

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/28/23

A Bill

HOUSE BILL 1427

5 By: Representative Gazaway
6 By: Senator C. Tucker
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF ARKANSAS LAW RELATED TO
10 THE CODE REVISOR; TO DECLARE AN EMERGENCY; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND PROVISIONS OF ARKANSAS LAW
16 RELATED TO THE CODE REVISOR; AND TO
17 DECLARE AN EMERGENCY.
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19

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

22 SECTION 1. Arkansas Code § 1-2-302 is amended to read as follows:
23 1-2-302. Code Revisor and staff assistance.

24 (a)(1) The Bureau of Legislative Research shall employ a person to
25 serve as Code Revisor.

26 (2)(A) ~~The Director of the Bureau of Legislative Research~~
27 ~~shall seek the advice of the Arkansas Code Revision Commission before~~
28 ~~employing a person as Code Revisor and before terminating the employment of a~~
29 ~~person who is serving as Code Revisor~~ If the Code Revisor is terminated by
30 the Director of the Bureau of Legislative Research, the director shall
31 discuss the reasons for the termination with the Arkansas Code Revision
32 Commission.

33 (B) ~~The commission shall be entitled to interview~~
34 ~~applicants for the position of Code Revisor~~ The portion of a meeting of the
35 commission concerning the termination of the employment of the Code Revisor
36 under subdivision (a)(2)(A) of this section shall be closed and exempt from



1 public observance under the Freedom of Information Act of 1967, § 25-19-101
2 et seq.

3 (b) The ~~director~~ Director of the Bureau of Legislative Research ~~shall~~
4 may consult with the ~~commission~~ Arkansas Code Revision Commission concerning
5 the duties, authority, and responsibility of the Code Revisor and concerning
6 the code revision duties of other bureau personnel who assist the commission.
7

8 SECTION 2. Arkansas Code § 1-2-303(d)-(h), concerning the powers and
9 duties of the Arkansas Code Revision Commission, are amended to read as
10 follows:

11 (d)(1) In exercising the powers and duties imposed upon it by this
12 subchapter, the commission shall not authorize any change in the substance or
13 meaning of any provision of the Arkansas Code or any act of the General
14 Assembly. The bureau shall not change the substance or meaning of any
15 provision of the Arkansas Code or any act of the General Assembly. However,
16 the bureau working under the direction of the commission may:

17 (A) Correct the spelling of words;

18 (B) Change capitalization for the purpose of uniformity;

19 (C) Correct manifest typographical and grammatical errors;

20 (D) Correct manifest errors in references to laws and

21 other documents;

22 (E) Correct manifest errors in internal reference numbers;

23 (F) Substitute the proper Arkansas Code section number,
24 subchapter number, chapter number, subtitle number, title number, or other
25 number or designation for the terms "this act", "the preceding Code section",
26 or any similar words or phrases;

27 (G) Number, renumber, redesignate, and rearrange chapters,
28 subchapters, sections, subsections, and subdivisions, or any combination or
29 portion of chapters, subchapters, sections, subsections, and subdivisions;

30 (H) Change internal reference numbers to agree with
31 renumbered chapters, subchapters, sections, subsections, subdivisions, or
32 portions of chapters, subchapters, sections, subsections, and subdivisions;

33 (I) Substitute the correct calendar date for "the
34 effective date of this act" and other phrases of similar import;

35 (J) Correct inaccurate references to:

36 (i) Funds;

- 1 (ii) Fund accounts;
- 2 (iii) The titles of officers;
- 3 (iv) The names of departments or other agencies of
4 the federal government, the state government, or local governments, and the
5 names of other entities; and
- 6 (v) The short titles of other laws;
- 7 (K) Make any other name changes necessary to be consistent
8 with the laws currently in effect;
- 9 (L) Alphabetize definitions and make any necessary changes
10 to conform the definitions sections to Arkansas Code style and format;
- 11 (M) Insert or delete hyphens in words to follow correct
12 grammatical usage;
- 13 (N) Change numerals or symbols to words or vice versa and
14 add figures or words if they are merely repetitions of written words or vice
15 versa for purposes of uniformity and style;
- 16 (O) Change the form of nouns, pronouns, and verbs for
17 purposes of style and grammar;
- 18 (P) Correct punctuation;
- 19 (Q) Correct word usage;
- 20 (R) Change gender-specific language to gender-neutral
21 language; and
- 22 (S) Remove obsolete language.
- 23 (2) Except as provided in subdivision (d)(1) of this section,
24 the wording, punctuation, and format of sections of acts shall appear in the
25 Arkansas Code exactly as enacted by the General Assembly.
- 26 (3) No law may be removed from the Arkansas Code unless
27 specifically repealed by the General Assembly.
- 28 ~~(4) Every section of each act which is required to be codified~~
29 ~~shall be codified as a complete section of the Arkansas Code unless otherwise~~
30 ~~consented to by the director.~~
- 31 ~~(5)~~(4) Sections of acts shall not be combined into the same
32 Arkansas Code section unless they are identical or they specifically amend
33 the same Arkansas Code section.
- 34 ~~(6)(A) No section of an act shall be codified in more than one~~
35 ~~(1) place in the Arkansas Code without the prior approval of the director.~~
- 36 ~~(B) If a section is applicable to more than one (1) title,~~

1 ~~chapter, subchapter, or section of the Arkansas Code, it shall be codified~~
2 ~~only in one (1) section unless otherwise consented to by the director, with~~
3 ~~notes indicating its applicability to other portions of the Arkansas Code.~~

4 ~~(7) The commission shall notify the Legislative Council no later~~
5 ~~than the first Friday of each month of the discovery of problems with the~~
6 ~~acts or the Arkansas Code and recommend corrections.~~

7 ~~(8)(5)~~ The commission shall insert a codifier's note under
8 appropriate Arkansas Code sections to alert the reader to conflicting
9 Arkansas Code provisions and other problems identified by the commission.

10 ~~(9)(A)(i) The commission shall provide a copy of its conformed~~
11 ~~acts to the director within one hundred twenty (120) days after the~~
12 ~~adjournment of each session of the General Assembly.~~

13 ~~(ii) The conformed acts may be provided in an~~
14 ~~electronic format.~~

15 ~~(B) As used in subdivision (d)(9)(A) of this section,~~
16 ~~"conformed acts" means those documents prepared by the commission indicating~~
17 ~~the differences between the codification of the acts and the original forms~~
18 ~~of the acts.~~

19 ~~(10)(6)~~ If the acts of the General Assembly are in markup
20 format, language overstricken shall not be codified and underlined language
21 shall not be underlined in the Arkansas Code.

22 (e)(1) Except as provided in subdivision (e)(2) of this section, the
23 commission shall codify every initiated measure enacted by the people of
24 Arkansas and every act of each regular and extraordinary session of the
25 General Assembly.

26 (2) The commission shall not be required to codify the following
27 language or sections found in initiated measures or acts of the General
28 Assembly:

- 29 (A) Appropriation language;
- 30 (B) Boilerplate language;
- 31 (C) Codification clauses;
- 32 (D) Effective date language;
- 33 (E) Emergency clauses;
- 34 (F) Expiration date language;
- 35 (G) General repealers;
- 36 (H) Intent, purpose, construction, and applicability

1 language;

2 (I) Language that specifically refers to an appropriation;

3 (J) Sections stating that they are not to be codified;

4 (K) Sections that the Legislative Council requests that
5 the commission not codify;

6 (L) Local, special, or temporary language; and

7 (M) Severability clauses.

8 ~~(f)(1) The Code Revisor is expected to notify the director on an act-~~
9 ~~by act basis within one (1) business day after discovering that a change~~
10 ~~should be made which requires the prior approval of the director.~~

11 ~~(2) The director is expected to respond to the Code Revisor~~
12 ~~within one (1) business day after receiving notice from the commission.~~

13 ~~(g)(1)(f)(1)~~ All uncodified local acts, special acts, and temporary
14 acts, excluding appropriation acts, shall be cumulatively indexed by the
15 commission using descriptive wording and shall include references to the act
16 numbers and years of enactment.

17 ~~(2) No later than one hundred twenty (120) days after the~~
18 ~~adjournment of each legislative session, the~~ The Code Revisor shall provide a
19 report to the ~~director and the~~ Legislative Council identifying which acts and
20 parts of acts of the session are to be cumulatively indexed pursuant to
21 subdivision ~~(g)(1)~~ (f)(1) of this section.

22 ~~(h)(g)~~ The director may delegate his or her authority under this
23 section to another employee of the bureau.

24

25 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that the current Code Revisor will
27 be retiring soon; that the process for replacing the Code Revisor is
28 cumbersome and will require a significant amount of time; that the Code
29 Revisor impacts the public peace, health, and safety by ensuring that laws
30 enacted by the General Assembly are codified properly and made available to
31 the citizens of this state for implementation; and that this act is
32 immediately necessary because it is imperative that the Code Revisor position
33 be filled prior to the retirement of the current Code Revisor to ensure that
34 laws enacted by the General Assembly in the regular session of the Ninety-
35 fourth General Assembly are promptly and accurately codified. Therefore, an
36 emergency is declared to exist, and this act being immediately necessary for

1 the preservation of the public peace, health, and safety shall become
2 effective on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto.

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/s/Gazaway

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APPROVED: 4/6/23

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