

HOUSE AMENDMENT 1 TO sb122.

inserting four additional sections immediately following Section 2 to read as follows:

"SECTION 3. Arkansas Code 1-2-301 is amended to read as follows:

1-2-301. Creation - Members.

(a) There is created a commission, to be known as the Arkansas Code Revision Commission.

(b) The commission shall consist of ~~six (6)~~ seven (7) voting members and ~~two (2)~~ four (4) nonvoting observer members:

(1) The voting members shall be selected and appointed as follows:

(A) Two (2) members of the Senate appointed by the Committee on Committees of the Senate;

(B) Two (2) members of the House appointed by the Speaker of the House of Representatives; and

(C) Three (3) members of the Bar of Arkansas appointed by the Supreme Court of Arkansas.

(2) The nonvoting observer members shall be:

(A) The Dean of the School of Law of the University of Arkansas at Fayetteville or, if there is no such dean, the individual occupying the position of acting dean;

(B) The Dean of the School of Law of the University of Arkansas at Little Rock or, if there is no such dean, the individual occupying the position of acting dean;

(C) The Attorney General or his authorized representative; and

~~(D) Three (3) members of the Bar of Arkansas to be appointed by the Supreme Court of Arkansas;~~

(D) The Director of the Bureau of Legislative Research or his designee.

~~(E) All of the six (6) aforementioned members shall take the oath of office prescribed by law which shall be filed with the Clerk of the Supreme Court;~~

~~(2) (A) In addition to the six (6) voting members of the commission listed above, the Committee on Committees of the Senate shall name one (1) member of the Senate to serve as a nonvoting observer member of the commission, and the Speaker of the House of Representatives shall appoint one (1) member of the House of Representatives to serve as a nonvoting observer member of the commission.~~

~~(B)~~ (c) The nonvoting observer members of the commission shall be privileged to attend all meetings of the commission and shall enjoy the full rights of membership on the commission, including the right to discuss matters pending before the commission and to participate in debate of issues before the commission, but shall not cast a vote on any issue pending before the commission. ~~(c)~~ (d) The members appointed by the Supreme Court of Arkansas shall serve for a term of four (4) years, and the ~~nonvoting observer~~

members appointed by the ~~President~~ Committee on Committees of the Senate and the Speaker of

the House shall serve for a term of two (2) years.

~~—(d)~~ (e) The appointing authorities shall have power to fill any vacancies occurring in the membership appointed by them.

~~—(e)~~ (f) The commission shall meet and select a chairman and a secretary.

~~—(f)~~ (g) Members of the commission shall not be entitled to compensation for their services but shall be eligible to receive reimbursement for mileage and ~~other per diem expenses incurred in performance of their duties in accordance with the rates and standards for reimbursement to state employees~~ reimbursement for expenses in accordance with Arkansas Code 25-16-901 et seq. Legislative members shall be entitled to reimbursement for expenses and per diem at the same rate as provided by law for members of the General Assembly attending meetings of interim committees.

SECTION 4. Arkansas Code 1-2-303(a) through (c) are amended to read as follows:

~~—(a) (1) (A)~~ (a) (1) (A) The Arkansas Code Revision Commission shall, from time to time, arrange for the publication of compilations, recom compilations, revisions, codifications, or recodifications of, or cumulative or noncumulative supplements to, the statutes of Arkansas.

~~(B) The Arkansas Code Revision Commission shall, from time to time, arrange for the publication of complete compilations, recom compilations, codifications, or recodifications of the regulations of each agency having general applicability and legal effect, issued or promulgated by the agency, which are relied upon by the agency as authority for, or are invoked or used by it in the discharge of, its activities or functions.~~

(2) The commission shall arrange for the solicitation and receipt of competitive bids for all these publications on such terms as it deems reasonable. (3) Specifications for the publications shall be drawn under the supervision of and subject to approval by the commission.

(4) (A) Contracts shall be awarded to the lowest responsible bidder, taking into consideration, among other things, estimated time of performance, quality of work, probability of timely and adequate performance, and experience of the company regarding the services sought by the commission.

(B) If the best interests of the state would be served, any and all bids submitted to the commission regarding any publication project may be rejected, and the commission may negotiate any necessary contract with the party most qualified to perform the services sought by the commission.

(5) The price at which publications under this section shall be sold shall, from time to time, be fixed by the Arkansas Code Revision Commission. If the commission enters into a contract with a publisher for any publication, the price at which the publication under the contract shall be sold shall, from time to time, be fixed by agreement between the commission and the publishers.

(6) Supplements and replacement volumes published under the supervision of the

commission shall be prima facie evidence of the law ~~or regulations~~ contained therein.

(b) The Arkansas Code Revision Commission, in its discretion and subject to the provisions and requirements of § 19-4-1109, may enter into contracts for professional services to the commission, which contracts may include, but are not limited to, the purposes of:

(1) Creation and maintenance of up-to-date continuing computerized data base banks of the statutes ~~and regulations~~ of Arkansas by use of magnetic tape or other means of photographic or electronic preservation and reproduction systems with facilities for electronic access and retrieval.

(A) However, before the commission shall enter into any contract for computerized data base banks of the statutes ~~or regulations~~ of Arkansas, the commission shall confer with and seek the advice of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Arkansas Legislative Council, and the Bureau of Legislative Research with respect to the needs and requirements for use of computerized data base banks of the statutes ~~or regulations~~ of Arkansas:

(i) For electronic access and statutory retrieval in connection with a computerized bill drafting and bill processing system;

(ii) To meet the needs of the General Assembly and the committees thereof; and

(iii) To assist in the preparation of acts signed by the Governor for printing of the official Acts of Arkansas.

(B) The commission shall confer periodically with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Legislative Council, and the Bureau of Legislative Research and shall seek their advice with respect to means of upgrading and improving the computerized data base banks to meet the needs and requirements for their respective uses;

(2) Providing continuing assistance to the commission in the maintenance of the data bases and the appropriate codification of legislation adopted by the General Assembly ~~and compilation or codification of regulations promulgated by state agencies;~~

(3) Performing those other services which are determined by the commission, from time to time, to be reasonably required and necessary in order to maintain availability to the State of Arkansas of up-to-date computerized data base indices of the statutes ~~and regulations~~ of Arkansas and in furtherance of its duties and authority as otherwise provided by this subchapter and by other provisions of law;

~~(4) Preparation of a compilation or codification of all regulations of Arkansas in a code of regulations, or, in lieu of a single compilation or codification of all regulations, preparation of compilations or codifications of a similar subject or nature, from time to time, with the overall objective of eventually incorporating all regulations in a compilation or codification of those regulations; and~~

~~(5)~~ (4) Preparation of a codification of all the statutes of a general and permanent nature in a proposed code of laws, to be presented to the General Assembly of the State of

Arkansas for approval and enactment, or, in lieu of a single codification of all of the state's statutes of a general and permanent nature, preparation of recommended codes of a similar subject or nature in proposed titles or chapters of a code for consideration by the General Assembly for enactment, from time to time, with the overall objective of eventually incorporating all of the state's statutes of a general and permanent nature in a unified codification of those laws.

(c) The Arkansas Code Revision Commission shall cause the executive director and other staff members of the commission:

(1) To make continual studies and conduct reviews of the common law, statutes, and current judicial decisions of the state in order to identify:

(A) Obsolete statutes;

(B) Overlapping and duplicating laws;

(C) Inequitable or inconsistent laws;

(D) Deficiencies in existing laws which contribute to indefiniteness of interpretation of the purpose of those laws or the legislative intent thereof;

(E) Deficiencies in administrative procedures;

(F) Defects in practice and procedure;

(G) Deficiencies of due process provisions in the enforcement of the criminal laws of this state;

(2) To provide for other and similar studies designed to lead to the preparation of drafts of corrective legislation for presentation, after review and approval by the Legislative Council, to each session of the General Assembly for enactment; and

(3) To make studies of the methods, means, and systems used in the various states for the compilation, codification, revision, and publication of the compilations, codifications, or statutes of those states. These studies are to be used by the commission in determining means of improving the codification of the statutes of Arkansas ~~and the compilation or codification of the regulations of Arkansas~~ and to prepare recommendations to the General Assembly in regard thereto._

SECTION 5. Arkansas Code 1-2-307 is repealed.

~~§ 1-2-307. Code of state regulations.~~

~~(a) The format and indexing of a code of state regulations shall conform as nearly as practical to the format and indexing of the Arkansas Code of 1987 Annotated.~~

~~(b) To be accepted by the Arkansas Code Revision Commission for publication in a code of state regulations, a rule shall:~~

~~(1) Cite the law under which the rule is adopted;~~

~~(2) Be signed by the head of the agency or the rule making coordinator for the agency adopting the rule; and~~

~~(3) Be in the physical form specified by the commission.~~

~~_____ (c) In the performance of its duties under this subchapter, the commission may:~~

~~_____ (1) Call upon an agency to submit to the commission one (1) or more copies of all existing rules as well as subsequent amendments, repeals, additions, or new rules;~~

~~_____ (2) Advise agencies as to the form and style of their rules as well as the compilation or codification thereof; and~~

~~_____ (3) Promulgate general or special rules respecting the nature and content of the code of state regulations, making exceptions to it, supplementing or limiting the duties of agencies under this subchapter, and otherwise carrying out the purposes of this subchapter.~~

~~_____ (d) (1) After consulting with the agency that adopted the rule, the commission may revise the form of a rule submitted for inclusion in a code of state regulations to do one (1) or more of the following:~~

~~_____ (A) Rearrange the order of the rule in the code or the order of the subsections, subdivisions, or other subparts of the rule;~~

~~_____ (B) Provide a heading for the rule or revise the heading of the rule;~~

~~_____ (C) Reletter or renumber the rule or the subparts of the rule in accordance with a uniform system;~~

~~_____ (D) Rearrange definitions and lists; and~~

~~_____ (E) Make any other changes in arrangement or in form that do not change the substance of the rule and are necessary or desirable for a clear and orderly arrangement of the rule.~~

~~_____ (2) Revision of a rule by the commission under this section does not affect the effective date of the rule or require the agency to readopt or resubmit the rule. When the commission revises the form of a rule, the commission shall send the agency that adopted the rule a copy of the revised rule. The revised rule is the official rule.~~

~~_____ (e) No rule shall be valid unless adopted and filed in substantial compliance with this section.~~

SECTION 6. Arkansas Code 25-15-204(d) is amended to read as follows:

_(d) (1) Every agency, including those exempted under § 25-15-202, shall file with the Secretary of State, and the Arkansas State Library, and the ~~Arkansas Code Revision Commission~~ Bureau of Legislative Research a copy of each rule and regulation adopted by it and a statement of financial impact for the rule or regulation.

(2) The Secretary of State shall keep a register of the rules open to public inspection, and it shall be a permanent register.

(3) The Arkansas Code Revision Commission shall publish a code of state regulations pursuant to § 1-2-301 et seq. Each agency shall provide its regulations to the Bureau of Legislative Research in an electronic format acceptable to the Bureau. The Bureau shall place the agency regulations in the General Assembly s internet web site.

(4) (A) The scope of the financial impact statement shall be determined by the agency, but shall include, at a minimum, the estimated cost of complying with the rule and the estimated cost for the agency to implement the rule.

(B) If the agency has reason to believe that the development of a financial impact statement will be so speculative as to be cost prohibitive, the agency shall submit a statement and explanation to that effect.

(C) If the purpose of a state agency rule or regulation is to implement a federal rule or regulation, the financial impact statement shall be limited to any incremental additional cost of the state rule or regulation as opposed to the federal rule or regulation. _"

AND

by deleting line 22 on page 3 and substituting the following:

"published as a separate volume or volumes by the Arkansas Code Revision Commission. "

AND

by appropriately renumbering subsequent sections of the bill.