

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

Act 327 of 2001  
HOUSE BILL 1331

5 By: Representative Napper  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ELIMINATE OBSOLETE LANGUAGE FROM THE LAW  
10 PERTAINING TO THE ARKANSAS CODE REVISION COMMISSION;  
11 TO MODIFY THE POWERS AND DUTIES OF THE CODE REVISION  
12 COMMISSION TO PROVIDE A MORE EFFICIENT METHOD OF  
13 CODIFYING THE ACTS OF THE GENERAL ASSEMBLY; AND FOR  
14 OTHER PURPOSES.

## Subtitle

16 TO ELIMINATE OBSOLETE LANGUAGE REGARDING  
17 THE CODE REVISION COMMISSION; TO MODIFY  
18 THE POWERS AND DUTIES OF THE CODE  
19 REVISION COMMISSION TO PROVIDE A MORE  
20 EFFICIENT METHOD OF CODIFYING THE ACTS  
21 OF THE GENERAL ASSEMBLY.  
22  
23

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

27 SECTION 1. Arkansas Code 1-2-301(b)(2)(E) is amended to read as  
28 follows:

29 (E) The commission shall meet and select a chairman ~~and a secretary.~~  
30

31 SECTION 2. Arkansas Code 1-2-303(d) - (g) are amended to read as  
32 follows:

33 (d)(1) In exercising the powers and duties imposed upon it by this  
34 subchapter, the commission shall not authorize any change in the substance or  
35 meaning of any provision of the Arkansas Code or any ~~Act~~ act of the General  
36 Assembly. However, the commission is authorized to:

- 1 (A) Correct the spelling of words;
- 2 (B) Change the capitalization for the purpose of
- 3 uni formi ty;
- 4 (C) Correct mani fest typographical and grammatical errors;
- 5 (D) Correct mani fest errors in references to laws and other
- 6 documents;
- 7 (E) Correct mani fest errors in internal reference numbers;
- 8 (F) Substitute the proper Code section number, subchapter
- 9 number, chapter number, subtitle number, title number, or other number or
- 10 designation for the terms "this ~~Act~~ act", "the preceding Code section", or any
- 11 similar words or phrases;
- 12 (G) ~~With the prior approval of the Director of the Bureau~~
- 13 ~~of Legislative Research,~~ Number, renumber, redesignate, and rearrange
- 14 chapters, subchapters, sections, subsections, and subdivisions, or any
- 15 combination or portion thereof;
- 16 (H) Change internal reference numbers to agree with
- 17 renumbered chapters, subchapters, sections, subsections, subdivisions, or
- 18 portions thereof;
- 19 (I) Substitute the correct calendar date for "the effective
- 20 date of this ~~Act~~ act" and other phrases of similar import;
- 21 (J)(i) Correct inaccurate references to:
- 22 (a) Funds;
- 23 (b) Fund accounts;
- 24 (c) The titles of officers;
- 25 (d) The names of departments or other agencies
- 26 of the federal government, the state government, or local governments, ~~or of~~
- 27 ~~the federal government~~ and the names of other entities; and
- 28 (e) The short titles of other laws; and
- 29 (ii) Make any other name changes necessary to be
- 30 consistent with the laws currently in effect;
- 31 (K) ~~Rearrange definitions in alphabetical order~~ Al phabeti ze
- 32 defini tions and make any necessary changes to conform the defini tions sections
- 33 to Code style and format;
- 34 (L) Insert or delete hyphens in words so as to follow
- 35 correct grammatical usage;
- 36 (M) Change numeral s or symbol s to words or vice versa and

1 add figures or words if they are merely a repetition of written words or vice  
 2 versa for purposes of uniformity and style;

3 (N) ~~Change the form of nouns, pronouns, from the singular~~  
 4 ~~to the plural or vice versa and change forms of verbs for purposes of style~~  
 5 ~~and grammar; and~~

6 (O) ~~With the prior approval of the Director of the Bureau~~  
 7 ~~of Legislative Research, correct Correct punctuation;~~

8 (P) Correct word usage;

9 (Q) Change gender-specific language to gender-neutral  
 10 language; and

11 (R) Remove obsolete language.

12 (2) Except as provided in subdivision (d)(1) of this section, the  
 13 wording, punctuation, and format of sections of acts shall appear in the Code  
 14 exactly as enacted by the General Assembly.

15 (3) No law may be removed from the Arkansas Code unless  
 16 specifically repealed by the General Assembly.

17 (4) Every section of each act which is required to be codified  
 18 shall be codified as a complete section of the Arkansas Code unless otherwise  
 19 consented to by the Director of the Bureau of Legislative Research.

20 (5) Sections of acts shall not be combined into the same Code  
 21 section unless they are identical or they specifically amend the same Code  
 22 section unless otherwise consented to by the Director of the Bureau of  
 23 Legislative Research.

24 (6) No section of an act shall be codified in more than one (1)  
 25 place in the Arkansas Code without the prior approval of the Director of the  
 26 Bureau of Legislative Research. If a section is applicable to more than one  
 27 (1) title, chapter, subchapter, or section of the Arkansas Code, it shall be  
 28 codified in one (1) section only, unless otherwise consented to by the  
 29 Director of the Bureau of Legislative Research, with notes indicating its  
 30 applicability to other portions of the Code.

31 (7) The commission shall notify the Legislative Council no later  
 32 than the first Friday of each month of the discovery of problems with the acts  
 33 or the Code and recommend corrections.

34 (8) The commission shall insert a codifier's note under  
 35 appropriate Code sections to alert the reader to conflicting Code provisions  
 36 and other problems identified by the commission.

1           (9)(A)(i) ~~The commission shall report to the Legislative Council~~  
 2 ~~within one hundred twenty (120) days after the adjournment of each session of~~  
 3 ~~the General Assembly the differences between the acts of that session and~~  
 4 ~~their codified form.~~ The commission shall provide a copy of its conformed  
 5 acts to the Bureau of Legislative Research within one hundred twenty (120)  
 6 days after the adjournment of each session of the General Assembly.

7                           (ii) The conformed acts may be provided in an  
 8 electronic format.

9                           (B) For purposes of subdivision (d)(9)(A) of this section,  
 10 "conformed acts" means those documents prepared by the commission indicating  
 11 the differences between the codification of the acts and the original forms of  
 12 the acts.

13                       ~~(B) The commission shall include with the report uncodified~~  
 14 ~~sections of acts, excluding:~~

- 15                               ~~(i) Uncodified appropriation sections;~~
- 16                               ~~(ii) Sections stating that they are not to be~~  
 17 ~~codified;~~
- 18                               ~~(iii) Sections specifically referring to an~~  
 19 ~~appropriation;~~
- 20                               ~~(iv) Emergency clauses;~~
- 21                               ~~(v) General repealers;~~
- 22                               ~~(vi) Severability clauses;~~
- 23                               ~~(vii) Codification clauses; and~~
- 24                               ~~(viii)(a) Boilerplate sections of appropriation~~  
 25 ~~bills; and~~

26                       ~~(b) Other boilerplate sections identified by the Legislative Council.~~

27           (10) If the acts of the General Assembly are in markup format,  
 28 language overstricken shall not be codified and underlined language shall not  
 29 be underlined in the Code.

30           (e)(1) The Except as provided in subdivision (e)(2) of this section,  
 31 the Arkansas Code Revision Commission commission shall cause codify every  
 32 initiated measure enacted by the people of Arkansas and every act of the 1999  
 33 regular session and each regular and special extraordinary session of the  
 34 General Assembly thereafter to be codified in the Arkansas Code, with the  
 35 exception of the following sections:

- 36                               (1) ~~Appropriation sections;~~

- ~~(2) Boilerplate sections of appropriation acts;~~
- ~~(3) Sections specifically referring to an appropriation;~~
- ~~(4) Sections stating they are not to be codified;~~
- ~~(5) Emergency clauses;~~
- ~~(6) General repealers;~~
- ~~(7) Severability clauses; and~~
- ~~(8) Codification clauses.~~

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

- (A) Appropriation language;
- (B) Boilerplate language;
- (C) Codification clauses;
- (D) Effective date language;
- (E) Emergency clauses;
- (F) Expiration date language;
- (G) General repealers;
- (H) Intent, purpose, construction, and applicability language;
- (I) Language that specifically refers to an appropriation;
- (J) Sections stating that they are not to be codified;
- (K) Sections that the Legislative Council requests that the commission not codify;
- (L) Local, special, or temporary language; and
- (M) Severability clauses.

~~(f)(1) It is the intent of the General Assembly that:~~

~~(1) In exercising its authority under this section which requires the prior approval of the Director of the Bureau of Legislative Research, the~~  
The commission is expected to notify the director Director of the Bureau of Legislative Research on an act-by-act basis within one (1) business day after discovering that a change should be made which requires the prior approval of the ~~director~~ Director of the Bureau of Legislative Research; and.

(2) The Director of the Bureau of Legislative Research is expected to respond to the commission within one (1) business day after receiving notice from the commission.

~~(g)(1) The Director of the Bureau of Legislative Research may delegate~~

1 ~~his authority under this section to another employee of the Bureau of~~  
 2 ~~Legislative Research. All uncodified local acts, special acts, and temporary~~  
 3 ~~acts, excluding appropriation acts, shall be cumulatively indexed by the~~  
 4 ~~commission using descriptive wording and shall include references to the act~~  
 5 ~~numbers and years of enactment.~~

6 (2) No later than one hundred twenty (120) days after the  
 7 adjournment of each legislative session, the commission shall provide a report  
 8 to the Director of the Bureau of Legislative Research identifying which acts  
 9 and parts of acts of the session are to be cumulatively indexed pursuant to  
 10 subdivision (g)(1) of this section.

11 (h) The Director of the Bureau of Legislative Research may delegate his  
 12 authority under this section to another employee of the bureau.

13  
 14 SECTION 3. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO  
 15 CODIFY THIS SECTION.] Section 2 shall be effective retroactive to March 17,  
 16 1997.

17  
 18 SECTION 4. EMERGENCY CLAUSE. It is hereby found and determined by the  
 19 Eighty-third General Assembly that the present law pertaining to the powers of  
 20 the Arkansas Code Revision Commission are too restrictive and that with the  
 21 changes made by this act, the acts of the General Assembly can be more quickly  
 22 and efficiently codified; that this act should go into effect as soon as  
 23 possible so that the codification of the acts of this regular session may  
 24 occur with as little delay as possible. Therefore, an emergency is declared to  
 25 exist and this act being immediately necessary for the preservation of the  
 26 public peace, health and safety shall become effective on the date of its  
 27 approval by the Governor. If the bill is neither approved nor vetoed by the  
 28 Governor, it shall become effective on the expiration of the period of time  
 29 during which the Governor may veto the bill. If the bill is vetoed by the  
 30 Governor and the veto is overridden, it shall become effective on the date the  
 31 last house overrides the veto.

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 34 APPROVED: 2/21/2001  
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