

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1919

By: Representative Mahony

"AN ACT TO AMEND SECTION 1 OF ACT 246 OF 1955, AS AMENDED, [ARK. STAT. 1-301], TO EMPOWER THE ARKANSAS STATUTE REVISION COMMISSION TO SOLICIT AND RECEIVE COMPETITIVE BIDS FOR THE PRINTING AND BINDING OF THE ARKANSAS STATUTES; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 246 of 1955, as amended, the same being Arkansas Statutes Section 1-301, is hereby amended to read as follows:

"Section 1. (A) The Arkansas Statute Revision Commission shall from time to time arrange for the publication of compilations, recom compilations, revisions, codifications or recodifications of, or cumulative or non-cumulative supplements to, the Statutes of the State of Arkansas. The Commission shall arrange for the solicitation and receipt of competitive bids for all such publications on such terms as it deems reasonable. Specifications for such publications shall be drawn under the supervision of and subject to approval by the Commission. 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. If the best interest 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. The price at which publications under this Act (Arkansas Statutes 1-300, 1-301) shall be sold in the State of Arkansas shall from time to time be fixed by agreement between the Statute Revision Commission and the publishers.

(B) The Arkansas Statute Revision Commission may in its discretion and

subject to the provisions and requirements of Section 5(F) of Act No. 5 of 1975 Acts of the General Assembly of the State of Arkansas (Arkansas Statutes 13-360(F)), enter into contracts for professional services to the Commission, which may include, but are not limited to, the purposes of:

(1) Creation and maintenance of an up-to-date continuing computerized database bank of the Statutes of Arkansas by use of magnetic tape or other means of photographic or electronic preservation and reproductive systems with facilities for electronic access and retrieval; provided, that before the Commission shall enter into any such contract for a computerized database bank of the Statutes 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 of the General Assembly of the State of Arkansas, and with the Arkansas Legislative Council and the Bureau of Legislative Research with respect to the needs and requirements for use of a computerized database bank of the Statutes of Arkansas for electronic access and statutory retrieval in connection with a computerized bill drafting and bill processing system, to meet the needs of the General Assembly and the committees thereof and to assist in the preparation of Act signed by the Governor for printing of the official Acts of Arkansas.

(2) Providing continuing assistance to the Commission in the maintenance of the database and the appropriate codification of such legislation as may hereafter be adopted by the General Assembly; and

(3) Performing such other services as 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 an up-to-date computerized database index of the Statutes of Arkansas and in furtherance of its duties and authorities as otherwise provided by this Act (Arkansas Statutes 1-301 and 1-302) and by other provisions of law.

The Commission shall confer periodically with the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the Arkansas General Assembly, the Legislative Council and the Bureau of Legislative Research, and shall seek their advice with respect to means of upgrading and improving the computerized database bank to meet the needs and requirements for their respective uses.

(4) Prepare a codification of all the Statutes of a general and permanent nature into 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 Code of all of the State's Statutes of a general and permanent nature into a single codification, the Commission may prepare recommended codes of a similar subject or nature into 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 into a unified codification of such laws.

(C) The Arkansas Statute Revision Commission shall cause the Executive Director and other staff members of the Commission to make continual studies and review to identify obsolete Statutes, overlapping and duplicating laws, the identification of deficiencies in existing laws which contribute to indefiniteness of interpretation of the purpose of such laws or legislative intent thereof, to identify deficiencies in administrative procedures, to identify deficiencies of Due Process provisions in the enforcement of the criminal laws of this State; and to provide for other and similar studies designed to lead to the preparation of drafts of corrective legislation, to be prepared, after review and approval by the Commission, for presentation to each session of the General Assembly for enactment. In addition, the Commission shall cause the Executive Director to make studies of the methods, means, and systems used in the various states for the compilation, codification, revision, and publication of the codes or statutes of such states, to be used by the Commission in determining means of improving the compilation of the Arkansas Statutes and to prepare recommendations to the General Assembly in regard thereto.

(D) In exercising the powers and duties imposed upon it by this section, the Commission shall not authorize any change in the substance or meaning of any provision of the Statutes of Arkansas or any act of the legislature. It is the intent of this section to authorize only changes as to form for the purpose of orderly and logical codification of acts, and not to authorize any changes in the meaning or substance of any portion of the Statutes of Arkansas or any other act.

SECTION 2. All laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 3. It is hereby found and determined by the General Assembly that because of the case Ricarte v. State, CR 86-31, a question has arisen over the validity of Act 1219 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

