6-63-102	6-17-804	1949	316	1
6-81-1401	19-5-1222 – repealed	2003	84	2
6-82-101(a) – repealed	5-14-123(a), 20-15-904(a)	1989	614	1
8-1-103(5)	8-1-105(c), 8-7-226(d), 8-9-404(g)	1993	1254	5
8-1-105(c)	8-1-103(5), 8-7-226(d), 8-9-404(g)	1993	1254	5
8-4-103(h)-(k)	8-6-204(f)-(i), 8-7-204(f)(i)	1991	1057	5
8-5-502	26-58-203	1959	57	8
8-5-612	14-164-201n	1991	629	8
8-6-204(f)-(i)	8-4-103(h)-(k), 8-7-204(f)-(i)	1991	1057	5
8-6-301 et seq.	19-5-1019	1985	986	
8-7-204(f)-(i)	8-4-103(h)-(k), 8-6-204(f)-(i)	1991	1057	5
8-7-226(d)	8-1-103(5), 8-1-105(c), 8-9-404(g)	1993	1254	5
8-9-404(g)	8-1-103(5), 8-1-105(c), 8-7-226(d)	1993	1254	5
9-10-109	9-12-312	1989 3rd Ex. Sess.	54	2
9-12-312	9-10-109	1989 3rd Ex. Sess	54	2
9-14-503(d), (e)	23-79-144	1991	368	3
9-14-503	23-79-144(a)	1995	1179	2
9-15-202(c)(2)	5-26-310(b)	1995	401	1
10-2-114	19-1-303	1985	806	1
10-2-114	19-1-303	1992 1st Ex. Sess.	43	1
10-2-127(a)	19-1-701	1995	1253	1
10-2-127(b), (c)	19-1-703	1995	1253	3
12-11-110(a)	20-47-101	Crim. Code of 1869		383
12-12-102	5-64-705	1985	675	1
12-27-133	19-6-432	1993	953	3
12-27-136	16-93-208	1995	195	3
12-29-109	5-54-119	1975	280	2189
13-2-104(a) – repealed	6-21-111(a)	2001	1533	1
13-2-405	13-2-504	1965	402	1
14-2-201 – 14-2- 203	25-18-101	1947	218	1
14-16-114	14-58-505	1993	866	1
14-16-201 et seq.	6-21-501 et seq., 14-59-1301 et seq.	1941	291	
14-16-301 et seq.	14-54-401 et seq.	1983	478	
14-16-401 et seq.	14-54-501 et seq.	1973	472	
14-16-504	14-54-1411	1993	1100	1 – 3
14-16-601	14-54-1409	1993	545	1 – 3
14-17-301 et seq.	14-56-501 et seq.	1955	26	1 – 5
14-17-401	14-56-601	1993	199	3
14-26-101 et seq.	14-60-101 et seq.	1985	886	
14-52-105	14-53-106	1985	252	1
14-52-106	24-11-429	1937	250	2
14-52-107	14-53-108	1969	393	1 – 3
14-53-106	14-52-105	1985	252	1
14-53-108	14-52-107	1969	393	1 – 3

Code §	Also codified at	Year	Act	Act §
14-54-401 et seq.	14-16-301 et seq.	1983	478	
14-54-501 et seq.	14-16-401 et seq.	1973	472	
14-54-1409	14-16-601	1993	545	1 – 3
14-54-1411	14-16-504	1993	1100	1 – 3
14-56-501 et seq.	14-17-301 et seq.	1955	26	1 – 5
14-56-601	14-17-401	1993	199	3
14-58-505	14-16-114	1993	866	1
14-54-1301 et seq.	6-21-501 et seq., 14-16-201 et seq.	1941	291	
14-60-101 et seq.	14-26-101 et seq.	1985	886	
14-164-201n	8-5-612	1991	629	8
14-169-219	18-15-1504	1937	298	12
14-169-802	18-15-1505	1971	542	1, 2
14-262-101	20-7-101	1913	96	28
14-262-101(b)(4)	20-7-101(b)(4), 20-7-109(a)(2), 20-7-114(b)(3)	1991	990	5
14-269-103(b)	22-4-501(b)	1977	795	1
14-284-401	26-57-614(a)	1991	833	1
14-284-402	26-57-614(f)	1991	833	8
15-4-2608 – repealed	19-5-1124 – repealed	2001	1609	9
15-4-2608 – repealed	19-5-1124 – repealed	2003	1473	35
15-23-806	19-5-1109	1999	1532	6
16-10-130	16-80-102	1985	569	1
16-10-131	16-31-105	1971	364	1
16-10-131	16-31-105	1971	729	3, 4
16-13-214	16-15-111	Rev. Stat.	43	24
16-13-219	16-15-113	Rev. Stat.	43	47
16-15-111	16-13-214	Rev. Stat.	43	24
16-15-113	16-13-219	Rev. Stat.	43	47
16-17-221	16-19-412	1927	60	23
16-19-412	16-17-221	1927	60	23
16-22-310	16-114-301 et seq., 17-12-701 et seq.	1987	661	1 – 3
16-31-105	16-10-131	1971	364	1
16-31-105	16-10-131	1971	729	3, 4
16-47-101	18-12-201	Rev. Stat.	31	22
16-47-102	18-12-202	1937	44	1
16-47-107	18-12-207	1919	45	1
16-47-108	18-12-208(a)	1955	101	1
16-64-112	16-89-105, 25-15-102	1979	664	1, 2
16-65-108	16-90-103	1859	147	1
16-80-102	16-10-130	1985	569	1
16-82-101(a)	5-14-123(a), 20-15-904(a)	1989	614	1
16-89-105	16-64-112, 25-15-102	1979	664	1, 2
16-90-103	16-65-108	1859	147	1
16-93-208	12-27-136	1995	195	3
16-98-304	19-6-489	2003	1266	4

Code §	Also codified at	Year	Act	Act §
16-114-301 et seq.	16-22-310, 17-12-701 et seq.	1987	661	1 – 3
17-12-701 et seq.	16-22-310, 16-114-301 et seq.	1987	661	1 – 3
17-80-107	17-95-101(d)	1993	1190	1
17-95-101(d)	17-80-107	1993	1190	1
18-12-201	16-47-101	Rev. Stat.	31	22
18-12-207	16-47-107	1919	45	1
18-12-208(a)	16-47-108	1955	101	1
18-12-202	16-47-102	1937	44	1
18-15-510	23-18-407	1929	246	1
18-15-1504	14-169-219	1937	298	12
18-15-1505	14-169-802	1971	542	1, 2
18-15-510	23-18-407	1929	246	1
18-60-212(a), (b)	18-61-106	1857	N/A	1, p. 80
18-61-106	18-60-212(a), (b)	1857	N/A	1, p.80
19-1-303	10-2-114	1985	806	1
19-1-303	10-2-114	1992 1st Ex. Sess.	43	1
19-1-107	10-2-127(a)	1995	1253	1
19-1-701	10-2-127(b), (c)	1995	1253	3
19-4-408	6-20-103	1993	540	
19-5-705	19-5-939	1973	750	8
19-5-805	19-5-940	1973	750	8
19-5-939	19-5-705	1973	750	8
19-5-940	19-5-805	1973	750	8
19-5-1019	8-6-301 et seq.	1985	986	
19-5-1076	6-60-303	1985	1185	34
19-5-1077	20-76-211	1995	1198	64
19-5-1096	26-26-1907	1999	1185	6
19-5-1109	15-23-806	1999	1532	6
19-5-1124 – repealed	15-4-2608 – repealed	2001	1609	9
19-5-1124 – repealed	15-4-2608 – repealed	2003	1473	35
19-5-1217	25-34-109	2001	1410	9
19-5-1222 – repealed	6-81-1401	2003	84	2
19-6-432	12-27-133	1933	953	3
19-6-467	26-51-205(c)(1)	1991	1052	2
19-6-473	4-88-207	1993	138	2
19-6-489	16-98-304	2003	1266	4
20-7-101	14-262-101	1913	96	p
20-7-101(b)(4)	14-262-101(b)(4), 20-7-109(a)(2), 20-7-114(b)(3)	1991	990	5
20-7-109(a)(2)	14-262-101(b)(4), 20-7-101(b)(4), 20-7-114-(b)(3)	1991	990	5
20-7-114(b)(3)	14-262-101(b)(4), 20-7-101(b)(4), 20-7-109(a)(2)	1991	990	5
20-7-123	20-18-306	1985	351	4
20-7-310	5-60-202	2003	750	2
20-9-201 – 221	20-10-213 – 20-10-228	1961	414	
20-9-217	20-10-225	1987	143	3

Code §	Also codified at	Year	Act	Act §
20-10-213 – 20-10-228	20-9-201 – 221	1961	414	
20-10-225	20-9-217	1987	143	3
20-10-233	20-48-104	1991	922	20
20-10-233	20-48-104	1991	1129	26
20-15-904(a)	5-14-123(a), 16-82-101(a)	1989	614	1
20-15-1002(2)	23-79-140(a)(3)	1989	292	2
20-18-306	20-7-123	1985	351	4
20-20-101	2-16-102	1959	458	1, 2
20-22-305	5-38-310(b), 5-38-311(b)	1935	85	8
20-22-902	23-88-102	1987	836	2
20-47-101	12-11-110(a)	Crim. Code of 1869		383
20-48-104	20-10-233	1991	922	20
20-48-104	20-10-233	1991	1129	26
20-76-211	19-5-1077	1995	1198	64
21-4-102(e)	6-17-306(d), 21-4-212(f)	1991	956	1
21-4-212(f)	6-17-306(d), 21-4-102(e)	1991	956	1
22-4-501(b)	14-269-103(b)	1977	795	1
23-4-604(a)	23-17-110	1897	53	3
23-12-303(c)	23-12-602(d)	1883	89	4
23-12-602(d)	23-12-303(c)	1883	89	4
23-17-110	23-4-604(a)	1897	53	3
23-18-407	18-15-510	1929	246	1
23-60-102	26-57-601 – 26-57-605, 26-57-607	1959	148	69
23-79-140(a)(2)	20-15-1002(2)	1989	292	2
23-79-144	9-14-503(d), (e)	1991	368	3
23-79-144(a)	9-14-503	1995	1179	2
23-85-136	23-86-117	1987	736	1
23-85-136	23-86-117	1995	701	1
23-85-137	23-86-118	1987	779	1
23-86-117	23-85-136	1987	736	1
23-86-117	23-85-136	1995	701	1
23-86-118	23-85-137	1987	779	1
23-88-102	20-22-902	1987	836	2
23-110-105	23-111-105	1991	1117	5
23-111-105	23-110-105	1991	1117	5
23-112-301	23-112-401 – repealed	1975	388	8
23-112-401 – repealed	23-112-301	1975	388	8
24-4-611	24-5-124	1989	547	1
24-5-124	24-4-611	1989	547	1
24-11-429	14-52-106	1936	250	2
24-11-432	24-11-826	1987	878	1
24-11-826	24-11-432	1987	878	1
25-15-102	16-64-112, 16-89-105	1979	664	1, 2
25-16-501	25-16-601	Rev. Stat.	18	34
25-16-503	25-16-602	Rev. Stat.	18	6
25-16-504	25-16-603	1866	4	1, 2
25-16-506	25-16-605	Rev. Stat.	18	30
25-16-507	25-16-606	Rev. Stat.	18	29
25-16-511	25-16-613	Rev. Stat.	18	31
25-16-512	25-16-615	Rev. Stat.	18	36 – 39

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25-16-517	25-16-607	Rev. Stat.	18	17
25-16-601	25-16-501	Rev. Stat.	18	34
25-16-602	25-16-503	Rev. Stat.		6
25-16-603	25-16-504	1866	4	1, 2
25-16-605	25-16-506	Rev. Stat.	18	30
25-16-606	25-16-507	Rev. Stat.	18	29
25-16-607	25-16-517	Rev. Stat.	18	17
25-16-613	25-16-511	Rev. Stat.	18	31
25-16-615	25-16-512	Rev. Stat.	18	36 – 39
25-17-205	6-43-101	1979	497	1
25-17-212 – repealed	6-43-102 – 6-43-104	1927	37	12, 14
25-18-101	14-2-201 – 14-2-203	1947	218	1, 2, 4
25-34-109	19-5-1217	2001	1410	9
26-26-1907	19-5-1096	1999	1185	6
26-51-205(c)(1)	19-6-467	1991	1052	2
26-51-446(a), (b)	28-72-505	1995	1303	4, 7
26-51-446-(c)	28-72-504(b)	1995	1303	5
26-51-446(d)	28-72-507	1995	1303	8
26-51-1201	26-52-901(1)	1987	48	1
			136,	
26-51-1211	26-52-911	1991	137	1
26-51-1212	26-52-912	1991	136	2
26-51-1212	26-52-912	1991	137	2
26-51-1213	26-52-913	1991	136	3
26-51-1213	26-52-913	1991	137	3
26-51-1214	26-52-914	1991	136	4
26-51-1214	26-52-914	1991	137	4
26-52-310(d), (e) – repealed	26-52-311(g), (h) – repealed	1989	510	3, 4
26-52-311(g), (h) – repealed	26-52-310(d), (e) – repealed	1989	510	3, 4
26-52-404	26-53-120	1955	94	1
26-52-421	26-53-136	1993	1144	1
26-52-422	26-53-133	1993	1001	1
26-52-423	26-53-134, 26-74-102, 26-75-101	1993	1140	1
26-52-424	26-53-135, 26-74-102, 26-75-102	1993	913	1
26-52-427	26-53-138	1995	387	1 – 3
26-52-901(1)	26-51-1201	1987	48	1
26-52-911	26-51-1211	1991	136	1
26-52-911	26-51-1211	1991	137	1
26-52-912	26-51-1212	1991	136	2
26-52-912	26-51-1212	1991	137	2
26-52-913	26-51-1213	1991	136	3
26-52-913	26-51-1213	1991	137	3
26-52-914	26-51-1214	1991	136	4
26-52-914	26-51-1214	1991	137	4
26-53-120	25-52-404	1955	94	1
26-53-133	26-52-422	1993	1001	1
26-53-134	26-52-423, 26-74-102, 26-75-101	1993	1140	1
26-53-135	26-52-424, 26-74-103, 26-75-102	1993	913	1
26-53-136	26-52-421	1993	1144	1

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26-53-138	26-52-427	1995	387	1 – 3
26-55-714	26-56-215	1977	51	2, 3
26-55-1001 – 1004	26-56-501 et seq.	1985	456	1 – 4
26-55-1201	26-56-601	1991	364, 382	1
26-55-1202	26-56-602	1991	364, 382	5
26-55-1301 et seq.	26-56-701 et seq.	2001	419	
26-56-215	26-55-714	1977	51	2, 3
26-56-222	27-14-601(d)	1991	219	6
26-56-501 et seq.	26-55-1001 – 1004	1985	456	1 – 4
26-56-601	26-55-1201	1991	364	1
26-56-601	26-55-1201	1991	382	1
26-56-602	26-55-1202	1991	364	5
26-56-602	26-55-1202	1991	382	5
26-56-701 et seq.	26-55-1301 et seq.	2001	419	
26-57-601 – 27- 57-605	23-60-102, 26-57-607	1959	148	69
26-57-607	23-60-102, 26-57-601 – 26-57-605	1959	148	69
26-57-614(a)	14-284-401	1991	833	1
26-57-614(f)	14-284-402	1991	833	8
26-58-203	8-5-502	1959	57	8
26-74-101	26-52-424, 26-53-135, 26-75-102	1993	913	1
26-74-102	26-52-423, 26-53-134, 26-75-101	1993	1140	1
26-74-218	26-74-315	1991 Ex. Sess.	26	16
26-74-219	26-74-316	1991 Ex. Sess.	26	17
26-74-221	26-74-317, 26-75-223, 26-75-318	1991 Ex. Sess.	26	18
26-74-221	26-74-317, 26-75-223, 26-75-318	1983	513	1
26-74-222	26-74-318	1987	826	1, 2
26-74-223	26-74-319	1987 Ex. Sess.	31	1
26-74-315	26-74-218	1991 Ex. Sess.	26	16
26-74-316	26-74-219	1991 Ex. Sess.	26	17
26-74-317	26-74-221, 26-75-223, 26-75-318	1991 Ex. Sess.	26	18
26-74-317	26-74-221, 26-75-223, 26-75-318	1983	513	1
26-74-318	26-74-222	1987	826	1, 2
26-74-319	26-74-223	1987 1st Ex. Sess.	31	1
26-75-101	26-52-423, 26-53-134, 26-74-102	1993	1140	1
26-75-102	26-52-424, 26-53-135, 26-74-102	1993	913	1
26-75-223	26-74-221, 26-74-317, 26-75-318	1991 1st Ex. Sess.	26	18
26-75-223	26-74-221, 26-74-317, 26-75-318	1983	513	1
26-75-318	26-74-221, 26-74-317, 26-75-223	1991 1st Ex. Sess.	26	18
26-75-318	26-74-221, 26-74-317, 26-75-223	1983	513	1
27-14-601(d)	26-56-222	1991	219	6
27-18-107	6-16-507	1987	598	2
27-36-101	27-37-101	1937	300	103
27-36-102	27-37-101	1937	300	103
27-50-701	5-4-321(a)	1985	967	1
27-50-702	5-4-321(b)	1985	967	2
28-72-301	4-28-208(e)	1971	728	3

Code §	Also codified at	Year	Act	Act §
28-72-504(b)	26-51-446(c)	1995	1303	5
28-72-505	26-51-446(a)(b)	1995	1303	4, 7
28-72-507	26-51-446(d)	1995	1303	8

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)
- Ark. Code § 1-3-103 (Init. M. 1914, No. 2, § 3)
- 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)

Alcoholic Beverages/Local Option/Proceedings

- 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)
- Ark. Code § 3-8-205 (Init. M. 1942, No. 1, §§ 1 & 4)
- Ark. Code § 3-8-206 (Init. M. 1942, No. 1, § 2)
- Ark. Code § 3-8-207 (Init. M. 1942, No. 1, § 5)
- Ark. Code § 3-8-208 (Init. M. 1942, No. 1, § 2)
- Ark. Code § 3-8-209 (Init. M. 1942, No. 1, § 3)

Criminal/Corruption in Public Office

- Ark. Code § 5-52-108 (Init. M. 1990, No. 1, § 8)

Criminal/Public Health Offenses/Animals

- Ark. Code § 5-62-123 (Init. M. 1936, No. 3, § 21)

Elections/Campaign Practices/Financing

- Ark. Code § 7-6-201 (Init. M. 1990, No. 1, § 1; Init. M. 1996, No. 1, § 1)
- Ark. Code § 7-6-203 (Init. M. 1990, No. 1, §§ 2 & 3; Init. M. 1996, No. 1, §§ 2 & 3)
- Ark. Code § 7-6-205 (Init. M. 1990, No. 1, § 4)
- Ark. Code § 7-6-207 (Init. M. 1990, No. 1, § 5; Init. M. 1996, No. 1, § 4)
- Ark. Code § 7-6-208 (Init. M. 1996, No. 1, § 5)
- Ark. Code § 7-6-209 (Init. M. 1996, No. 1, § 6)
- Ark. Code § 7-6-215 (Init. M. 1990, No. 1, § 6; Init. M. 1996, No. 1, § 7)
- Ark. Code § 7-6-216 (Init. M. 1990, No. 1, § 6)
- Ark. Code § 7-6-217 (Init. M. 1990, No. 1, § 6)
- Ark. Code § 7-6-218 (Init. M. 1990, No. 1, § 6)
- Ark. Code § 7-6-220 (Init. M. 1996, No. 1, § 8)
- Ark. Code § 7-6-222 (Init. M. 1996, No. 1, § 10)
- Ark. Code § 7-6-223 (Init. M. 1996, No. 1, § 11)
- Ark. Code § 7-6-224 (Init. M. 1996, No. 1, § 12)

Labor & Industrial Relations/Child Labor

- Ark. Code § 11-6-101 (Init. M. 1914, No. 1, § 12)
- Ark. Code § 11-6-102 (Init. M. 1914, No. 1, § 6)
- Ark. Code § 11-6-103 (Init. M. 1914, No. 1, § 13)

Ark. Code § 11-6-104 (Init. M. 1914, No. 1, § 1)
Ark. Code § 11-6-105 (Init. M. 1914, No. 1, § 2)
Ark. Code § 11-6-106 (Init. M. 1914, No. 1, §§ 2 & 4)
Ark. Code § 11-6-107 (Init. M. 1914, No. 1, § 3)
Ark. Code § 11-6-108 (Init. M. 1914, No. 1, § 5)
Ark. Code § 11-6-109 (Init. M. 1914, No. 1, §§ 7-10)
Ark. Code § 11-6-110 (Init. M. 1914, No. 1, § 6)
Ark. Code § 11-6-111 (Init. M. 1914, No. 1, § 11)

Labor & Industrial Relations/Minimum Wage

Ark. Code § 11-4-210 (Init. M. 2018, No. 5, § 1; Init. M. 2014, No. 1, § 1)

Labor & Industrial Relations/Workers' Compensation

Ark. Code § 11-9-101 (Init. M. 1948, No. 4, § 1)
Ark. Code § 11-9-102 (Init. M. 1948, No. 4, § 2)
Ark. Code § 11-9-103 (Init. M. 1948, No. 4, § 3)
Ark. Code § 11-9-104 (Init. M. 1948, No. 4, § 48)
Ark. Code § 11-9-105 (Init. M. 1948, No. 4, § 4)
Ark. Code § 11-9-106 (Init. M. 1948, No. 4, § 35; Init. M. 1968, No. 1, § 6)
Ark. Code § 11-9-107 (Init. M. 1948, No. 4, § 35; Init. M. 1968, No. 1, § 6)
Ark. Code § 11-9-108 (Init. M. 1948, No. 4, § 20)
Ark. Code § 11-9-109 (Init. M. 1948, No. 4, § 20)
Ark. Code § 11-9-110 (Init. M. 1948, No. 4, § 21)
Ark. Code § 11-9-111 (Init. M. 1948, No. 4, § 16)
Ark. Code § 11-9-112 (Init. M. 1948, No. 4, § 22)

Labor & Industrial Relations/Workers' Compensation Commission

Ark. Code § 11-9-201 (Init. M. 1948, No. 4, § 42)
Ark. Code § 11-9-202 (Init. M. 1948, No. 4, § 42)
Ark. Code § 11-9-203 (Init. M. 1948, No. 4, § 42)
Ark. Code § 11-9-204 (Init. M. 1948, No. 4, § 42)
Ark. Code § 11-9-205 (Init. M. 1948, No. 4, §§ 42 & 44)
Ark. Code § 11-9-206 (Init. M. 1948, No. 4, § 45)
Ark. Code § 11-9-207 (Init. M. 1948, No. 4, § 43)
Ark. Code § 11-9-208 (Init. M. 1948, No. 4, § 46)

Labor & Industrial Relations/Workers' Compensation Funds

Ark. Code § 11-9-301 (Init. M. 1948, No. 4, § 47)
Ark. Code § 11-9-302 (Init. M. 1948, No. 4, § 47)
Ark. Code § 11-9-303 (Init. M. 1948, No. 4, § 47)
Ark. Code § 11-9-304 (Init. M. 1948, No. 4, § 47)
Ark. Code § 11-9-305 (Init. M. 1948, No. 4, § 47)
Ark. Code § 11-9-306 (Init. M. 1948, No. 4, § 47)

Labor & Industrial Relations/Workers' Comp. Employer Liability & Ins.

Ark. Code § 11-9-401 (Init. M. 1948, No. 4, § 5)
Ark. Code § 11-9-402 (Init. M. 1948, No. 4, § 6)
Ark. Code § 11-9-403 (Init. M. 1948, No. 4, §§ 7 & 8)
Ark. Code § 11-9-404 (Init. M. 1948, No. 4, § 36)

Ark. Code § 11-9-405 (Init. M. 1948, No. 4, § 37)
Ark. Code § 11-9-406 (Init. M. 1948, No. 4, § 39)
Ark. Code § 11-9-407 (Init. M. 1948, No. 4, § 41)
Ark. Code § 11-9-408 (Init. M. 1948, No. 4, § 38)
Ark. Code § 11-9-410 (Init. M. 1948, No. 4, § 40)

Labor & Industrial Relations/Workers' Comp. Accidental Injury or Death

Ark. Code § 11-9-501 (Init. M. 1948, No. 4, § 10; Init. M. 1956, No.1, § 1;
Init. M. 1968, No. 1, § 1)
Ark. Code § 11-9-502 (Init. M. 1948, No. 4, § 10; Init. M. 1956, No.1, § 1;
Init. M. 1968, No. 1, § 1)
Ark. Code § 11-9-503 (Init. M. 1948, No. 4, § 10)
Ark. Code § 11-9-504 (Init. M. 1948, No. 4, § 10)
Ark. Code § 11-9-505 (Init. M. 1948, No. 4, § 10)
Ark. Code § 11-9-506 (Init. M. 1948, No. 4, § 10)
Ark. Code § 11-9-507 (Init. M. 1948, No. 4, § 10)
Ark. Code § 11-9-508 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-509 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-510 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-511 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-512 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-513 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-515 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-516 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-517 (Init. M. 1948, No. 4, § 11)
Ark. Code § 11-9-518 (Init. M. 1948, No. 4, § 12)
Ark. Code § 11-9-519 (Init. M. 1948, No. 4, § 13; Init. M. 1956, No. 1, § 2)
Ark. Code § 11-9-520 (Init. M. 1948, No. 4, § 13)
Ark. Code § 11-9-521 (Init. M. 1948, No. 4, § 13)
Ark. Code § 11-9-522 (Init. M. 1948, No. 4, § 13)
Ark. Code § 11-9-523 (Init. M. 1948, No. 4, § 13; Init. M. 1956, No. 1, § 2;
Init. M. 1968, No. 1, §§ 2 & 3)
Ark. Code § 11-9-524 (Init. M. 1948, No. 4, § 13)
Ark. Code § 11-9-525 (Init. M. 1948, No. 4, § 13, Init. M. 1956, No. 1, § 2; Init. M.
1968, No. 1, §§ 2 & 3)
Ark. Code § 11-9-526 (Init. M. 1948, No. 4, § 13; Init. M. 1956, No. 1, § 2)
Ark. Code § 11-9-527 (Init. M. 1948, No. 4, § 15; Init. M. 1968, No. 1, § 4)
Ark. Code § 11-9-528 (Init. M. 1948, No. 4, § 33)
Ark. Code § 11-9-529 (Init. M. 1948, No. 4, § 34)

Labor and Industrial Relations/Workers' Comp. Occupational Disease

Ark. Code § 11-9-601 (Init. M. 1948, No. 4, § 14)
Ark. Code § 11-9-602 (Init. M. 1948, No. 4, § 14)
Ark. Code § 11-9-603 (Init. M. 1948, No. 4, § 14)

Labor & Industrial Relations/Workers' Comp. Commission Proceedings

Ark. Code § 11-9-701 (Init. M. 1948, No. 4, § 17)
Ark. Code § 11-9-702 (Init. M. 1948, No. 4, § 18; Init. M. 1968, No. 1, § 5)
Ark. Code § 11-9-704 (Init. M. 1948, No. 4, § 23)

Ark. Code § 11-9-705 (Init. M. 1948, No. 4, § 27)
Ark. Code § 11-9-706 (Init. M. 1948, No. 4, § 31)
Ark. Code § 11-9-707 (Init. M. 1948, No. 4, § 24)
Ark. Code § 11-9-708 (Init. M. 1948, No. 4, § 28)
Ark. Code § 11-9-709 (Init. M. 1948, No. 4, § 29)
Ark. Code § 11-9-710 (Init. M. 1948, No. 4, § 25)
Ark. Code § 11-9-711 (Init. M. 1948, No. 4, § 25)
Ark. Code § 11-9-712 (Init. M. 1948, No. 4, § 25)
Ark. Code § 11-9-713 (Init. M. 1948, No. 4, § 26)
Ark. Code § 11-9-714 (Init. M. 1948, No. 4, § 30)
Ark. Code § 11-9-715 (Init. M. 1948, No. 4, § 32)

Labor & Industrial Relations/Workers' Comp. Payment

Ark. Code § 11-9-801 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-802 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-803 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-804 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-805 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-806 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-807 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-808 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-809 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-810 (Init. M. 1948, No. 4, § 19)
Ark. Code § 11-9-811 (Init. M. 1948, No. 4, § 19)

Juries/Examination & Challenge/General

Ark. Code § 16-33-101 (Init. M. 1936, No. 3, § 16)

Juries/Examination & Challenge/Criminal Proceedings

Ark. Code § 16-33-305 (Init. M. 1936, No. 3, §§ 17 & 18)

Evidence & Witnesses/Witness Attendance

Ark. Code § 16-43-208 (Init. M. 1936, No. 3, § 34)
Ark. Code § 16-43-209 (Init. M. 1936, No. 3, § 35)

Criminal Procedure/Arrest/General

Ark. Code § 16-81-105 (Init. M. 1936, No. 3, § 19)
Ark. Code § 16-81-109 (Init. M. 1936, No. 3, § 19)

Criminal Procedure/Pretrial Examination

Ark. Code § 16-85-210 (Init. M. 1936, No. 3, §§ 1 & 2)

Criminal Procedure/Pretrial/Indictment

Ark. Code § 16-85-403 (Init. M. 1936, No. 3, §§ 22 & 23)
Ark. Code § 16-85-404 (Init. M. 1936, No. 3, § 20)
Ark. Code § 16-85-407 (Init. M. 1936, No. 3, § 24)

Criminal Procedure/Pretrial/Grand Jury

Ark. Code § 16-85-510 (Init. M. 1936, No. 3, § 15)

Ark. Code § 16-85-517 (Init. M. 1936, No. 3, § 33)

Criminal Procedure/Jurisdiction & Venue/General

Ark. Code § 16-88-104 (Init. M. 1936, No. 3, § 26)

Criminal Procedure/Jurisdiction & Venue/Change of Venue

Ark. Code § 16-88-204 (Init. M. 1936, No. 3, § 27)

Criminal Procedure/Trial & Verdict

Ark. Code § 16-89-101 (Init. M. 1936, No. 3, § 31)

Ark. Code § 16-89-108 (Init. M. 1936, No. 3, § 28)

Public Finance/State Budgetary Procedure/Cash Expenditures

Ark. Code § 19-4-803 (Init. M. 2000, No. 1, § 19)

Public Finance/Tobacco Settlement Proceeds Act

Ark. Code § 19-12-101 (Init. M. 2000, No. 1, § 1)

Ark. Code § 19-12-102 (Init. M. 2000, No. 1, § 2)

Ark. Code § 19-12-103 (Init. M. 2000, No. 1, § 3)

Ark. Code § 19-12-104 (Init. M. 2000, No. 1, § 4)

Ark. Code § 19-12-105 (Init. M. 2000, No. 1, § 5)

Ark. Code § 19-12-106 (Init. M. 2000, No. 1, § 6)

Ark. Code § 19-12-107 (Init. M. 2000, No. 1, § 7)

Ark. Code § 19-12-108 (Init. M. 2000, No. 1, § 8)

Ark. Code § 19-12-109 (Init. M. 2000, No. 1, § 9)

Ark. Code § 19-12-110 (Init. M. 2000, No. 1, § 10)

Ark. Code § 19-12-111 (Init. M. 2000, No. 1, § 11)

Ark. Code § 19-12-112 (Init. M. 2000, No. 1, § 12)

Ark. Code § 19-12-113 (Init. M. 2000, No. 1, § 13)

Ark. Code § 19-12-114 (Init. M. 2000, No. 1, § 14)

Ark. Code § 19-12-115 (Init. M. 2000, No. 1, § 15)

Ark. Code § 19-12-116 (Init. M. 2000, No. 1, § 16)

Ark. Code § 19-12-117 (Init. M. 2000, No. 1, § 17)

Ark. Code § 19-12-118 (Init. M. 2000, No. 1, § 18)

Public Officers & Employees/Ethics/Disclosure

Ark. Code § 21-8-401 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-402 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-403 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-404 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-405 (Init. M. 1988, No. 1, § 1)

Public Officers & Employees/Ethics

Ark. Code § 21-8-601 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-602 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-603 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-604 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-605 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-606 (Init. M. 1988, No. 1, § 1; Init. M. 1990, No. 1, § 7)

Ark. Code § 21-8-607 (Init. M. 1988, No. 1, § 1)

Public Officers & Employees/Ethics/Statement of Financial Interest

Ark. Code § 21-8-701 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-702 (Init. M. 1988, No. 1, § 1)

Public Officers & Employees/Ethics/Conflict of Interest

Ark. Code § 21-8-801 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-802 (Init. M. 1988, No. 1, § 1)

Ark. Code § 21-8-803 (Init. M. 1988, No. 1, § 1)

APPENDIX J. RECOMMENDED REFERENCE RESOURCES

Legal:

The Bluebook: A Uniform System of Citation, ____ Edition. The Harvard Law Review Association.

Black's Law Dictionary (ed). West Group, 7th Standard edition (1999).

Dictionaries:

Merriam-Webster's Collegiate Dictionary, 11th Edition. Merriam-Webster (2003).

Merriam-Webster's Medical Dictionary. Roger W. Pease, Jr., (ed). Merriam-Webster (1995).

Webster's Third New International Dictionary, Unabridged. Philip Babcock Gove (ed). Merriam-Webster (2002).

Style manuals:

The Chicago Manual of Style, 17th Edition. University of Chicago Press (2017).

Hodges' Harbrace Handbook, 16th Edition. Cheryl Glenn and Loretta Gray. Thomson-Wadsworth (2007).

APPENDIX K. BILL REVIEW – LEGAL REVIEW ISSUES CHECKLIST

A. Minimum Requirements for All Bills

1. Does the title of the bill accurately state the purpose of the bill?
See Leg. Drafting Man. § 2.1(e)(1).
2. Can the bill be reasonably construed as applying to a single subject matter?
See Leg. Drafting Man. § 2.1(e)(3) (citing Joint Rule 4).
3. Does the bill have an enactment clause?
"Be it enacted by the General Assembly of the State of Arkansas."
See Ark. Const. Art. 5, § 19.
4. Does the bill correctly show mark-up?
New language underlined and repealed language stricken-through
5. Does the introductory language to each bill section correctly state what the section is purporting to do?
 - a. Does it correctly identify the code section being affected?
 - b. Does it correctly describe what the bill section is doing?
6. Is new language appropriately assigned a code section or amending the appropriate code section?
 - a. Unassigned language needs a designation
 - b. Would amendments to a section be better expressed with amendments to a different section or as a new section?
 - c. Temporary language should not be codified

B. Principal Legal Issues and Conflicts Created by New Language in Bills

1. Conflicts with Arkansas or U.S. Constitutions
 - a. Major federal issues: Commerce Clause, Bill of Rights, equal protection, due process, fundamental rights, preemption
 - b. Major state issues: unlawful delegation of legislative power, violation of separation of powers, supermajority vote requirements, including amending initiated acts and sufficient emergency clause
2. Conflicts with federal statutes
3. Conflicts with existing state statutes
 - a. Conflict with existing language in code section being amended
 - b. Conflict with existing code section in the subchapter or chapter
 - c. Conflict with existing code section outside the subchapter or chapter
4. Conflicts with other new language in the bill
Does the new language have internal conflicts?
5. Conflicts with effective dates

- a. Emergency clause required to have an effective date sooner than the default effective date
- b. Sections of bill may have effective dates different than effective date of bill if properly described
- c. Make sure there will be no gaps between effective dates if old language is being replaced with new language

C. Structural, Consistency, Interpretative, and Definitional Problems with New Language in Bills

1. Structure and approach

- a. Does the bill structure and approach to achieving its purpose make logical sense?
- b. Could the bill achieve its purpose better with a different structure or wording?

2. Consistency

- a. Is the language consistent in its use of terms and phrases?
- b. Is the language consistent with the existing body of law it is being added to?

3. Absurd or unintended results

Can the language be reasonably construed to reach an absurd result or unintended consequence? For example, does the bill have a loophole that will defeat the purpose of the bill?

4. Ambiguity

- a. Can the language be reasonably construed to reach more than one result? Are all results consistent with the bill's purpose?
- b. Should an identified ambiguity be addressed with a definition or by clarifying language?

5. Definitions

- a. Magic terms and phrases
 - i. Are terms being used outside their ordinary and popular meaning so that the terms should be defined?
 - ii. Is there an obscure or industry-specific term that should be defined?
- b. Is a definition too broad or too narrow based on the purported intent of the bill?
- c. Is a defined term actually used?
- d. Is a term being defined by reference to another code section? Our preference is to avoid defining a term by reference to another code section.

APPENDIX L. Constitutional Provisions Subject to Amendment by the General Assembly

Constitutional Provision	Subject	Minimum Vote
Article 12, § 5(b) or (c)	Restrictions on political subdivisions from becoming stockholders in or obtaining or loaning money for or to certain entities	3/4
Article 19, § 28	Political contributions	2/3 (except that Article 19, § 28(d), may be amended by a majority vote)
Article 19, § 29	Registration as lobbyist by former member of the General Assembly	2/3 (except that Article 19, § 29(c), may be amended by a majority vote)
Article 19, § 30	Certain public officials prohibited from accepting gifts from lobbyists	2/3 (except that Article 19, § 30(c), may be amended by a majority vote)
Article 19, § 31	Independent citizens commission	2/3
Amendment 51, §§ 5-15	Voter registration	2/3
Amendment 62, § 2(d)	Definitions for bonds for local economic development projects	3/4
Amendment 62, § 9(b)	Definitions for bonds for local economic development projects by 2 or more local entities	3/4
Amendment 89	Certain governmental bonds and loans, interest rates, and energy efficiency projects	3/4
Amendment 98, except §§ 3(a)-(c), 8(h)-(j), and 23	Medical marijuana	2/3

APPENDIX M. Supermajority Votes Required by the Arkansas Constitution

Subject	Constitutional Provision	Minimum Vote
Adopt emergency clause	Article 5, § 1	2/3
Amendment or repeal of initiated measure	Article 5, § 1	2/3
Consideration of non-appropriation bill in fiscal session	Article 5, § 5(c)(2)	2/3
Alter date of regular or fiscal session to odd or even year	Article 5, § 5(d)	2/3
Extend regular session beyond 60 days	Article 5, § 17(a)	2/3
Extend regular session beyond 75 days	Article 5, § 17(a)	3/4
Extend fiscal session by no more than 15 days	Article 5, § 17(b)	3/4
Extra compensation for certain services rendered or contracts made	Article 5, § 27	2/3
State tax or appropriation other than for just debts of the state, for defraying the necessary expenses of government, to sustain common schools, or to repel invasion and suppress insurrection	Article 5, § 31	2/3
Increase in rates for property, excise, privilege or personal taxes, now levied (insert date)	Article 5, § 38	3/4
Except for educational purposes, highway purposes, Confederate pensions, and the just debts of the state, appropriate more than \$2.5 million in total	Article 5, § 39	3/4
Remain in extraordinary session for up to 15 days following completion of business set out in Governor's proclamation	Article 6, § 19	2/3

Amend Article 12, § 5(b) or (c), concerning restrictions on political subdivisions from becoming stockholders in or obtaining or loaning money for or to certain entities	Article 12, § 5(d)	3/4
Establish the methods and procedures for valuation of property for taxation purposes, except the method of valuation set forth in Article 16, § 15	Article 16, § 5(a)	3/4
Exempt up to \$20,000 in homestead property value from taxation for those 65 and older	Article 16, § 16	3/4
Amend Article 19, § 28, concerning political contributions	Article 19, § 28(e)(1)	2/3 (except that Article 19, § 28(d), may be amended by a majority vote)
Amend Article 19, § 29, concerning registration as lobbyist by former member of the General Assembly	Article 19, § 29(d)(1)	2/3 (except that Article 19, § 29(c), may be amended by a majority vote)
Amend Article 19, § 30, concerning certain public officials prohibited from accepting gifts from lobbyists	Article 19, § 30(d)(1)	2/3 (except that Article 19, § 30(c), may be amended by a majority vote)
Amend Article 19, § 31, concerning the independent citizens commission	Article 19, § 31(l)(1)	2/3
Amend Amendment 51, §§ 5-15, concerning voter registration	Amendment 51, § 19	2/3
Amend Amendment 62, § 2(d), concerning definitions for bonds for local economic development projects	Amendment 62, § 2(e)	3/4
Amend Amendment 62, § 9(b), concerning definitions for bonds for local economic development projects by 2 or more local entities	Amendment 62, § 9(c)	3/4

Annul or amend Supreme Court rules promulgated under Amendment 80, §§ 5, 6(B), 7(B), 7(D), or 8	Amendment 80, § 9	2/3
Amend Amendment 89, concerning certain governmental bonds and loans, interest rates, and energy efficiency projects	Amendment 89, § 11	3/4
Amend Amendment 98, concerning medical marijuana, except §§ 3(a)-(c), 8(h)-(j), and 23	Amendment 98, § 23	2/3

APPENDIX N. AMENDMENT 19 TAXES THAT REQUIRE A SUPERMAJORITY VOTE

Amendment 19 to the Arkansas Constitution, which amended Article 5, Section 38, requires that any rate increase on property, excise, privilege, or personal taxes be approved:

- 1) By a vote of the people; or
- 2) In the case of an emergency,¹ by a three-fourths vote of the General Assembly.

The Arkansas Supreme Court has interpreted Amendment 19 to apply only to taxes that were in existence on the date of its adoption.² Amendment 19 was adopted on November 6, 1934.

There exists no known compilation of the acts of Arkansas from 1933. The Acts of Arkansas for the First, Second, and Third Extraordinary Sessions of 1934 were reviewed, as well as the acts from the 1935 session. Legal libraries at the Arkansas Supreme Court, the University of Arkansas School of Law, the Arkansas State Library, and the Arkansas Bureau of Legislative Research's Statutory Review section were searched for any book that could have a record of acts in effect as of November 6, 1934.

The closest volumes of information regarding Arkansas laws in effect as of November 6, 1934 are compiled in Pope's Digest of the Statutes of Arkansas, 1937. These two volumes contain histories of enacted laws, which allow a search into whether a particular tax law in existence in 1937 was amending an act that existed as of the date or prior to Amendment 19. In all, four volumes of laws were searched for taxes and fees in existence in 1934.

Each reference in the digest to the words "tax", "taxes", "fee", or "fees" was independently researched, and a determination made whether it was a tax, and if so, whether its date of enactment was prior to or on November 6, 1934.³ Several thousand references to those terms were researched. Ultimately, only those references that clearly levied a tax by its purpose or levied a fee that was deposited into the general revenue made the list.⁴

The attached comprehensive list details the taxes by date of enactment showing only those taxes that were in existence on November 6, 1934. They are grouped into the broad categories listed in Amendment 19, and some of the taxes may be listed in more than one category.

¹ The amendment neglects to state what situation qualifies as an emergency, or who may make the determination as to what situation qualifies as a case or emergency.

² See *Miller v. Leathers*, 311 Ark. 372, 843 S.W.2d 850 (1992), *Calderra v. McCarroll*, 198 Ark. 584, 129 S.W.2d 615 (1939), and *ACW, Inc. v. Weiss*, 329 Ark. 302, 947 S.W.2D 770 (1997).

³ The amendment does not specifically define any of the broad categories of taxes listed, so the analysis of the type of tax in effect on the date of Amendment 19, or the analysis of whether a fee is really a tax and vice-versa is based upon more recent Arkansas Supreme Court decisions and an Attorney General opinion. See generally, *Rose v. Arkansas State Plant Board*, 633 Arkansas 281 (2005); *Barnhart v. City of Fayetteville*, 321 Ark. 197 (1995); *City of Little Rock v. AT&T Comm.* S.W. 318 Ark 616 (1994) *AT&T Communications v. City of Little Rock*, 44 Ark App. 30 (1993); *Harris v. City of Little Rock*, 344 Ark. 95 (2001); *City of North Little Rock v. Graham*, 278 Ark. 547 (1983); and Arkansas Attorney General Opinion No. 2005-087.

⁴ The words "taxed in the costs", "taxed as costs", and similar verbiage are used liberally throughout the Acts. After researching the reference, it is logical to conclude that in most of those instances the word "taxed" is being used to mean "charged", and does not automatically legitimate a tax. Though no case law appears on point, this phrasing is used in most all jurisdictions and is old language. Therefore each law in which that type of phrase appeared was analyzed in context and for intent.

**COMPREHENSIVE LIST OF
TAXES EXISTING ON NOVEMBER 6, 1934**

(Chapters and pages refer to Pope's Digest of 1937)

PROPERTY

Property tax - real and personal. (*Act March 31, 1883, § 2*); Chapter 158 § 13597 (page 3348).

Land disposed of by U.S. land offices shall be assessed and taxed by state. (*Act 141 of 1887, § 2*); Chapter 99 § 8617 (page 2195).

All lands and town lots should be assessed and taxed. (*Act March 28, 1887, § 1*); § 8618.

Property tax to create a Sinking Fund: One-eighth (1/8) mill for four (4) years and one-fifth (1/5) mill thereafter. (*Act February 16, 1917, § 8*); § 11953.

Hot Springs Reservation Right to tax private property on reservation. Preserves the right of the State of Arkansas to tax all structures and other property in private ownership on the Hot Springs reservation, as accorded to the State by act of Congress and approved March 3, 1901. (*Act February 21, 1903*); Chapter 64 § 5638 (page 1532-1533).

Ad valorem tax of eighteen one-hundredths (18/100) mill on real and personal property. (*Act 492 of 1921*); (See also *Act 4 of 1937, § 2*); § 11303.

One-half (1/2) mill tax on all property in the State - to pay bonds of Agricultural Board. (*Act 10 of 1931, § 3*); § 11997 (page 2996).

Three (3) mill road tax on real and personal property. (*Act 81 of 1927, § 1*); Chapter 115 § 9829 (page 2482).

Bonds issued to complete state highway system. In addition to all other funds authorized by highway construction (funds from automobile licenses and fees, gasoline or motor vehicle fuel taxes, and from Federal aid), the highway commission is authorized to purchase bonds to hasten the completion of the state highway system. The commission shall then issue State Highway Bonds in the amount borrowed, and derive the revenues from automobile licenses and fees and gasoline or motor vehicle taxes. If any of the bonds are outstanding the Act cannot be repealed or amended to reduce the revenue needed for construction. (*Act 65 of 1929 § 20*); Chapter 81 § 6528 (page 1739-1741).

Land set apart for school or other purposes and donated to State by Congress and sold to any person is subject to taxation. (*Act March 31, 1883, § 3*); Chapter 158 § 13598 (page 3349).

Tax on property of two and three-eighths (2 3/8) mills for support of state government and maintaining institutions of the state, and three (3) mills for support of common schools. Plus one dollar (\$1.00) tax per capita on every male inhabitant of the state over twenty-one (21) years of age. (*Acts March 24, 1913, as amended by Act March 26, 1919 and Act April 17, 1907, as amended by act March 24, 1913*); Chapter 158 § 13604 (page 3351).

Tax of one-fifth (1/5) mill of all taxable property in state for support of vocational education. (*Act February 14, 1919, § 6*); Chapter 158 § 13606 (page 3353).

One (1) mill property tax for operation of U of A. (*Act 492 of 1921*); Chapter 154 § 13149 (page 3245).

State tax on property of eight and seven-tenths (8 7/10) mills on real and personal property. A tax of three (3) mills for the support of schools; a two (2) mill tax for Confederate pensions; a one and two tenths mill (1 2/10) for State Charitables. (*Act 492 of 1921, § 1*); Chapter 158 § 13605 (page 3351).

Millage tax levied for polytechnic college, etc. (*Act 45 of 1925, § 2*); Chapter 154 § 12968 (page 3210).

Three (3) mill school tax on all taxable property plus one dollar (\$1.00) tax per person over twenty-one (21) years of age. (General School Fund). (*Act 169 of 1931, § 130*); § 11572 (page 2892).

Maximum of eighteen (18) mills on all taxable property in school district. (*Act 169 of 1931, § 139 as amended by Act 184 of 1935*); § 11581 (page 2893).

One-fifth (1/5) of one (1) mill of all taxable property in the State for Vocational Education Fund. (*Act 169 of 1931, § 190*); § 11632 (page 2903).

Real and personal property subject to district school tax (levied by voters). (*Act 64 of 1933, § 2*); § 10034 (page 2531).

County and school district tax - maximum of five (5) mills for county purposes and to pay indebtedness existing at time for adoption of Constitution, and maximum of seven (7) mills for schools. (*Act March 31, 1883, § 8, as amended Act April 17, 1907*); § 13611.

Funding Bond Tax. Voted in by majority of electorate, special tax not exceeding five (5) mills on the dollar levied against all the assessed value of all taxable property in the county for the payment of bonds to finance the construction or extension of a county courthouse or jail. Property owners pay. Once the Funding Bond Tax is created, it shall continue from year to year be extended on the tax books and collected until the debt is paid. (*Act 294 of 1929, § 5*); Chapter 39 § 2471 (page 907-908).

Annual levee tax. For the purpose of paying the expenses mentioned in the preceding section and for keeping the levees in each district in repair. The annual tax shall not exceed five (5) mills on the dollar of the value of such lands as assessed for State and county purposes. (*Act March 4, 1895, page 30 § 2*); Chapter 52 § 4569 (page 1319).

Drains and Levee Tax levied annually. A drainage and levee tax is levied against property owners annually, until bonds or obligation contracted under its authority are paid in full. The assessment, levy, and collection may be entered by mandamus. (*Act May 27, 1909, § 25*); Chapter 52 § 4484 (page 1299).

Drainage and levee tax. An assessment upon the real property of the district of a tax sufficient to pay the estimated cost of the improvement in a drain or levee district, with ten per cent (10%) added for unforeseen contingencies; tax is paid by the owners of real

property in the district, in proportion to the amount of the assessment of benefits. (*Act 279 of 1909, § 9 as amended by Act 562 of 1923*); Chapter 52 § 4465 (page 1292).

Ditch tax. For the purpose of keeping a small cash fund on hand to clean out the public (county) drains, a county board may levy a tax against assessed lands, to be paid by the property owners. (*Act May 13, 1907, page 746, § 1*); Chapter 52 § 4508 (page 1305).

Taxes for continuance of drainage and levee district. The county court may levy additional taxes against property owners in the drainage and levee district through assessment on their property for the purpose of preserving the drainage system. (*Acts 1909, page 829, § 22*); Chapter 52 § 4481 (page 1296).

Levee construction tax. To levy a tax against the assessed value of the landowner's land for an amount that will cover the costs of the improvement or construction of levees in that levee district. (*Act May 6, 1909, page 696*); Chapter 52 § 4552 (page 1314).

Periodic Tax Increases for drainage and levee improvement districts. If the tax first levied is insufficient to complete the improvement to the drain and levee district or the tax is insufficient to pay the bonds for its financing, the county court can levy additional taxes on property sufficient to complete the improvement and/or to pay such bond. (*Act March 28, 1911, page 198*); Chapter 52 § 4471 (page 1294).

Drainage and levee preliminary construction tax. The county court may levy and collect a tax from the owners of real property in the district in proportion to the respective assessments of benefits against the several pieces of property for the purpose of paying preliminary expenses of a drain and levee district and wherever it is deemed prudent not to proceed immediately with construction. (*Act 562 of 1923, § 2*); Chapter 52 § 4466 (page 1293).

Drain cleaning tax. For the purpose of paying the principal and interest of any bonds issued to pay preliminary expenses of drain cleaning, a tax upon the real property of the District is assessed and collected sufficient to pay such bond issue as the same matures, with ten per cent (10%) added for unforeseen contingencies. (*Act 59 of 1927, § 2*); Chapter 52 § 4524 (page 1308).

Three (3) mill road tax transferred to county road and bridge fund. All current county road districts are abolished and the three mill road tax is transferred to the county road and bridge fund (*Act 138 of 1929 § 12*), Chapter 39 § 2608 (page 934).

Improvement District property taxes. A city may assess an ad valorem tax on the real property in an improvement district based upon the estimates of the improvement by the district board. Property owners pay the tax. (*Act March 22, 1881 page 161, § 4, as amended by Act 64 of 1929, § 6*); Chapter 87 § 7290 (page 1910).

Additional assessments for Improvement districts. If the initial tax (under § 7290 above) is insufficient to complete the improvement or pay for it, the city council can levy further taxes on the owners of the real property in the district based on the assessment of benefits, in an amount sufficient to complete the improvement or pay for it. The taxes levied can never exceed the total amount of the benefits assessed. (*Act March 22, 1881, § 15, page 161, as amended by Sec 11, Act 64 of 1929, February 28, 1929*); Chapter 87 § 7303 (page 1914).

Tax on real property for improvement district limited. The tax levied in any one year can not exceed twenty-five per cent (25%) of the assessed value of the real property in the district benefit for the improvement district. No single improvement can exceed forty per cent (40%) of the value of the real property in the district. (*Act March 3, 1913, page 52, as amended by Act 395, 1921, March 25, 1921, as amended by Act 145 of 1935 § 4, March 20, 1935*); Chapter 87 § 7304 (page 1914).

Timber, oil, gas, and other mineral rights subject to property tax. (*Act 129 of 1929*); § 8633.

Timber sold apart from the land taxed as personal property. Taxes are collected in county where timber is located. (*Act April 7, 1905*); Chapter 158 § 13599 (page 3349).

Severed mineral rights and timber rights assessed tax separately from land. (*Act 221 of 1929*); Chapter 158 § 13600 (page 3349).

Railroad taxes. The railroad tax is assessed on each parcel of land or right-of-way that is owned by the railroad company and that is situated in any fencing district. The taxes are used for the benefit of any such fencing district. (*Act May 1, 1911, §§ 1 and 2*); Chapter 66 §§ 5756-5757 (page 1564).

Money taxed on each person required by law to list property. (*Act February 12, 1895*); Chapter 158 § 13602 (page 3350).

Building and loan association - capitol stock, etc. assessed for taxation - assessed in names of individual owners. (*Act April 2, 1913, § 2*); Chapter 158 § 13737 (page 3386).

Domestic insurance companies must assess stock for taxation. (*Act 262 of 1917, § 1*); Chapter 92 § 7967 (page 2079).

Assessment on stock against any insurance business or any kind of investment, loan or trust business. (*Act March 17, 1917, § 1*); Chapter 158 § 13743 (page 3387).

Every person shall assess all farm crops. (*Act 172 of 1929, § 1A*); Chapter 158 § 13681 (page 3373).

Every person, guardian, executor or administrator seized for life is liable to pay property tax for land and lots based on curtesy and dower interest. (*Act March 31, 1883, § 161*); Chapter 158 § 13808 (page 3403).

Dog tax - owner of dog (column for listing dogs beside that of personal property). (*Act March 7, 1919*); § 13579.

City may levy a tax on dogs and other domesticated animals that are not included in the list of taxable property for the state. (*Act 1 of 1875, § 69*); Chapter 115 § 9660 (page 2446).

City may impose taxes on parcels of lots that are sold and leased by metes and bounds but that have not been platted or recorded. (*Act 1 of 1875, § 68*); § 9659.

City may tax real and personal property. (*Act March 26, 1883, Act April 6, 1889*); Chapter 115 §§ 9655, 9656, 9657 (page 2445).

City and town tax may not exceed five (5) mills. (*Act March 31, 1883, § 10*); Chapter 158 § 13612 (page 3354).

Cities of first class are authorized to require residents of city to pay a tax on wheeler vehicles except bicycles. (*Act March 26, 1901*); Chapter 115 § 10047 (page 2533).

City can tax real and personal property for public libraries one-half (1/2) mill. (*Act April 7, 1911*); Chapter 115 § 9723 (page 2461).

Voluntary property tax in cities with greater than forty thousand (40,000). (*Act 8 of 1921, § 1*); § 11775.

City property tax - maximum three (3) mills. (*Act 299 of 1925, § 2*); Chapter 115 § 9825 (page 2481).

Additional tax on real property for continued improvements and repairs. The city can reassess property for repairs, replacements, improvements or extensions to a water, light, or sewer district based upon the cost of the improvement. The tax is paid by the property owner. (*Act 64 of 1929, § 16, as amended by Act 145 of 1935, § 7*); Chapter 87 § 7370 (page 1930).

Bond tax to fund indebtedness of county. Annual tax not to exceed three (3) mills on the dollar of assessed property value paid by property holders to be used to fund the indebtedness of the county. (*Act 210 of 1925, § 4*) Chapter 39 § 2569 (page 927).

Levy by quorum court. If a county court does not require the full constitutional limit of five mills to be levied for the expenses of the county government, the county may, for any one year, levy a road tax on all the taxable property the county, not exceeding three mills on the dollar. (*Act April 1, 1893 § 2, page 201*); Chapter 81 § 7134 (page 1873).

Road and Bridge Tax. The county court can levy no more than three (3) mills on the dollar as a road and bridge tax on all the taxable property of the county. (*Act 6 of 1897 § 31, First Extraordinary Session*); Chapter 81 § 7087 (page 1865).

Supreme Court tax and Supreme Court library tax. Persons filing an appeal or writ or error shall pay eleven dollars and fifty cents (\$11.50); Ten dollars (\$10.00) to the clerk, and one dollar and fifty (\$1.50) cents for the support of the Supreme Court library. (*Rev. Stat., chap. 117, § 868; as amended by act April 20, 1895, page 213*) Chapter 41 § 2747 (page 961).

EXCISE

Cigar tax ten per cent (10%); cigarette tax two dollars and twenty-five cents (\$2.25) per one thousand (1000). Tax paid by retailer. (See also § 13564). (*Act 278 of 1923, § 4, as amended by Act 19 of 1931*); Chapter 158 § 13535 (page 3334).

Additional cigarette tax of twenty-five cents (\$0.25) per one thousand (1000) cigarettes paid in same manner as other cigarette taxes. Tax paid by retailer. (*Act 18 of 1931, § 1*); Chapter 158 § 13562 (page 3340).

Border city tax on tobacco is same as adjoining city. (*Act 152 of 1929, § 30*); Chapter 158 § 13561 (page 3340).

Wagon tax. A privilege tax based upon the wear and tear to the roads from the products that the wagon hauls, such as logs, ores, or stave bolts. The tax can be set by the county court as a county privilege tax. (*Act 65 of 1929 § 61*); Chapter 81 § 6911 (page 1833).

Motor vehicle registration fee (Cars and trucks). A privilege tax for the use and enjoyment of the roads. Purchaser of a motor vehicle is required to register and license the vehicle. (*Act 6 of 1933, approved January 30, 1933, Act 11 of 1934, Special Session, approved February 12, 1934; Act 36 of 1933, Act 11 of 1934, Special Session; Act 237 of 1931; Act 65 of 1929; Act 51 of 1933*); Chapter 81 § 6615 (pages 1761-1763).

Motor vehicle license fee. (*Act 94 of 1933, § 1*); Chapter 158 § 13357 (page 3295).

Motor vehicle fee (with pneumatic tires) Six hundred twenty-five ten thousandths of a cent (\$.0625) per horsepower; class one (1) less than thirty-five hundred (3500) pounds - two hundred seventy-five thousandths of a cent (\$.275) per 100, etc. (*Act 11 of 1934, § 31, Special Session, amended by Act 65 of 1929*); § 11270.

Truck Fee - (pneumatic tires) Long list of rates depending on capacity of truck. (*Act 11 of 1934, § 32, Special Session, amended by Act 65 of 1929*); § 11271.

Fee on Trailers and semi trailers. Long list of rates depending on capacity of trailer. (*Act 11 of 1934, § 33, Special Session, amended by Act 65 of 1929*); § 11272.

- Automobiles. The registration fee for an automobile with air-filled tires that carries passengers is six and one-fourth (6 1/4) cents per motor horsepower. In addition to the horsepower based fee, there is fee based upon the weight of the car or truck.
- Hearses and ambulances. The registration fee is twenty-five dollars (\$25.00) annually.
- Motorcycles. The minimum registration fee for motorcycles is \$2.50 per annum, and for the registration of motorcycle side-cars there shall be charged an additional registration fee of \$1.50 per annum.
- Trailers. The minimum registration fee for trailers and semi-trailers is three dollars (\$3.00) annually.
- Trucks. The minimum registration fee for trucks with air filled tires is eight dollars (\$8.00) annually, and the minimum fee for trucks with two or more solid tires is twelve dollars (\$12.00) annually. Various fees and charges apply according to tonnage capacity.
- Vehicle used to deliver persons for hire. If the vehicle is used to deliver persons for hire, there is a fee of two dollars and fifty cents (\$2.50) for each passenger carrying capacity.

Gasoline tax. A privilege or excise tax of six and one-half (6 1/2) cents on each gallon of motor vehicle fuel sold or used in the State. Tax is paid by the purchaser of the gasoline.

(Act 65 of 1929, § 23 and Act 63 of 1931, § 1, as amended by Act 11 § 22, Special Session of 1934); Chapter 81 § 6604 (pages 1757-1759).

Motor Fuel tax. Six and one-half (6 1/2) cents per gallon of motor fuel collected from purchasers by manufacturers and wholesalers. *(Act 63 of 1931, as amended by § 26; Act 11, Special Session of 1934); Chapter 81 § 6871 (page 1821).*

Raises motor fuel tax to sixty-five thousandths of a cent (\$0.065) per gallon. *(Act 11 of 1934, § 22, Special Session).*

Tax on motor fuel in city on state line - Act 5 of 1934 Special Session *(Popes references Act 11 of 1934, § 22A, Special Session, amending Act 63 of 1931, § 1D); § 11261.*

Motor Fuel tax to be collected at the source of the manufacturer or wholesaler. *(Act 11 of 1934, § 25, Special Session, amending by Act 63 of 1931); § 11264.*

Exempts fuel to be used by aircraft from the motor vehicle fuel tax of six cents (\$0.06) per gallon imposed by Act 65 of 1929, amended by Act 63 of 1931. *(Act 4 of 1933, § 1, Special Session).*

Privilege tax on toll bridge and ferry operators: Four per cent (4%) of gross amount received. *(Act 181 of 1929, § 6, as amended by Act 214 of 1931); Chapter 158 § 13408 (page 3309).*

Toll fee on bridges. *(Act 11 of 1934, § 36, Special Session); § 11275.*

Tax on wines manufactured in Arkansas for sale in other states ten cents (\$0.10) per gallon plus privilege tax of five hundred dollars (\$500.00) per each wine manufacturer. *(Act 4 of 1934, Special Session).*

Brandy Tax - Distiller must pay permit fee of one thousand dollars (\$1,000.00) and twenty-five cents (\$0.25) per gallon on brandy distilled or manufactured. *(Act 9 of 1934, § 2, Special Session).*

Fertilizer tag tax. Revenue from purchase of fertilizer tags placed in general revenue fund. Sellers of fertilizer purchase the tags. *(Act 209 of 1921, § 1); Chapter 61 § 5539 (page 1514).*

Feed tag or stamp tax. Revenue from purchase of feed tags or stamps placed in general revenue fund. Sellers of feed purchase the tags *(Act 209 of 1921, § 2); Chapter 61 § 5540 (page 1515).*

Cotton seed meal tags, brands of mixed fertilizer tags or fertilizer materials tags. Tags required to be purchased by manufacturers, manipulators, and their agents who have registered their brands twelve and one-half (12 1/2) cents per ton paid, (Stated as an inspection fee, looks like a tax). *(Act 165 of 1929 § 7); Chapter 34 § 1878 (page 730).*

Commercial feed stuffs tax. Manufacturer, jobber, importer, agent or seller of any concentrated commercial feeding stuff shall purchase stamps at ten cents (\$0.10) per ton as an inspection fee. Monies collected for stamps are placed into the general revenue fund. *(Act 293 of 1929, § 6); Chapter 63 § 5620 (page 1528).*

Oils inspection tax. Revenue from inspection of oils placed into general revenue fund. Sellers of oils purchase the tags (*Act 209 of 1921, § 4*); Chapter 61 § 5541 (page 1515).

Privilege tax on producers of two and a half per cent (2.5%) of gross cash market value of the total production of natural resources. (*Act 118 of 1923, § 4, as amended by Act 283 of 1929, § 3*); Chapter 158 § 13374 (page 3300).

Tax on producer of bauxite, coal, timber: Twenty-five cents (\$0.25) per ton on bauxite, one-tenth of a cent (\$0.01) per ton on coal, seven-tenths of a cent (\$0.07) per one thousand feet (1000') on timber. (*Act 118 of 1923, § 5, as amended by Act 116 of 1933, § 1*); § 13375 (page 3300).

Privilege tax rate changed to two and a half per cent (2.5%) of market value of the total production of natural resources. (*Act 2 of 1924*); § 13391 (page 3306).

Ten cent (\$0.10) tax per colony of bees. Goes to State Treasury. (*Act 31 of 1927, § 14*); § 12420.

Public Utility fees. Public utility pays two-fifths (2/5) of one percent (1%) of annual gross earnings to state treasurer. (*Act 174 of 1935 § 52*); Chapter 36 § 2112 (page 803).

Sales tax on auctioned property, real and personal. Paid by auctioneer and submitted to county; one and a half percent (1 1/2 %) of total sale price. (*Rev. Stat., chap. 17 § 14*); Chapter XIII § 675 (page 424).

Cattle tick eradication tax. The quorum courts may levy a tax to eradicate cattle ticks, including burning of the carcasses of animals dying from accident, anthrax or other disease. (*Act 1917 page 1183, § 1, as amended by Act 224 of 1925, § 5*); Chapter 39 § 2529 (page 918).

Common school fund tax collected by game wardens. Fees collected by wardens for convictions involving violations of the game and fish laws where the arrests is made by the warden are to be placed into the Common School Fund of the county. (*Acts 133 of 1917, § 12, 276 of 1919, § 2 and 160 of 1927, § 14*); Chapter 69 § 5852 (page 1584).

Vital statistics fund tax. Registration fee and all other moneys deposited in the Vital Statistics fund are to be placed into the general revenue fund. (*Act 209 of 1921, § 10*); Chapter 61 § 5542 (page 1515).

Inheritance tax on proceeds of insurance policy. (*Act 106 of 1929, § 1*); Chapter 92 § 7980 (page 2083).

Tax on producer of bauxite, coal, timber twenty-five cents (\$0.25) per ton on bauxite, \$0.01 per ton on coal, \$0.07 per one thousand feet (1000') on timber. (*Act 118 of 1923, § 5, as amended by Act 116 of 1933*); § 13375.

Additional severance tax of on producers of natural resources (no rate given). (*Act 142 of 1927, § 2*); Chapter 158 § 13392 (page 3306).

Additional tax of one (1) mill per ton on producers of manganese ore and one-tenth per cent (1/10%) mill tax on other minerals. (*Act 142 of 1927, § 2 and Act 203 of 1929*); § 13393.

Dog tax - owner of dog (column for listing dogs beside that of personal property). (*Act March 7, 1919, § 1*); § 13579 (page 3344).

PERSONAL

Inheritance tax on persons or corporations for the transfer of tangible and intangible property. (*Act March 24, 1913, § 2, as amended by Act 106 of 1929, § 1*); Chapter 158 § 14001 (page 3447).

Estate tax rates. (*Act February 16, 1917, § 2 - primary rates; and Act March 24, 1913 § 5 - secondary rates*); §§ 14005 and 14006 (page 3450).

Income tax: (*Income Tax Act of 1929 - Act 118 of 1929*); Chapter 167 § 14026 (page 3457).

Individuals:

First \$3000 - 1%

Second \$3000- 2%

Next \$5000 - 3%

Next \$14,000 - 4%

All net income in excess of \$25,000 - 5%

Corporations:

2%

Per capita tax on males for use in county road and bridge fund. Abolishes free labor on the public highways and substitutes a per capita tax of three dollars (\$3.00) per year on each male inhabitant of the State between the ages of twenty-one (21) and forty-five (45) to be placed in the county road and bridge fund of the county of the resident male. For a county that has more than one (1) quorum court, the least populous district shall require a two dollars (\$2.00) per capita tax, and in the most populous district no per capita tax shall be levied. (*Act 138 of 1929, § 13*); Chapter 39 § 2609 (page 934).

Per capita Road Tax. Abolishes free labor on the public highways and substitutes a per capita tax of three dollars (\$3.00) per year on each male inhabitant of the State between the ages of twenty-one (21) and forty-five (45) to be placed in the county road and bridge fund of the county of the resident male. For a county that has more than one quorum court, the least populous district shall require a two dollar (\$2.00) per capita tax, and in the most populous district no per capita tax shall be levied. (*Act 234 of 1937 § 1*); Chapter 81 § 7129 (page 1872).

Poll tax paid by every adult citizen of the state for one year. (*Act 288 of 1929, § 1*); Chapter 158 § 13481 (page 3319).

Tax on person or corporation using "water power". (*Act 121 of 1927, § 1*); Chapter 168 § 14478 (page 3571).

PRIVILEGE

Ferry license tax. Ferry operators required to pay a privilege tax levied by the county court. The tax levied cannot be less than one dollar nor more than one hundred dollars (*Rev. Stat., chap. 62, § 8*); Chapter 67 § 5799 (page 1573).

River trader license - One hundred dollars (\$100.00) state tax and county tax. Paid by river trader. (*Act March 6, 1875, § 2*); § 11392 (page 2843).

Twenty-five dollars (\$25.00) tax on hawkers per peddlers of goods, wares and merchandise. (*Act March 31, 1883, § 4*); Chapter 158 § 13401 (page 3307).

One hundred dollar (\$100.00) tax on clock peddlers and every agent for the sale of lightning rods and stove-range agents doing business in this State. (*Act March 31, 1883, § 4*); Chapter 158 § 13402 (page 3307).

Two hundred dollars (\$200.00) tax on sewing machine businesses. (*Act April 2, 1885, § 1*); Chapter 158 § 13485 (page 3320).

Sewing machine peddler - Twenty-five dollars (\$25.00) for license. (*Act April 2, 1885, § 2*); § 13573 (page 3342).

One hundred dollar (\$100.00) county license to peddle horses, pianos, etc. (*Act April 19, 1905, §§ 1 and 2, as amended by ct April 1, 1909, § 1*); Chapter 158 § 13577 (page 3343).

Two hundred dollar (\$200.00) county license to peddle lightning rod, steel stove, range, clock, pump, buggy, carriage, or other vehicle, etc. (*Act April 1, 1909, §§ 1 and 2*); Chapter 158 § 13575 (page 3343).

First class cities are authorized to license, regulate, and tax the privilege of engaging in mercantile business in city. (*Act March 29, 1913, § 1*); Chapter 115 § 10049 (page 2533).

Marriage license registration fee (in addition to the fee of one dollar (\$1.00) provided in § 9040). A marriage license registration fee collected from an applicant for marriage license. The fee is fifty cents (\$0.50) and deposited in the State Treasury monthly in the Vital Statistics Fund, to be used for the maintenance of the Bureau of Vital Statistics at the central office. (*Act 126 of 1913, § 11 and Act 149 of 1917, § 1*); Chapter 80 § 6429 (page 1705).

Hotel, rooming house and restaurant tax. The fee for a license to operate a hotel, rooming house, or restaurant is three dollars (\$3.00) annually. If a hotel contains ten (10) sleeping rooms the license fee is five dollars (\$5.00) and for every additional room there is an additional fee of ten cents (\$0.10). No license fee can exceed twenty dollars (\$20.00). (*Act 210 of 1917, § 7*); Chapter 84 § 7216 (page 1893-1894).

Veterinarians' licenses tax. All moneys from fees paid for examination to be licensed as a veterinarian are to be placed into the general revenue fund. (*Act 209 of 1921, § 11*); Chapter 61 § 5543 (page 1515).

Dog license or privilege tax of one dollar (\$1.00). Collected like personal property and kept in separate fund - "Dog Tax Fund" - first to pay expenses of enforcing act, then to

indemnify losses from dog attacks, and remainder to credit of County Road Fund. (*Act 122 of 1923, § 1*); Chapter 158 § 13580 (page 3344).

Tobacco salesman license - Five dollars (\$5.00) per year; distributor - Twenty-five dollars (\$25.00) per year. (State Treasurer shall put funds in accounts as provided for in §29 of Act 152 of 1929) (*Act 336 of 1937, § 3*); § 13520 (page 3328).

Mussel-taking license fee for non-residents. License required to take, catch, or kill mussels. Non-residents and those who have not lived in the State for one year pay into the State Treasury a license fee of twenty-five dollars (\$25.00) (*Act 561 of 1923, § 1, as amended by Act 248 of 1925, as amended by Act 111 of 1935*); Chapter 69 § 5977 (page 1608).

Shell buyers license fee and shell boat license fee. License required to buy shells in this State or to run a boat for the purpose of dealing in fresh water mussels. Annual license fee of \$50.00 (fifty dollars) per person paid to the Fish and Game Commission. (*Act 248 of 1925, § 2*); Chapter 69 § 5982 (page 1610).

Hunting and fishing licenses fee. Annual license required to hunt and fish. The annual resident hunting license fee is one dollar and fifty cents (\$1.50) per person, and the annual license fee to fish with artificial bait is one dollar and fifty cents (\$1.50) per person. No license is required to hunt rabbits, squirrels or predatory animals. (*Act 160 of 1927, § 19, as amended by Act 316 of 1937*); Chapter 69 § 5858 (page 1585).

Trapper's license. Annual license required for snare, traps, or deadfalls where more than twelve traps or deadfalls are used. Twenty dollar (\$20.00) annual fee. Twenty dollars (\$20.00) per person. (*Act 133 of 1917, § 12, as amended by Act 276 of 1919, § 8, page 204*); Chapter 69 §5861 (page 1586).

Building and Loan Associations license and fee. Exclusive state license or occupation fee for Building and Loan Associations or their agents for the privilege of transacting business. (*Act 128 of 1929, § 38*); Chapter XIX § 1016 (page 529).

License fee and tax on public billiard or pool room businesses. (*Act 158 of 1931, §§ 5, 9, and 13, and Act 267 of 1933*); Chapter 158 §§ 13430, 13434, and 13439 (page 3312).

Use of hoop, barrel or pond nets regulated. License fees. Tags. Confiscation of nets. Penalties. License required for use of a hoop, barrel, or pond net. Annual fee of one dollar (\$1.00) per net. (*Act 113 of 1933, § 2*); Chapter 69 § 5958 (page 1604).

Trammel, seine or gill nets license fee. License required for seines containing meshes not less than two and one-half inches (2 1/2") square, and trammel or gill nets containing meshes not less than three inches square. Annual fee is twelve dollars and fifty cents (\$12.50) for each net possessed under one hundred (100) yards in length. For nets exceeding one hundred yards in length, the annual license fee is twenty-five dollars (\$25.00). Money is credited to the "Game Protection Fund." (*Act 113 of 1933 § 7*); Chapter 69 § 5963 (page 1605-1606).

License tax on operators of automatic slot machines and vending machines. Two dollars and fifty cents (\$2.50) per year per machine. (*Act 167 of 1931, § 1 and Act 137 of 1933, § 1*); Chapter 158 §§ 13418 and 13420 (page 3311).

Commercial fishing license fee. License required for fishing for commercial purposes with gigs, trot lines, set hooks, or hooks and line. Annual fee of two dollars and fifty cents (\$2.50) per person. (*Act 182 of 1935, § 3*); Chapter 69 § 5956 (page 1603).

Fur dealers license fee. License required for resident and non-resident dealers who buy, trade, bargain or sell raw furs, the annual license fee for a non-resident dealer is twenty-five (\$25.00). A separate license is required for each agent of the non-resident dealer. The annual license for a resident dealer is one dollar (\$1.00). A separate license is required for each agent of the resident dealer. (*Act 337 of 1937 § 3*); Chapter 69 § 6003 (page 1614).

Ten dollar (\$10.00) tax per attorney for Supreme Court Library Fund. (*Act Jan. 9, 1851, § 8*); Chapter 156 § 13315 (page 3273).

City can tax pool rooms. (*Act 1917, page 1863*); Chapter 115 § 9599 (page 2432).

City can tax auctioneers. (*Act December 14, 1875, page 122*); Chapter 115 § 9661 (page 2446).

City may levy tax of not more than one hundred dollars (\$100) per year from each public auctioneer. (*Act December 14, 1875*); Chapter 115 § 9661 (page 2446).

County tax of: (*Act March 31, 1883, § 6*); Chapter 158 § 13574 (page 3342)

Twenty-five dollars (\$25.00) - hawkers and peddlers of goods

One hundred dollars (\$100.00) circus or menagerie for each day's exhibition

Fifty dollars (\$50.00) for side-show connected with circus

Amount to be fixed by county for public exhibition (with exceptions)

Ten dollars (\$10.00) on every auctioneer

A county privilege tax of: (*Act April 8, 1889, § 1, as amended by Act February 6, 1915, § 1*); Chapter 158 § 13572 (page 3342)

Three dollars (\$3.00) each criminal conviction

Three dollars (\$3.00) each civil suit

Fifty cents (\$0.50) each writ of summons and writ of execution

Fifty cents (\$0.50) each certificate of record of each instrument recorded

Fifteen cents (\$0.15) each mortgage

City can tax gift enterprises (not to exceed one thousand dollars (\$1,000.00) per year) and their patrons (five hundred dollars (\$500.00) per year). (*Act February 27, 1899, § 1*); Chapter 115 § 9699 (page 2454).

Library fee one dollars and twenty-five cents (\$1.25) per quarter to use library. Fee goes to Supreme Court Library Fund. (*Act March 6, 1891, page 56*); Chapter 156 § 13316 (page 3274).

Severance Tax on each person, firm, corporation, or association engaged in the business of mining, etc. *(Act 118 of 1923, § 1)*; § 13371.

Privilege tax on producers of two and a half per cent (2.5%) of gross cash market value of the total production of natural resources. *(Act 118 of 1923, § 4, as amended by Act 283 of 1929)*; Chapter 158 § 13374 (page 3300).

Privilege tax rate change to two and a half per cent (2.5%) of market value of the total production of natural resources. *(Act 2 of 1924)*; § 13391.

State privilege tax of eleven one-hundredths (11/100) of one per cent (1%) on the capital stock on each corporation organized and doing business in Arkansas. *(Act 236 of 1925, § 4, as amended by Act March 28, 1925, § 1)*; Chapter 158 § 13490 (page 3321).

State privilege tax of eleven one-hundredths (11/100) on foreign corporations of one per cent (1%) of the proportion of capital stock represented by property owned and used in business transacted in this state. *(Act 236 of 1925, as amended by Act March 28, 1925, § 2)*; Chapter 158 § 13493 (page 3322).

Privilege tax on engaging in business. *(Act 181 of 1929, § 1)*; Chapter 158 § 13403 (page 3308).

Five hundred dollar (\$500.00) privilege tax on manufacturer autos. *(Act 181 of 1929, § 3)*; Chapter 158 § 13405 (page 3308).

Four per cent (4%) of gross amount received - privilege tax on toll bridge and ferry operators. *(Act 181 of 1929, § 6, as amended by Act 214 of 1931)*; Chapter 158 § 13408 (page 3309).

Privilege tax on business - malt tax of four one-hundredths of a cent (\$.04) per pound on package of malt paid by every person, firm or corporation doing business in Arkansas. *(Act 181 of 1929, § 7, as amended by Act 249 of 1933)*; § 13409 (page 3309).

Fortune tellers - One hundred dollar (\$100.00) privilege tax per year. *(Act 236 of 1929, § 1)*; Chapter 158 § 13360 (page 3297).

Privilege tax or fees for inspection of bottled drinks. A privilege tax or fee is charged for the inspecting the operation of manufacturers, bottlers or wholesalers of bottled drinks as follows: *(Act 307 of 1929, § 1)*; Chapter 80 § 6454 (page 1710).

For bottlers with a total rated capacity up to 24 bottles per minute.....	\$ 25.00
Over 24 and up to 40 bottles per minute.....	\$ 35.00
Over 40 and up to 50 bottles per minute.....	\$ 50.00
Over 50 and up to 60 bottles per minute.....	\$ 60.00
Over 60 and up to 75 bottles per minute.....	\$ 75.00
Over 75 bottles per minute.....	100.00

State ferry tax Ferry operators pay a state privilege tax of four per cent (4%) of the gross amount of all fares and charges collected. If the gross receipts collected from the ferry is

one hundred (\$100.00) dollars or less per quarter, then the ferry is exempt from the tax. (*Act 214 of 1931, § 1*); Chapter 67 § 5821 (page 1576).

Motor vehicle registration fee (Cars and trucks). A privilege tax for the use and enjoyment of the roads. Purchaser of a motor vehicle is required to register and license the vehicle. (*Act 6 of 1933, approved January 30, 1933, Act 11 of the Special Session of 1934, approved February 12, 1934; Act 36 of 1933, Act 11 of the Special session of 1934; Act 237 of 1931; Act 65 of 1929; Act 51 of 1933*); Chapter 81 § 6615) (pages 1761-1763).

- Automobiles. The registration fee for an automobile with air-filled tires that carries passengers is six and one-fourth cents (6 1/4) per motor horsepower. In addition to the horsepower based fee, there is fee based upon the weight of the car or truck.
- Trucks. The minimum registration fee for trucks with air filled tires is eight dollars (\$8.00) annually, and the minimum fee for trucks with two or more solid tires is twelve dollars (\$12.00) annually. Various fees and charges apply according to tonnage capacity.
- Trailers. The minimum registration fee for trailers and semi-trailers is three dollars (\$3.00) annually.
- Motorcycles. The minimum registration fee for motorcycles is two dollars and fifty cents (\$2.50) per annum, and for the registration of motorcycle side-cars there shall be charged an additional registration fee of one dollar and fifty cents (\$1.50) per annum.
- Vehicle used to deliver persons for hire. If the vehicle is used to deliver persons
- for hire, there is a fee of two dollars and fifty cents (\$2.50) for each passenger carrying capacity.
- Hearses and ambulances. The registration fee is twenty-five dollars (\$25.00) annually.

Privilege tax - beer. Fifty dollars (\$50.00) for each county where broker, distributor, or wholesale dealer operates not to exceed two hundred fifty dollars (\$250.00); Five hundred dollar (\$500.00) special tax for each manufacturer of beer; and tax on each retailer (miscellaneous amounts). (*Act 7 of 1933, § 4, Special Session*); Chapter 158 § 14196 (page 3507).

Privilege tax on tobacco peddlers. (*Act 266 of 1933, § 1*); § 13565 (page 3340).

Tax on wines manufactured in Arkansas for sale in other states ten cents (\$0.10) per gallon plus privilege tax of five hundred dollars (\$500.00) per each wine manufacturer. (*Act 4 of 1934, Special Session*).

Brandy - Distiller must pay permit fee of one thousand dollars (\$1,000.00) and twenty-five cents (\$0.25) per gallon on brandy distilled or manufactured. (*Act 9 of 1934, Special Session*).

Privilege tax - wine: (*Act 65 of 1935, § 9*); Chapter 158 § 14231 (page 3515).

License fee one dollar (\$1.00) per one thousand (1000) gallons not to exceed five thousand (5000) gallons;

Twenty-five dollars (\$25.00) in excess of five thousand (5000) gallons;

Retail dealer's license fee of fifteen dollars (\$15.00); and

Wholesale dealer's license fee of fifty dollars (\$50.00).

Municipalities may tax motor carriers operating within city limits. (*Act 239 of 1931, § 1*); Chapter 115 § 9734 (page 2463).

Franchise tax on mortgage loan corporations based on capital stock (same rate as §13493). (*Act 278 of 1923, § 2*); Chapter 158 § 13515 (page 3327).

Annual tax of eleven dollars (\$11.00) on all foreign and domestic corporations with not more than ten thousand dollars (\$10,000) of capital stock in this state. (*Act March 28, 1925, § 6*); Chapter 158 § 13514 (page 3327).

Fifty dollar (\$50.00) tax on each mutual corporation having no capitol stock; Two hundred dollar (\$200.00) tax for legal reserve mutual insurance corporations having assets of one hundred million dollars (\$100,000,000) or more; one hundred dollar (\$100.00) tax for legal reserve mutual insurance corporations having assets of less than one hundred million dollars (\$100,000,000); and a fifty dollar (\$50.00) tax for mutual assessment insurance corporations. (*Act 236 of 1925, § 10*); § 7974 (page 2081).

One hundred dollar (\$100.00) per year tax on foreign or domestic insurance companies having outstanding capital stock of less than five hundred thousand dollars (\$500,000) and two hundred dollars (\$200.00) per year tax for those having more than five hundred thousand dollars (\$500,000) in capital stock for the privilege of doing business. (*Act 236 of 1925, §10*); § 7975 (page 2081).

Annual tax of varying amounts on mutual corporations; legal reserve mutual insurance corporations; insurance companies; and building and loan associations with no capitol stock; etc. (*Act 236 of 1925, § 18*); Chapter 158 § 13513 (page 3326).

Five dollar (\$5.00) tax on domestic corporations doing business entirely out-of-state. Tax goes to General Revenue Fund. (*Act 220 of 1931, § 3*); Chapter 158 § 13504 (page 3324).

Corporate Filing Fees. Corporations pay to the Secretary of State, for the use of the State, upon the filing of any certificate or other paper relating to corporations in the office of the Secretary of State various fees. (*Act 174 of 1935*); Chapter 37 §§ 2213, 2245, and 2266 (page 842-863).

Corporations Exempt from Excise Taxes. Corporations pay an annual fee of ten dollars (\$10.00) for each one hundred (100) members and are exempt from all other excise taxes. (*Act 342 of 1937 § 30*); Chapter 37 § 2344 (page 881).

Insurance filing fees of ten dollars (\$10.00) and premium taxes of two per cent (2%) of gross deposits. (*Act 152 of 1915, § 11, and Act 264 of 1917, § 3*); Chapter 92 § 7816 (page 2038).

Premium Tax of two per cent (2%) on Fire, Tornado, Marine Insurance Company. (*Act March 17, 1917, § 1*); Chapter 158 § 13746 (page 3389).

Premium tax of two and a half per cent (2.5%) on Life, Accident, Health and every bond and surety company doing business in state. (*Act March 17, 1917, § 2, as amended by Act 235 of 1931*); Chapter 158 § 13747 (page 3390).

Premium tax of two per cent (2%) on gross receipts on Fire, Tornado and Marine Company - Domestic. (*Act 264 of 1917, § 1*); Chapter 92 § 7964 (page 2078).

Premium tax of two per cent (2%) on foreign casualty company. (*Act 493 of 1921, § 7*); Chapter 92 § 7966 (page 2079).

Variety of fees (filing of charter and annual statement, licenses, copies, etc.) collected from insurance companies and credited to general revenues. (*Act 493 of 1921, § 14*); Chapter 92 § 7970 (page 2080).

Levy of average rate of all ad valorem taxes on private car company. (*Act 560 of 1923, § 4*); Chapter 158 § 13754 (page 3392).

Premium tax of two per cent (2%) on foreign corporations. (*Act 137 of 1925, § 14*); § 7833.

Gross premiums tax - one per cent (1%). (*Act 237 of 1927, § 18*); Chapter 92 § 7926 (page 2070).

Premium tax of two and a half per cent (2.5%) on Life, Accident, Health Ins Company. (*Act 235 of 1931*); Chapter 92 § 7965 (page 2078).

APPENDIX O. UNIFORM ACTS, MODEL ACTS, AND COMPACTS

1-2-401 et seq.	2-37-101 et seq.	4-1-101 et seq. (Name applies to all of Title 4, Subtitle 1)
4-1-101 et seq. (Name applies to Title 4, Subtitle 1, Chapter 1)	4-2-101 et seq.	4-2A-101 et seq.
4-3-101 et seq.	4-4-101 et seq.	4-4A-101 et seq.
4-5-101 et seq.	4-7-101 et seq.	4-8-101 et seq.
4-9-101 et seq.	4-20-101 et seq.	4-27-101 et seq.
4-28-601 et seq.	4-32-101–4-32-104, 4-32-106 (4-32-105 and 4-32-107 repealed)	4-33-101 et seq.
4-46-101 et seq.	4-47-101 et seq.	4-59-201 et seq.
4-59-401 et seq.	4-75-601 et seq.	5-73-201 et seq.
6-4-101	6-4-301 et seq.	8-8-102
8-8-202	9-9-201 et seq.	9-9-401 et seq.
9-11-401 et seq.	9-17-101 et seq.	9-19-101 et seq.
9-21-101 et seq.	9-26-201 et seq.	9-26-301 et seq.
9-29-201 et seq.	9-29-301	12-49-101 et seq.
12-49-201 et seq.	12-49-301	12-51-101 et seq.
12-76-101 et seq.	12-76-201 et seq.	12-87-101 et seq.
13-2-601 et seq.	14-2-301 et seq.	15-2-101
15-10-401	15-20-401 et seq.	15-23-401
15-23-501	15-33-101	15-72-902
16-2-201 et seq.	16-4-101 et seq.	16-43-301 et seq.
16-43-402 et seq.	16-46-101	16-47-201 (See M.O.T.A. note at this cite)
16-61-201 et seq.	16-66-601 et seq.	16-81-301 et seq.
16-81-401 et seq.	16-94-201 et seq.	16-95-101 et seq.
16-108-201 et seq.	16-111-101 et seq.	17-16-101 et seq.
17-87-601 et seq.	18-3-101 et seq.	18-14-101 et seq.
18-28-201 et seq.	18-47-201 et seq.	18-60-1001 et seq.
20-17-101	20-17-201 et seq.	20-17-1201 et seq.
20-18-101 et seq.	20-50-101 et seq.	20-64-201 et seq.
21-10-101 et seq.	23-42-101 et seq.	23-55-101 et seq.
23-62-301 et seq.	23-63-1301 et seq. (Note: No longer treated as a model act after 2011 amendment by Act 760)	23-63-1401 et seq.
23-65-201 et seq.	23-67-601 et seq.	23-68-101, 23-68-102(2)-(13), 23-68-104, 23-68-105, 23-68-113, and 23-68-115 — 23-68-120

23-81-801 et seq.	23-87-101 et seq.	23-94-201 et seq.
23-96-101 et seq.	25-15-201 et seq.	25-21-101 et seq.
25-32-101 et seq.	26-5-101	26-20-101 et seq.
26-51-701 et seq.	26-55-1101 et seq.	27-17-101 et seq.
27-33-101 et seq.	27-49-101 et seq. (See M.O.T.A. note at this cite)	27-54-101
27-75-101	27-89-202	27-89-301
28-2-201 et seq.	28-10-201 et seq.	28-12-101 et seq.
28-14-101 et seq.	28-27-101 et seq.	28-54-101 et seq.
28-66-101 et seq.	28-68-101 et seq.	28-69-201—28-69-204
28-69-801 et seq.	28-70-101 et seq.	28-72-401 et seq.
28-73-101 et seq.	28-73-901 et seq.	28-74-101 et seq.
28-75-101 et seq.		

**EXAMPLE BILLS, RESOLUTIONS, INTERIM STUDY PROPOSALS,
INTERIM RESOLUTIONS, AND AMENDMENTS.**

Example Bill – Amendatory – Simple

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 54

4
5 By: Senator J. English
6 By: Representative Wing

7
8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW CONCERNING THE MAXIMUM AGE
10 LIMIT REQUIRED FOR AN APPLICANT TO BE APPOINTED TO A
11 POSITION WITHIN A FIRE DEPARTMENT; AND FOR OTHER
12 PURPOSES.

13
14
15 **Subtitle**

16 TO AMEND THE LAW CONCERNING THE MAXIMUM
17 AGE LIMIT REQUIRED FOR AN APPLICANT TO BE
18 APPOINTED TO A POSITION WITHIN A FIRE
19 DEPARTMENT.

20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code § 14-51-301(b)(1)(C), concerning the maximum
25 age limit for appointment to a position with a fire department, is amended to
26 read as follows:

27 (C) However, the maximum age limit for appointment to any
28 position with a fire department in subdivision (b)(1)(B)(i) of this section
29 shall not apply to:

30 (i) Any person who has at least two (2) years of
31 previous experience as a paid firefighter with another fire department and
32 whose years of experience as a paid firefighter when subtracted from the
33 person's age leaves a remainder of not more than thirty-two (32) years; ~~or~~

34 (ii) Any person who is applying for a position with
35 a fire department in which the primary functions of the job involve duties
36 that are administrative, managerial, or supervisory in nature; or



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1 months of covered employment by each of its members that the employer wishes
2 to be credited to the member as volunteer service.

3 (2) The board shall credit the member with the volunteer
4 service, ~~but in no case shall one (1) month of volunteer service be credited~~
5 ~~for any one (1) calendar month for which a month of paid service can be~~
6 ~~granted by the same employer, nor shall more than one (1) year of service be~~
7 ~~credited for all covered employment rendered by him or her in any one (1)~~
8 ~~calendar year with the same employer.~~

9 (3)(A) ~~Beginning January 1, 1999~~ Beginning January 1, 2010, the
10 board may credit a member both with volunteer service and with paid service
11 when the member earns the service credit simultaneously ~~under different~~
12 ~~employers.~~

13 (B) ~~except that he or she shall be~~ For purposes of
14 subdivision (b)(3)(A) of this section:

15 (i) A member is limited to earning volunteer service with
16 only one (1) covered employer at a time; and

17 (ii) A member shall not earn volunteer service if the
18 member is entitled to paid service for the same work.

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/s/ Hoyt

Example Bill – Adding New Subchapter

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative Petty
6 By: Senator J. Cooper

A Bill

HOUSE BILL 1234

For An Act To Be Entitled

AN ACT CONCERNING THE PAYMENT OF FINES, FEES, AND
COSTS LEVIED BY THE INTERSTATE COMMISSION FOR ADULT
OFFENDER SUPERVISION; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE PAYMENT OF FINES, FEES,
AND COSTS LEVIED BY THE INTERSTATE
COMMISSION FOR ADULT OFFENDER
SUPERVISION.

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

SECTION 1. Arkansas Code Title 12, Chapter 51, is amended to add an
additional subchapter to read as follows:

Subchapter 9 - Responsible Agencies

12-51-901. Responsible agencies.

A fine, fee, or cost that may be levied against the state under the
interstate compact under this chapter shall be paid by the entity that either
failed to meet the obligation or responsibility of the interstate compact or
failed to comply with a bylaw or rule of the Interstate Commission for Adult
Offender Supervision, to the extent permitted by the interstate compact.



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1 chronically underperforming school to address the achievement gaps among
2 students in the chronically underperforming school.

3 (2) The evaluation shall:

4 (A) Identify the categories of programs and intervention
5 strategies used with national school lunch state categorical funding; and

6 (B) Report the benchmark assessment scores for the end of
7 the immediately preceding school year and for the end of the current school
8 year of students involved in the programs and intervention strategies
9 identified under this subdivision (b)(2).

10 (c) The Department of Education shall:

11 (1) Promulgate rules necessary to implement this section,
12 including without limitation establishing the categories by which a
13 chronically underperforming school shall identify programs and intervention
14 strategies under subsection (b) of this section;

15 (2) In a chronically underperforming school's comprehensive
16 school improvement plan, direct the use of national school lunch state
17 categorical funding for strategies to close gaps in academic achievement,
18 including without limitation:

19 (A) Using an Arkansas Scholastic Audit;

20 (B) Using disaggregated school data to set academic
21 improvement targets in reading, writing, mathematics, and science;

22 (C) Using improvement targets to define professional
23 development needs related to content, instruction, differentiation, and best
24 practices in educating special education students, gifted and talented
25 students, English language learners, and other student subgroups as needed;

26 (D) Developing interim building-level assessments to
27 monitor student progress toward proficiency on the state benchmark
28 assessments;

29 (E) Developing a plan to immediately address gaps in
30 learning;

31 (F) Examining and realigning, as needed, school
32 scheduling, academic support systems, and assignments of personnel; and

33 (G) Designing a plan for increasing parental knowledge and
34 skill to support academic objectives; and

35 (3) By August 1 of each year, report to the House Committee on
36 Education and the Senate Committee on Education on:

Example Bill – Adding New Section

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H1/16/19 H1/23/19 H2/20/19 H3/29/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1015

4

5 By: Representatives J. Mayberry, Lowery

6 By: Senator M. Johnson

7

8

For An Act To Be Entitled

9

AN ACT TO REQUIRE AN ELECTIVE JOURNALISM COURSE TO BE

10

OFFERED EACH SCHOOL YEAR AT A PUBLIC SCHOOL THAT

11

SERVES STUDENTS IN GRADES NINE THROUGH TWELVE (9-12);

12

AND FOR OTHER PURPOSES.

13

14

15

Subtitle

16

TO REQUIRE AN ELECTIVE JOURNALISM COURSE

17

TO BE OFFERED EACH SCHOOL YEAR AT A

18

PUBLIC SCHOOL THAT SERVES STUDENTS IN

19

GRADES NINE THROUGH TWELVE (9-12).

20

21

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

23

24 SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended

25 to add an additional section to read as follows:

26 6-16-151. Journalism course required to be offered.

27 (a) A public school that serves students in grades nine through twelve

28 (9-12) shall offer an elective journalism course during the school year if at

29 least fifteen (15) students request that the public school offer the elective

30 journalism course.

31 (b) The State Board of Education shall include a journalism course in

32 the list of courses that may be offered by a public school that serves

33 students in grades nine through twelve (9-12).

34

35

36

/s/J. Mayberry



03-29-2019 10:42:51 TNL029

1 impact panel upon completion of the victim impact panel.

2

3 SECTION 2. Arkansas Code § 5-65-307(d)(1)(A), concerning underage
4 driving while under the influence, is amended to read as follows:

5 (d)(1)(A) A person whose license is suspended or revoked for violating
6 § 5-65-303 or § 5-65-310 shall:

7 (i) Both:

8 (a) Furnish proof of attendance at and
9 completion of the alcohol and driving education program or alcoholism
10 treatment program required under subdivision (a)(1) of this section and at a
11 victim impact panel as provided in § 5-65-121 before reinstatement of his or
12 her suspended or revoked driver's license; and

13 (b) Pay any fee for reinstatement required
14 under § 5-65-119, ~~or~~ § 5-65-304, or § 5-65-121; or

15 (ii) Furnish proof of dismissal or acquittal of the
16 charge on which the suspension or revocation is based.

17

18 SECTION 3. Arkansas Code § 5-65-402(h)(1)(A), concerning driving while
19 intoxicated, is amended to read as follows:

20 (h)(1)(A) A person whose license is suspended or revoked pursuant to
21 this section shall:

22 (i) Both:

23 (a) Furnish proof of attendance at and
24 completion of the alcoholism treatment program, alcohol education program, or
25 alcohol and driving education program required by § 5-65-104(b)(1) or § 5-65-
26 307(a)(1) and, if applicable, at a victim impact panel as provided in § 5-65-
27 121 before reinstatement of his or her suspended or revoked driver's license;
28 and

29 (b) Pay any fee for reinstatement required
30 under § 5-65-119, ~~or~~ § 5-65-304, or, if applicable, § 5-65-121; or

31 (ii) Furnish proof of dismissal or acquittal of the
32 charge on which the suspension or revocation is based.

33

34 /s/ Reynolds

35

36

Example Bill – Adding New Subsection

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: 5/2/18/19
A Bill

SENATE BILL 253

5 By: Senator J. Dismang
6 By: Representatives Lynch, Hillman
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING THE BOARD OF
10 DIRECTORS OF A REGIONAL WATER DISTRIBUTION DISTRICT;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND THE LAW CONCERNING THE BOARD OF
16 DIRECTORS OF A REGIONAL WATER
17 DISTRIBUTION DISTRICT.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-116-301, concerning appointment of the
23 board of directors of a water district, is amended to add an additional
24 subsection to read as follows:

25 (c) In a district that does not provide potable water, an individual
26 is eligible to be a director if the individual is a property owner in the
27 water district.
28

29 SECTION 2. Arkansas Code § 14-116-302 is amended to read as follows:
30 14-116-302. Members – Terms.

31 (a)(1) Each director on the board of directors of a water district
32 shall serve ~~for~~ a term of six (6) years and until his or her successor is
33 duly elected and qualified, except that one (1) of the original directors
34 from each county shall serve ~~for~~ a term of not more than two (2) years, one
35 (1) for a term of not more than four (4) years, and one (1) for a term of not
36 more than six (6) years as determined by the ~~courts~~ circuit court. ~~However,~~



02-18-2019 13:14:52 KLC167

1 succession shall result in disqualification of the person and appointment of
2 the next successive person.

3 (2)(A) During a declaration of an emergency or circumstances
4 that warrant a declaration of emergency under § 12-75-107 or § 12-75-108, a
5 vacancy in the office of sheriff due to death or disability to the degree of
6 inability to perform the duties of office shall be temporarily filled by a
7 policy statement of the sheriff issued prior to the incapacity of the sheriff
8 and adopted by resolution of the quorum court, designating three (3) persons
9 in succession to fill the vacancy in the office of sheriff on an interim
10 basis until such time as the vacancy is filled by the quorum court as
11 provided by this chapter or the disability of the sheriff is abated.

12 (B) Persons so designated by the sheriff shall be listed
13 in succession and may be identified by title or position.

14 (C) The death or disability of a person in the line of
15 succession shall result in disqualification of the person and appointment of
16 the next successive person.

17 (D) The sheriff shall affix his or her signature to the
18 policy statement and to the resolution of the quorum court to signify that
19 the line of succession for the office of sheriff is in accordance with his or
20 her authority.

21 (3)(A) The county judge and the sheriff shall file the executive
22 order and the resolution with policy statement under subdivisions (c)(1) and
23 (c)(2) of this subsection with the county clerk, and a file-marked copy shall
24 be provided to the Director of the Arkansas Department of Emergency
25 Management no later than sixty (60) days from the beginning of the elected
26 term of office.

27 (B) Members of the quorum court are not eligible to fill
28 the vacancy in the office of county judge or sheriff under this section.

29
30 */s/ Hoyt*

Example Bill – Repealing Subchapter

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

As Engrossed: H1/30/19
A Bill

SENATE BILL 96

4
5 By: Senator J. English
6 By: Representative Sullivan

7
8 **For An Act To Be Entitled**

9 AN ACT TO REPEAL THE HOUSING CONSTRUCTION PROGRAM
10 CREATED FOR STATE-SUPPORTED TECHNICAL INSTITUTES THAT
11 OFFER COURSES OF TRAINING IN THE BUILDING TRADES; TO
12 REPEAL THE BUILDING TRADES REVOLVING FUND ESTABLISHED
13 FOR THE HOUSING CONSTRUCTION PROGRAM; AND FOR OTHER
14 PURPOSES.

15
16
17 **Subtitle**

18 TO REPEAL THE HOUSING CONSTRUCTION
19 PROGRAM CREATED FOR STATE-SUPPORTED
20 TECHNICAL INSTITUTES THAT OFFER COURSES
21 OF TRAINING IN THE BUILDING TRADES; AND
22 TO REPEAL THE BUILDING TRADES REVOLVING
23 FUND.

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. Arkansas Code Title 6, Chapter 51, Subchapter 5, is
29 repealed.

30 ~~Subchapter 5 – Housing Construction Program~~

31
32 ~~6-51-501. Establishment.~~

33 ~~(a) There is established a program in which state supported technical~~
34 ~~institutes offering courses of training in the building trades may, in~~
35 ~~connection with those courses of training:~~

36 ~~(1) Acquire lots and construct thereon single family dwelling~~



01-30-2019 14:06:15 TNL108

1 adoption; and

2 ~~(3) "Kinship foster parent" means any relative within the first,~~
 3 ~~second, or third degree of consanguinity to the parent or stepparent of a~~
 4 ~~child who is:~~

5 ~~(A) Related through blood or marriage; and~~

6 ~~(B) Approved to be a foster parent to a child who is in~~
 7 ~~the custody of the Department of Human Services.~~

9 ~~9-28-503. Powers and duties of the Division of Family Services --~~
 10 ~~Eligibility standards.~~

11 ~~(a)(1) When a child has been removed from his or her home and is in~~
 12 ~~the custody of the Division of Children and Family Services of the Department~~
 13 ~~of Human Services, the division shall attempt to place the child with a~~
 14 ~~relative for kinship foster care.~~

15 ~~(2) Kinship foster parents shall meet standards and requirements~~
 16 ~~established by the division for all foster parents, including, but not~~
 17 ~~limited to:~~

18 ~~(A) Training;~~

19 ~~(B) Background checks; and~~

20 ~~(C) Home study requirements.~~

21 ~~(b) If the relative is approved by the division to provide foster care~~
 22 ~~services in accordance with rules and regulations adopted by the division~~
 23 ~~regarding foster care services and a placement with the relative is made, the~~
 24 ~~relative shall be eligible to receive payment for the full foster care rate~~
 25 ~~for the care of the child and any other benefits that might be available to~~
 26 ~~foster parents, whether in money or in services.~~

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Example Bill – From Initiated Act

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/28/19
A Bill

HOUSE BILL 1752

5 By: Representative Lundstrum
6 By: Senator M. Pitsch
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE MINIMUM WAGE ACT OF THE STATE OF
10 ARKANSAS; TO AMEND THE MINIMUM WAGE ACT OF THE STATE
11 OF ARKANSAS RESULTING FROM INITIATED ACT 5 OF 2018;
12 AND FOR OTHER PURPOSES.
13

Subtitle

14
15
16 TO AMEND THE MINIMUM WAGE ACT OF THE
17 STATE OF ARKANSAS; AND TO AMEND THE
18 MINIMUM WAGE ACT OF THE STATE OF ARKANSAS
19 RESULTING FROM INITIATED ACT 5 OF 2018.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 11-4-210, as amended by Initiated Act 5 of
25 2018, is amended to remove obsolete provisions and to read as follows:

26 11-4-210. Minimum wage.

27 ~~(a)(1) Beginning October 1, 2006, every employer shall pay each of his~~
28 ~~or her employees wages at the rate of not less than six dollars and twenty~~
29 ~~five cents (\$6.25) per hour except as otherwise provided in this subchapter.~~

30 ~~(2) Beginning January 1, 2015, every employer shall pay each of~~
31 ~~his or her employees wages at the rate of not less than seven dollars and~~
32 ~~fifty cents (\$7.50) per hour, beginning January 1, 2016, the rate of not less~~
33 ~~than eight dollars (\$8.00) per hour, and beginning January 1, 2017, the rate~~
34 ~~of not less than eight dollars and fifty cents (\$8.50) per hour, except as~~
35 ~~otherwise provided in this subchapter.~~

36 ~~(3)(A) Beginning Except as provided in subsection (c) of this~~



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1 policy, a group loss of income policy, a group accident, health, or accident
2 and health policy, a self-insured employee health or welfare benefit plan, or
3 a group hospital or medical service contract.

4 (2) The reduction specified in subdivision (a)(1) of this
5 section does not apply to any benefit received from a group policy for
6 disability, if the injured worker has paid for the policy.

7
8 *SECTION 2. Arkansas Code § 11-9-525(e) that resulted from Initiated*
9 *Act 4 of 1948, concerning the cessation of workers' compensation for*
10 *disability and second injuries, is amended to read as follows:*

11 (e)(1) No claims under this section shall be made on or after January
12 1, 2008.

13 (2) For all claims for permanent partial disability or permanent
14 total disability made on or after January 1, 2008, the employer at the time
15 of the employee's compensable injury is liable for such benefits subject to
16 the Workers' Compensation Law, § 11-9-101 et seq., excluding 11-9-525 (a)(1)-
17 (d)(2).

18
19 *SECTION 3. Arkansas Code § 11-9-525 that resulted from Initiated Act 4*
20 *of 1948, concerning workers' compensation for disability and second injuries,*
21 *is amended to add an additional subsection to read as follows:*

22 (f)(1) A claimant who has been deemed permanently totally disabled and
23 is currently receiving benefits from the Second Injury Trust Fund as of
24 December 31, 2009, shall receive those benefits from the Death and Permanent
25 Total Disability Trust Fund commencing January 1, 2010.

26 (2) For all claims pending against the Second Injury Trust Fund
27 on and after January 1, 2010, if a claimant becomes eligible to receive
28 benefits for permanent total disability from the Second Injury Trust Fund,
29 then upon completion of payment by the employer of its obligation under
30 subdivision (b)(5) of this section, the claimant shall be paid the remainder
31 of the compensation that would be due for permanent total disability from the
32 Death and Permanent Total Disability Trust Fund.

33
34 *SECTION 4. Arkansas Code § 17-25-308 is amended to read as follows:*
35 17-25-308. Grounds for revocation.

36 (a) The Contractors Licensing Board shall have the power to may revoke

1 the certificate of license of any contractor licensed under this chapter who
2 is found guilty of any fraud or deceit in obtaining a license or for aiding
3 or abetting any contractor or person to violate the provisions of this
4 chapter or for gross negligence, incompetence, or misconduct in the conduct
5 of the contractor's business.

6 (b) The Contractors Licensing Board may revoke the certificate of
7 license of a contractor licensed under this chapter who fails to obtain or
8 maintain worker's compensation covered as required under the Workers'
9 Compensation Law, § 11-9-101 et seq. and § 17-25-514.

10
11 *SECTION 5. Arkansas Code Title 17, Chapter 25, Subchapter 1 is amended*
12 *to add an additional section to read as follows:*

13 17-25-316. Workers' compensation coverage required.

14 (a) A contractor required to be licensed by the Contractors Licensing
15 Board shall obtain and maintain workers' compensation coverage as required
16 under the Workers' Compensation Law, § 11-9-101 et seq.

17 (b) The board shall require proof of current workers' compensation
18 coverage before issuing or renewing a license to a contractor required to
19 have workers' compensation coverage under § 11-9-101 et seq.

20 (c)(1) If a contractor fails to maintain workers' compensation
21 coverage or fails to maintain proof of current workers' compensation coverage
22 on file with the board, the board may revoke or suspend the contractor's
23 license.

24 (2) A contractor's license that has been revoked or suspended
25 due to failure to maintain workers' compensation coverage may be reinstated
26 upon receipt by the board of proof that the contractor has secured workers'
27 compensation coverage.

28 (d) The board shall promulgate rules necessary to enforce this section.
29

30 /s/ M. Burris
31
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36

Example Bill – DO NOT CODIFY language

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1942

4
5 By: Representatives Ladyman, Jett
6 By: Senator D. Wallace

7
8 **For An Act To Be Entitled**

9 AN ACT TO CREATE THE SALES AND USE TAX REDUCTION
10 STUDY; AND FOR OTHER PURPOSES.

11
12
13 **Subtitle**

14 TO CREATE THE SALES AND USE TAX REDUCTION
15 STUDY.

16
17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Sales and Use Tax
21 Reduction Study – Creation – Duties.

22 (a) The General Assembly finds that:

23 (1) Arkansas has one of the highest sales and use tax rates in
24 the nation;

25 (2) The state should reduce the burden on taxpayers when
26 possible in a fiscally responsible manner;

27 (3) The Arkansas Tax Reform and Relief Legislative Task Force
28 studied the state's tax laws and policies to determine how to provide tax
29 relief and reform the state's tax laws; and

30 (4) The legislature should continue to study how the state can
31 reduce the sales and use tax rate in a fiscally responsible manner.

32 (b) The House Committee on Revenue and Taxation and the Senate
33 Committee on Revenue and Taxation shall meet jointly to conduct the Sales and
34 Use Tax Reduction Study.

35 (c)(1) The chairs of the House Committee on Revenue and Taxation and
36 the Senate Committee on Revenue and Taxation shall call the first joint



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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

Example Bill – Shell Bill

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1207

4
5 By: Representative House

6
7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE LAW CONCERNING THE AUTHORITY OF
9 THE BOARD OF TRUSTEES TO AWARD AN ANNUAL COST OF
10 LIVING ADJUSTMENT UNDER THE STATE POLICE RETIREMENT
11 SYSTEM; AND FOR OTHER PURPOSES.

12
13
14 **Subtitle**

15 TO AMEND THE LAW CONCERNING THE AUTHORITY
16 OF THE BOARD OF TRUSTEES TO AWARD AN
17 ANNUAL COST OF LIVING ADJUSTMENT UNDER
18 THE STATE POLICE RETIREMENT SYSTEM.

19
20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. The purpose of this act is to amend the law concerning the
24 authority of the Board of Trustees of the State Police Retirement System to
25 award an annual cost of living adjustment under the State Police Retirement
26 System.



01/17/2019 8:35:50 AM JNL115

Example Resolution – Simple Resolution

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

HR 1003

4
5 By: Representatives J. Mayberry, Kelly, A. Davis, L. Fite
6

HOUSE RESOLUTION

7
8 TO CONGRATULATE THE BRYANT HORNETS FOOTBALL TEAM ON
9 WINNING THE 2018 CLASS 7A STATE CHAMPIONSHIP.

Subtitle

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11
12
13 TO CONGRATULATE THE BRYANT HORNETS
14 FOOTBALL TEAM ON WINNING THE 2018 CLASS
15 7A STATE CHAMPIONSHIP.
16
17

18 WHEREAS, the 2018 Bryant High School Hornets football team claimed the
19 Class 7A state championship trophy after the Bryant Hornets defeated the
20 North Little Rock High School Charging Wildcats with a 27-7 victory at War
21 Memorial Stadium in Little Rock, Arkansas; and
22

23 WHEREAS, though the Bryant football program has been in existence since
24 1949, when the team was coached by Leonard Rollins, the 2018 team led the
25 program to the school's first state championship and a ranking among the top
26 50 high school football teams in the country by MaxPreps; and
27

28 WHEREAS, the 114-member team was well-led by head coach Buck James and
29 team captains Logan Burton, Blaise Smith, Kajuan Robinson, and Nate Wallace;
30 and
31

32 WHEREAS, the Hornets were also supported by an excellent team of
33 assistant coaches, coordinators, athletic trainers, and other staff members;
34 and
35

36 WHEREAS, Coach James said, "Dreams do come true. I could not be



01/16/2019 11:08:47 AM KLC062

1 WHEREAS, in response to viewer complaints in Great Britain, the
2 Broadcast Committee of Advertising Practice, which sets guidelines for the
3 British broadcasting industry, has adopted rules to limit commercials that
4 are "excessively noisy or strident" effective July 7, 2008; and

5
6 WHEREAS, although in 1984 the FCC concluded that there was no effective
7 way to control loudness in television programming, new technology makes sound
8 levels more controllable than ever before,

9
10 NOW, THEREFORE,

11 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL
12 ASSEMBLY OF THE STATE OF ARKANSAS:

13
14 THAT the House of Representatives of the Eighty-Seventh General
15 Assembly of the State of Arkansas encourages all members of the Arkansas
16 congressional delegation to support the prompt passage of the Commercial
17 Advertisement Loudness Mitigation Act.

18
19 BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH
20 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 THAT upon its adoption a copy of this resolution be mailed by the Chief
23 Clerk of the House of Representatives to each member of the Arkansas
24 congressional delegation.

Example Resolution – Concurrent Resolution

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

HCR 1017

4
5 By: Representatives Jean, Fielding, Shepherd
6 By: Senator Maloch

7

8

HOUSE CONCURRENT RESOLUTION

9 TO CONGRATULATE THE MAGNOLIA HIGH SCHOOL PANTHERS
10 BOYS SWIM TEAM FOR THEIR ACHIEVEMENTS.

11

12

13

Subtitle

14

TO CONGRATULATE THE MAGNOLIA HIGH SCHOOL

15

PANTHERS BOYS SWIM TEAM FOR THEIR

16

ACHIEVEMENTS.

17

18

19 WHEREAS, the 2019 Magnolia High School Panthers boys swim team claimed
20 the Class 1A-4A State Swimming and Diving Championship trophy on Saturday,
21 February 23, 2019, at the Bentonville Aquatic Center in Bentonville,
22 Arkansas; and

23

24 WHEREAS, the Panthers entered the state tournament as underdogs and
25 coach Kathleen Dingman considers 2019 a “miracle” season; and

26

27 WHEREAS, the Panthers scored 246.5 points, surpassing second-place
28 Batesville who scored 234 points; and

29

30 WHEREAS, the Panthers were well-led and coached by Kathleen Dingman and
31 Gary Herron; and

32

33 WHEREAS, each member of the Panthers swim team committed himself to
34 excellence through hard work and practice,

35

36 NOW THEREFORE,



03/25/2019 1:16:28 PM KLC302

1 WHEREAS, Article 5, Section 28 of the Arkansas Constitution provides
2 that neither house of the General Assembly may adjourn for more than three
3 (3) days without the consent of the other house; and
4

5 WHEREAS, the Senate of the Eighty-seventh General Assembly wishes to
6 resume its work on Wednesday, January 21, 2009,
7

8 NOW THEREFORE,

9 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE
10 STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:
11

12 THAT the Senate will recess at the close of business Thursday, January
13 15, 2009 and reconvene at 1:00 p.m. Wednesday, January 21, 2009.
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Example Resolution – Joint Resolution

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

SJR 5

4
5 By: Senator A. Clark

6

7

SENATE JOINT RESOLUTION

8 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION
9 PROVIDING THAT THE GENERAL ASSEMBLY SHALL BE THE SOLE
10 AND EXCLUSIVE EVALUATOR OF WHETHER THE SYSTEM OF FREE
11 PUBLIC SCHOOLS SATISFIES THE REQUIREMENTS OF THE
12 ARKANSAS CONSTITUTION.

13

14

15

Subtitle

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22

23 BE IT RESOLVED BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE
24 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

26

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

33

34 SECTION 1. Arkansas Constitution, Article 14, § 1, is amended to read
35 as follows:

36 § 1. Free school system.



01-30-2017 12:47:33 MBM019

1 to read as follows:

2 (d) ~~In order for the~~ The General Assembly ~~to~~ may authorize the
3 issuance of bonds bearing the full faith and credit of the State of Arkansas,
4 ~~the prospective employer must be planning an economic development project~~
5 ~~that will invest more than five hundred million dollars (\$500,000,000) in~~
6 ~~capital expenditures and plan on hiring over five hundred (500) new employees~~
7 if the prospective employer planning an economic development project is
8 eligible under criteria established by law.

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Example Resolution – Memorial Resolution

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

SMR 2

4
5 By: Senator M. Johnson

SENATE MEMORIAL RESOLUTION

6
7
8 IN RESPECTFUL MEMORY OF MR. GEORGE O. JERNIGAN JR.
9 AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE
10 STATE OF ARKANSAS.

Subtitle

11
12
13
14 IN RESPECTFUL MEMORY OF MR. GEORGE O.
15 JERNIGAN JR. AND IN RECOGNITION OF HIS
16 MANY CONTRIBUTIONS TO THE STATE OF
17 ARKANSAS.

18
19
20 WHEREAS, Mr. George O. Jernigan Jr. of Little Rock, Arkansas, was born
21 on September 22, 1939, and passed away on February 24, 2019, at the age of
22 79; and

23
24 WHEREAS, Mr. Jernigan was born in Little Rock, Arkansas, and attended
25 Little Rock Central High School before attending the University of Arkansas
26 at Fayetteville where he was a drum major and member of the Sigma Chi
27 Fraternity; and

28
29 WHEREAS, upon completion of his undergraduate degree, Mr. Jernigan
30 attended the University of Arkansas School of Law and obtained his Juris
31 Doctorate – a degree he used throughout his career in the private practice of
32 law and as general counsel for several companies in the central Arkansas
33 area; and

34
35 WHEREAS, after completing his education Mr. Jernigan joined the United
36 States Army and achieved the rank of Captain; and



03/04/2019 4:33:15 PM KLC255

1 WHEREAS, George Kell upon retiring from playing baseball became a
2 broadcast announcer for the Detroit Tigers games for almost forty years; and
3

4 WHEREAS, George Kell was recognized for his outstanding contributions
5 to baseball and was named as an All-Star ten times and in 1983 was inducted
6 into the Baseball Hall of Fame; and
7

8 WHEREAS, Hall of Fame President Jeff Idelson said, "There's no one who
9 loved and respected the game more than George. Not only was he one of
10 baseball's true legends, but he was a fan, too."; and
11

12 WHEREAS, baseball great and fellow Arkansan Brooks Robinson called Kell
13 "a class act through and through" and had Kell by his side when he was
14 inducted into the Hall of Fame in 1983, saying, "I went in with my hero,
15 George Kell"; and
16

17 WHEREAS, George Kell's love of Arkansas caused him to choose to live in
18 Swifton, Arkansas, and commute to his job during his many years as a sports
19 broadcaster; and
20

21 WHEREAS, George Kell continued to serve the State of Arkansas and was
22 appointed by Governor Bumpers to a ten-year term on the Arkansas Highway
23 Commission; and
24

25 WHEREAS, George Kell is survived by his wife Carolyn, brother Everett
26 "Skeeter" Kell, daughter Terrie Jane Lawrence, five grandchildren, two step-
27 grandchildren, six great-grandchildren, and six step-great-grandchildren,
28

29 NOW THEREFORE,

30 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE
31 STATE OF ARKANSAS:
32

33 That the Senate of the Eighty-Seventh General Assembly mourns the
34 passing of George Clyde Kell and recognizes the impact he had on Arkansas and
35 the baseball community.
36

1 BE IT FURTHER RESOLVED THAT the individual members of the Senate hereby
2 express sincere condolences to the family of George Clyde Kell and upon
3 adoption of this resolution, an appropriate copy shall be provided to the
4 family by the Secretary of the Senate.

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Example Resolution – Concurrent Memorial Resolution

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

SCMR 1

4

5 By: Senators Bond, J. Dismang, B. Ballinger, Bledsoe, Caldwell, E. Cheatham, L. Chesterfield, A. Clark,
6 J. Cooper, B. Davis, L. Eads, Elliott, J. English, Flippo, S. Flowers, T. Garner, K. Hammer, J. Hendren,
7 Hester, Hickey, Hill, K. Ingram, Irvin, B. Johnson, M. Johnson, G. Leding, Maloch, M. Pitsch, Rapert,
8 Rice, B. Sample, G. Stubblefield, J. Sturch, Teague, D. Wallace

9

10

SENATE CONCURRENT MEMORIAL RESOLUTION

11

12

TO REMEMBER MATT DECAMPLE AND HIS CONTRIBUTIONS TO
13 THE STATE OF ARKANSAS.

14

15

16

Subtitle

17

18

TO REMEMBER MATT DECAMPLE AND HIS
19 CONTRIBUTIONS TO THE STATE OF ARKANSAS.

20

21

22

WHEREAS, Mr. Matt DeCamp, the former spokesman for Attorney General
23 and Governor Mike Beebe, lost his three-year battle against an extremely rare
24 and aggressive liver cancer on Sunday, March 3, 2019, in Little Rock,
25 Arkansas, at the age of 44; and

26

27

WHEREAS, a Seattle native who got his start in Arkansas when he was
28 hired to work in the newsroom at Little Rock station KATV, Mr. DeCamp was
29 41 years old when he received a Stage 4 cancer diagnosis, a year and a half
30 after the end of the Beebe administration; and

31

32

WHEREAS, Mr. DeCamp endured many hours of chemotherapy with his own
33 delightful blend of blogging, improv comedy, and many deep friendships,
34 saying, "Humor is how I cope. I'm going to make jokes. It comes in handy";
35 and

36

WHEREAS, following his work in government, Mr. DeCamp went on to



03/07/2019 10:30:32 AM KLC287

1 the attack on Pearl Harbor in December of 1941; completed the Army's Officers
2 Candidate School and received a commission as a Second Lieutenant in the
3 Field Artillery; went to Fort Sill for artillery training, to Fort Campbell
4 where he was assigned to the 98th Infantry Division, and then to the Pacific
5 Theater; and completed his military obligation, serving with the occupation
6 forces in Japan; and

7
8 WHEREAS, after the war, Judge Mobley practiced law in Russellville,
9 Arkansas, with his father-in-law Reece Caudle; completed an unexpired term as
10 chancery and probate judge in the early 1950s; in 1962 was elected chancellor
11 of the then-Ninth Judicial Circuit, which he served until 1979 when the
12 circuit became the Fifth Judicial Circuit; and served as chancellor of the
13 Fifth Judicial Circuit until his retirement in 1990; and

14
15 WHEREAS, Judge Mobley had a distinguished career that spanned six (6)
16 decades; devoted his life to being an advocate and a judge; and was always
17 known for his respect for the law, his swift, impartial, and consistent
18 justice, and his honesty, integrity, and tireless effort; and

19
20 WHEREAS, Judge Mobley was a pioneer of Arkansas domestic relations
21 jurisprudence, introducing a uniform schedule of child support payments, the
22 basis for the family support formulas used by judges today; and took an
23 active interest in the welfare of the children and families of divorce; and

24
25 WHEREAS, Judge Mobley presided over several well-known oil and gas law
26 cases as the practice area evolved in Northwest Arkansas; and he was invited
27 to speak at the Natural Resources Law Institute in 1984 and 1987 due to his
28 reputation and expertise in oil and gas law; and

29
30 WHEREAS, Judge Mobley served as the first chair of the Family Law
31 Section of the Arkansas Bar Association in 1971; served as the chair of the
32 editorial review committee for the first Arkansas Domestic Relations Manual
33 in 1974 and 1975; received the Golden Gavel Award from the Arkansas Bar
34 Association; served as president of the Arkansas Judicial Council in 1975 and
35 1976; was honored by the Pope County Bar Association in 1990 for his twenty-
36 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 Reece Mobley and daughter-
19 in-law Nancy R. Mobley, of Westwood, Massachusetts; grandsons 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

1 Richard Mobley, and upon adoption of this resolution, an appropriate copy
2 shall be provided to the family of Judge Mobley by the Chief Clerk of the
3 House of Representatives.

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Example ISP – Standard Format

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INTERIM STUDY PROPOSAL 2017-003

REQUESTING THAT THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE,
AND LABOR STUDY AND PROMOTE AWARENESS OF PEDIATRIC ACUTE-ONSET
NEUROPSYCHIATRIC SYNDROME, ALSO KNOWN AS "PANS".

WHEREAS, Pediatric Acute-onset Neuropsychiatric Syndrome, also known as
"PANS", is a clinically defined disorder characterized by the sudden onset of
obsessive-compulsive symptoms or eating restrictions, accompanied by two (2)
or more symptoms of acute behavioral deterioration or motor and sensory
changes, or both; and

WHEREAS, Pediatric Acute-onset Neuropsychiatric Syndrome, also known as
"PANS", is caused when an infectious trigger, environmental factors, or other
triggers create a misdirected immune response, which results in inflammation
of the brain of a child; and

WHEREAS, Pediatric Acute-onset Neuropsychiatric Syndrome, also known as
"PANS", was identified in 2012 by Dr. Susan Swedo; and

WHEREAS, as doctors are not required to report the number of patients
suffering with Pediatric Acute-onset Neuropsychiatric Syndrome, also known as
"PANS", the true number of affected individuals is unknown; and

WHEREAS, it is important that there be an improvement and increase in
knowledge and treatment throughout the State of Arkansas of Pediatric Acute-
onset Neuropsychiatric Syndrome, also known as "PANS", especially for
healthcare professionals,

NOW THEREFORE,

BE IT PROPOSED BY THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR OF
THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT the House Committee on Public Health, Welfare, and Labor study and
promote awareness of Pediatric Acute-onset Neuropsychiatric Syndrome, also
known as "PANS".

02-14-2017 14:00 ISP-2017-003

Example ISP – From a Draft Bill

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INTERIM STUDY PROPOSAL 2015-002

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

**DRAFT JMB/JMB
HOUSE BILL**

By: Representative Love

Filed with: House Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE A LICENSURE FOR A CERTIFIED ADVANCED
PRACTICE CHIROPRACTIC PHYSICIAN; TO AMEND THE LAWS
REGARDING CHIROPRACTIC PRACTICES; AND FOR OTHER
PURPOSES.

Subtitle

TO CREATE A LICENSURE FOR A CERTIFIED
ADVANCED PRACTICE CHIROPRACTIC PHYSICIAN;
AND TO AMEND THE LAWS REGARDING
CHIROPRACTIC PRACTICES.

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

SECTION 1. Arkansas Code § 17-81-102, concerning the definitions
within the Arkansas Chiropractic Practices Act, is amended to add additional
subdivisions to read as follows:

(8) "Certified advanced practice chiropractic physician" means
an advanced practice chiropractor with prescriptive authority for therapeutic
and diagnostic purposes and who may use substances on the chiropractic
formulary through injection for therapeutic purposes; and

(9) "Chiropractic formulary" means a list of substances or
medications that are approved for use by a certified advanced practice
chiropractic physician as determined by the board.

02-01-2017 13:57 ISP-2017-002

1 (2) The curriculum standards for an academic study of the Bible
2 course shall meet the:

3 (A) Academic rigor and standards of other elective courses
4 approved by the state board; and

5 (B) Requirements of the Arkansas Constitution and the
6 United States Constitution.

7 (b)(1) A public school district that elects to offer an academic study
8 of the Bible course shall implement the course in accordance with the
9 Arkansas Constitution and the United States Constitution, including the
10 manner in which the course is taught in the classroom and the assignment of
11 school district personnel teaching the course.

12 (2) Personnel assigned to teach the course shall be licensed to
13 teach in the State of Arkansas.

14 (3) Personnel shall not be assigned to teach the course based on
15 any:

16 (A) Religious test;

17 (B) Profession of faith or lack of faith;

18 (C) Prior or present religious affiliation or lack of
19 affiliation; or

20 (D) Criteria involving particular beliefs or lack of
21 beliefs about the Bible.

22 (c) An academic study of the Bible course offered by a public school
23 district shall:

24 (1) Be taught in an objective and nondevotional manner with no
25 attempt made to indoctrinate students as to either the truth or falsity of
26 the biblical materials or texts from other religious or cultural traditions;

27 (2) Not include teaching of religious doctrine or sectarian
28 interpretation of the Bible or of texts from other religious or cultural
29 traditions; and

30 (3) Not disparage or encourage a commitment to a set of
31 religious beliefs.

32 (d) The state board shall incorporate the requirements set forth in
33 this section into the criteria to be used to evaluate textbooks for an
34 academic study of the Bible course.

35
36 Filed Date: 02/23/2010 By: SAG\lms

Example ISP – From a Numbered Bill

04-19-2019 12:55;

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INTERIM STUDY PROPOSAL 2019-046

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1918

By: Representatives K. Ferguson, F. Allen, M. Gray

Filed with: House Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO ESTABLISH CANCER PATIENT NAVIGATION TO
IMPROVE THE CARE OF CANCER PATIENTS IN THIS STATE;
AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH CANCER PATIENT NAVIGATION TO
IMPROVE THE CARE OF CANCER PATIENTS IN
THIS STATE.

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

SECTION 1. Arkansas Code Title 20, Chapter 15, Subchapter 2, is
amended to add an additional section to read as follows:

20-15-206. Cancer patient navigation.

(a) As used in this section:

(1) "Health disparity population" means a population that has significant disparity in the rate of cancer incidence, prevalence, morbidity, or survival rates as compared to the general population; and

(2) "Patient navigation" means the facilitating the care of patients through:

(A) Acting as contacts for individuals who are found to have a symptom, abnormal finding, or diagnosis of cancer following a screening or early detection service, including without limitation the assistance in the coordination of healthcare services and healthcare provider referrals;

04-19-2019 12:55 ISP-2019-046

Example IR – Standard Format

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INTERIM RESOLUTION 2017-001

REQUESTING THAT THE LEGISLATIVE COUNCIL DESIGNATE THE MONTH OF
MAY 2018 AS "CYSTIC FIBROSIS AWARENESS MONTH" IN ARKANSAS.

WHEREAS, cystic fibrosis, commonly referred to as "CF", is a genetic disease affecting approximately 30,000 children and adults in the United States and nearly 70,000 children and adults worldwide, nearly 300 of whom live in this state; and

WHEREAS, a defective gene causes the body to produce an abnormally thick, sticky mucus that clogs the lungs, and these secretions produce life-threatening lung infections and obstruct the pancreas, preventing digestive enzymes from reaching the intestines to help break down and absorb food; and

WHEREAS, more than 10 million Americans are symptomless carriers of the defective CF gene, and CF occurs in approximately 1 of every 3,500 live births in the United States; and

WHEREAS, the median age of survival for a person with CF is 33.4 years; and

WHEREAS, with advances in the treatment of CF, the number of adults with CF has steadily grown, and approximately 1,000 new cases of CF are diagnosed each year; and

WHEREAS, nearly 50% of the CF population is 18 years of age and older, and people with CF have a variety of symptoms attributed to the more than 1,800 mutations of the CF gene; and

WHEREAS, infant blood screening to detect mutations in the CF gene is the most reliable and least costly method to identify persons more likely to develop CF; and

05-14-2018 08:05 IR-2017-001

1 OF THE STATE OF ARKANSAS:

2

3 That the Arkansas Department of Environmental Quality:

4 (a) Expedite a decision regarding the cleanup and monitoring of the
5 Cedar Chemical Corporation site;

6 (b) Select the most protective remedy or remedies for the groundwater
7 and the water supply;

8 (c) Report the progress of the cleanup to the community and to the
9 affected citizens;

10 (d) Seek out and hold contributors to the contamination responsible
11 for their actions; and

12 (e) Take any necessary action within their authority to secure the
13 site, maintain the land, and clean up the contamination.

14

15 Respectfully submitted,

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19 Senator Jack Crumbly
20 District 16

Senator Percy Malone
District 26

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36 Filed Date: 09/21/2009 By: LMG/rck

Example IR – From a Draft Resolution

1
2 State of Arkansas
3 85th General Assembly
4 First Extraordinary Session, 2005

INTERIM RESOLUTION 2005-002

Call Item #4
DRAFT MGF/jgh
ICR

5
6 By: Public Health, Welfare And Labor Committee- House

7
8 Filed with: House and Senate Interim Committees on Public Health, Welfare & Labor
9 pursuant to A.C.A. §10-3-217.

10
11 **HOUSE CONCURRENT RESOLUTION**
12 REQUESTING THE ARKANSAS CONGRESSIONAL DELEGATION
13 TO REVIEW THE IMPACT OF RECENT REVISIONS TO THE
14 CHILD NUTRITION AND WIC REAUTHORIZATION ACT; TO
15 SEEK WAIVERS TO AND REVISIONS OF THE ACT THAT
16 WILL PROTECT BOTH PROGRAM PARTICIPANTS AND THE
17 BUSINESSES DEVOTED EXCLUSIVELY TO SERVING THESE
18 PARTICIPANTS.

19
20 **Subtitle**
21 REQUESTING THE ARKANSAS CONGRESSIONAL
22 DELEGATION TO REVIEW THE IMPACT OF
23 RECENT REVISIONS TO THE CHILD NUTRITION
24 AND WIC REAUTHORIZATION ACT.

25
26
27 WHEREAS, the Child Nutrition and WIC Reauthorization Act of 2004 enacts
28 broad changes in the long-established national program for providing
29 nutritious foods to women, infants, and children; and

30
31 WHEREAS, the changes to the existing program create new, narrow
32 constraints on the flexibility of individual states to tailor programs to the
33 specific needs of women, children, and infants within each state; and

34
35 WHEREAS, over the past forty years of WIC program operation, businesses
36 devoted exclusively to serving WIC participants have developed across the

DRAFT

01-03-2006 15:40 MGF602

1 nation and throughout Arkansas; and

2
3 WHEREAS, businesses that provide services exclusively to WIC
4 participants will be hard pressed to remain in operation under the revised
5 WIC act; and

6
7 WHEREAS, exclusively WIC businesses will be placed at a serious
8 competitive disadvantage by the proposal to base reimbursement payments on
9 average prices charged by retailers who do not devote their businesses
10 exclusively to WIC participants; and

11
12 WHEREAS, exclusively WIC businesses provide nutritional education and
13 guidance to WIC participants, education and guidance not available through
14 other retailers; and

15
16 WHEREAS, many exclusively WIC businesses are located in areas easily
17 accessible to WIC participants who have difficulty gaining access to other
18 retailers; and

19
20 WHEREAS, the proposed changes to the WIC program will weaken the
21 program by reducing WIC participants' access to WIC outlets and by reducing
22 the opportunities for WIC participants to receive regular and continuing
23 education and guidance; and

24
25 WHEREAS, the proposed changes to the WIC program threaten to roll back
26 forty years of progress in improving nutrition among women, infants, and
27 children,

28
29 NOW THEREFORE,

30 BE IT RESOLVED BY THE HOUSE AND SENATE INTERIM COMMITTEES ON PUBLIC HEALTH,
31 WELFARE, AND LABOR OF THE 85th ARKANSAS GENERAL ASSEMBLY:

32
33 THAT the House and Senate Interim Committees on Public Health, Welfare,
34 and Labor request the Arkansas Congressional Delegation to both seek a waiver
35 from the Secretary of the United States Department of Agriculture to exempt
36 Arkansas' exclusively WIC businesses from the deleterious effects of the

1 revised Child Nutrition and WIC Reauthorization Act and to amend the act to
2 create permanent protection for Arkansas' exclusively WIC businesses.
3

4 BE IT FURTHER RESOLVED that upon adoption of this resolution, a copy of
5 this resolution shall be transmitted to each member of the Arkansas
6 Congressional Delegation and to the Secretary of the United States Department
7 of Agriculture.
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9

10 Respectfully Submitted,
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13 Representative Jay Bradford

14 Co-chair
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18 Senator Jack Critcher

19 Co-chair
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36 Filed: 01-04-06 By: HGF/jgj

Example IR – From a Numbered Resolution

1 INTERIM RESOLUTION 2009-001
2 State of Arkansas
3 87th General Assembly
4 Regular Session, 2009 SJR 12
5
6 By: Senators Madison, Salmon, Elliott, Bookout, Bryles, Crumbly, Faris, J. Jeffress, B. Johnson, D.
7 Johnson, Lavery, Luker, T. Smith, Steele, R. Thompson, H. Wilkins, Wilkinson, D. Wyatt
8 By: Representatives L. Smith, T. Baker, Blount, Carroll, Cash, Cheatham, Cole, Cook, Davenport, Davis,
9 J. Edwards, Everett, Flowers, Gaskill, Harrelson, House, Ingram, Kidd, W. Lewellen, Lindsey, McCrary,
10 McLean, Moore, Nickels, Nix, Pennartz, Perry, Pierce, Powers, Rainey, Reep, J. Roebuck, J. Rogers, T.
11 Rogers, Saunders, Shelby, G. Smith, Tyler, Wagner, Webb, B. Wilkins, Williams, Wills

12
13 Filed with: Senate Interim Committee on State Agencies and Governmental Affairs
14 pursuant to A.C.A. §10-3-217.
15

16 **SENATE JOINT RESOLUTION**
17 RATIFYING THE PROPOSED AMENDMENT TO THE UNITED
18 STATES CONSTITUTION PROVIDING THAT EQUALITY OF
19 RIGHTS UNDER THE LAW SHALL NOT BE DENIED OR
20 ABRIDGED BY THE UNITED STATES OR ANY STATE ON
21 ACCOUNT OF SEX.

22
23 **Subtitle**
24 RATIFYING THE PROPOSED AMENDMENT TO THE
25 UNITED STATES CONSTITUTION PROVIDING
26 THAT EQUALITY OF RIGHTS UNDER THE LAW
27 SHALL NOT BE DENIED OR ABRIDGED BY THE
28 UNITED STATES OR ANY STATE ON ACCOUNT OF
29 SEX.

30
31
32 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE
33 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
34 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

35
36 SECTION 1. That the General Assembly of the State of Arkansas pursuant



1 to Article V of the United States Constitution, hereby ratifies an amendment
2 to the Constitution of the United States, to wit:

3 "ARTICLE

4 Section 1. Equality of rights under the law shall not be denied or
5 abridged by the United States or by any State on account of sex.

6 Section 2. The Congress shall have the power to enforce, by
7 appropriate legislation, the provisions of this Article.

8 Section 3. This amendment shall take effect two years after the date
9 of ratification."

10

11 SECTION 2. The Secretary of State of the State of Arkansas shall
12 notify the Archivist of the United States, pursuant to 1 U.S.C. 106b and 112,
13 as amended by Public Law 98-497 {98 Stat. 2291}, of the action of the 87th
14 General Assembly of the State of Arkansas, Regular Session, 2009, by sending
15 to him or her a copy of this resolution.

16

17 SECTION 3. That the Secretary of State shall also send copies of this
18 resolution to both United States Senators from Arkansas, all four (4) United
19 States Representatives from Arkansas, the Vice-President of the United
20 States, and to the Speaker of the United States House of Representatives with
21 the request that the resolution be printed in full in the congressional
22 Record.

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36 Filed Date: 04/22/2009 By: MAG\VJF

Example Amendment – Simple Amending

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1231

TO ENSURE THE FREEDOM OF EXPRESSION OF A STUDENT JOURNALIST AT A PUBLIC
INSTITUTION OF HIGHER EDUCATION.

Amendment No. 2 to House Bill 1231

Amend House Bill No. 1231 as engrossed, S2/21/19 (version: 2/21/2019 1:40:44 PM)

Page 2, line 23, delete "is" and substitute "are"

AND

Page 3, line 11, delete "individuals" and substitute "institutions and
individuals"

AND

Page 3, line 24, delete "is" and substitute "are"

AND

Page 3, line 26, delete "constitutes" and substitute "constitute"

AND

Page 3, line 28, delete "violates" and substitute "violate"

AND

Page 3, line 30, delete "constitutes or incites" and substitute "constitute
or incite"

AND

Page 4, line 4, delete "involves" and substitute "involve"



The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator M. Johnson
TNL/TNL - 02-25-2019 11:09:12
TNL261

Secretary

Example Amendment – Replace Title and Subtitle

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 458

TO TRANSFER THE ARKANSAS WIRELESS INFORMATION NETWORK TO THE ARKANSAS
DEPARTMENT OF EMERGENCY MANAGEMENT.

Amendment No. 1 to Senate Bill 458

Amend Senate Bill No. 458 as originally introduced:

Page 1, delete lines 8 through 10 and substitute the following:
"AN ACT TO TRANSFER THE ARKANSAS WIRELESS INFORMATION NETWORK TO THE ARKANSAS
DEPARTMENT OF EMERGENCY MANAGEMENT; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES."

AND

Delete the subtitle in its entirety and substitute the following:
"TO TRANSFER THE ARKANSAS WIRELESS INFORMATION NETWORK TO THE ARKANSAS
DEPARTMENT OF EMERGENCY MANAGEMENT; AND TO DECLARE AN EMERGENCY."

AND

Page 2, delete line 9 and substitute the following:
"of the Arkansas Wireless Information Network."

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
General Assembly of the State of Arkansas that this act revises the duties of
the Arkansas Department of Emergency Management; that these revisions impact
the expenses and operations of the Arkansas Department of Emergency
Management; and that the provisions of this act should become effective at
the beginning of the fiscal year to allow for implementation of the new
provisions at the beginning of the fiscal year. Therefore, an emergency is
declared to exist, and this act being necessary for the preservation of the
public peace, health, and safety, shall become effective on July 1, 2019."



The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator B. Sample
MLD/MLD - 03-04-2019 15:55:26
MLD175

Secretary

Example Amendment – Add Cosponsor

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 17

TO REDUCE THE FEES FOR A LICENSE TO CARRY A CONCEALED HANDGUN; AND TO REDUCE THE
FEE TO RENEW A LICENSE TO CARRY A CONCEALED HANDGUN.

Amendment No. 1 to Senate Bill 17

Amend Senate Bill No. 17 as originally introduced:

Add Senator Rapert as a cosponsor of the bill



The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator T. Garner

BPG/BPG - 01-24-2019 09:21:20

BPG240

Secretary

Example Amendment – Renumbering Bill Sections

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 461

TO AMEND THE LAW CONCERNING THE CREATION OF AND TIMING OF TAX COLLECTION IN
CERTAIN FIRE DEPARTMENTS AND IMPROVEMENT DISTRICTS; AND TO DECLARE AN
EMERGENCY.

Amendment No. 2 to Senate Bill 461

Amend Senate Bill No. 461 as engrossed, S3/27/19 (version: 03/27/2019 1:47:05 PM)

Add Representative L. Fite as a cosponsor of the bill

AND

Immediately after SECTION 3 of the bill, add an additional section to read as follows:

"SECTION 4. Arkansas Code § 14-284-214 is amended to read as follows:
14-284-214. Assessments – Annual reassessments.

(a) The board of commissioners shall once a year order the assessors to reassess the annual benefits of protected property in the fire protection district if there have been improvements made or improvements destroyed or removed from one (1) or more tracts of land in the fire protection district, making it necessary to have the annual benefits revised.

(b)(1)(A) Whereupon, it shall be the duty of the assessors to reassess the benefits of the fire protection district, and the annual benefits assessed may be raised or lowered as fire protection services benefiting the property change.

(B) If the annual benefits assessed exceed one hundred dollars (\$100) per parcel, the quorum court of the county in which the fire protection district lies shall approve the reassessment.

(2) If the board of commissioners determine ~~determine~~ determines that there have been no significant changes in improvements on the lands in the fire protection district, ~~they~~ the board of commissioners may direct that assessed benefits remain the same as the benefits assessed the preceding year."

AND

Appropriately renumber the sections of the bill



KLC390 - 03-28-2019 11:46:33

Page 1 of 2

Example Amendment – Amending Shell Bill

Hall of the House of Representatives
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1250

TO AMEND THE PROCEDURES FOR ANNEXATION OF CONTIGUOUS LAND; AND FOR OTHER
PURPOSES.

Amendment No. 1 to House Bill 1250

Amend House Bill No. 1250 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 14-40-303(a), concerning annexation ordinance, election, and procedures, is amended to read as follows:

(a) The annexation ordinance shall:

(1) Contain an accurate description of the lands desired to be annexed;

(2) Include a schedule of the services of the annexing municipality that will be extended to the area within three (3) years after the date the annexation becomes final; and

(3) Fix the date for the annexation election provided in under this section; and

(4) Be heard at three (3) consecutive regular meetings of the governing body of the annexing municipality."



The Amendment was read
By: Representative D. Douglas
KLC/KLC - 01-31-2019 15:10:08
KLC155

Chief Clerk