

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/10/99

A Bill

HOUSE BILL 1318

5 By: Representative Madison
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7

For An Act To Be Entitled

9 "AN ACT TO MODIFY THE POWERS AND DUTIES OF THE CODE
10 REVISION COMMISSION; AND FOR OTHER PURPOSES."

Subtitle

13 "TO MODIFY THE POWERS AND DUTIES OF THE
14 CODE REVISION COMMISSION."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code 1-2-301(a) is amended to read as follows:

20 "(a) There is created within the legislative branch of government a
21 commission, to be known as the Arkansas Code Revision Commission."
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23 SECTION 2. Arkansas Code 1-2-301(b)(2)(F) pertaining to the Code
24 Revision Commission is amended to read as follows:

25 "~~(F)(1) Members of the commission shall not be entitled to compensation~~
26 ~~for their services but~~ Non-Legislator members shall, to the extent funds are
27 appropriated therefor, be eligible to receive reimbursement for mileage and
28 reimbursement for expenses in accordance with § ~~25-16-901 et seq.~~ 25-16-902.

29 (2) ~~Legislative~~ Legislator members shall be entitled to
30 reimbursement for expenses and per diem at the same rate and from the same
31 source as provided by law for members of the General Assembly attending
32 meetings of interim committees."
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34 SECTION 3. Arkansas Code 1-2-303(b)(4) pertaining to the powers of the
35 Code Revision Commission is amended to read as follows:

36 "(4) Preparation of a codification of all the statutes ~~of a general and~~

1 ~~permanent nature~~ in a proposed code of laws, to be presented to the General
 2 Assembly of the State of Arkansas for approval and enactment, or, in lieu of a
 3 single codification of all of the state's statutes ~~of a general and permanent~~
 4 ~~nature~~, preparation of recommended codes of a similar subject or nature in
 5 proposed titles or chapters of a code for consideration by the General
 6 Assembly for enactment, from time to time, with the overall objective of
 7 eventually incorporating all of the state's statutes ~~of a general and~~
 8 ~~permanent nature~~ in a unified codification of those laws."

9
 10 SECTION 4. Arkansas Code 1-2-303(c) through (g) are hereby amended to
 11 read as follow:

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

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

17 (A) Obsolete statutes;

18 (B) Overlapping and duplicating laws;

19 (C) Inequitable or inconsistent laws;

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

23 (E) Deficiencies in administrative procedures;

24 (F) Defects in practice and procedure;

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

27 (2) ~~To provide for other and similar studies designed to lead to~~
 28 ~~the preparation of~~ prepare initial drafts of corrective legislation for
 29 ~~presentation, after review and approval by~~ to be filed with the Legislative
 30 Council, ~~to each session of the General Assembly for enactment~~ no later than
 31 one hundred twenty (120) days after the adjournment of each session; and

32 (3) To make studies of the methods, means, and systems used in
 33 the various states for the compilation, codification, revision, and
 34 publication of the compilations, codifications, or statutes of those states.
 35 These studies are to be used by the commission in determining means of
 36 improving the codification of the statutes of Arkansas and to prepare

1 recommendations to the General Assembly in regard thereto.

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

6 (A) Correct the spelling of words;

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

8 (C) Correct manifest typographical and grammatical errors;

9 ~~(C)~~ (D) Correct manifest errors in references to laws;

10 ~~(D)~~ (E) Correct manifest errors in internal reference numbers;

11 ~~(E)~~ (F) Substitute the proper Code section number, subchapter
12 number, chapter number, subtitle number, title number, or other number or
13 designation for the terms 'this Act', 'the preceding Code section', or any
14 similar words or phrases;

15 (G) With the prior approval of the Director of the Bureau of
16 Legislative Research, renumber, redesignate, and rearrange chapters,
17 subchapters, sections, subsections, and subdivisions, or any combination or
18 portion thereof.

19 ~~(F)~~ (H) Change internal reference numbers to agree with
20 renumbered chapters, subchapters, sections, subsections, subdivisions, or
21 portions thereof;

22 ~~(G)~~ (I) Substitute the correct calendar date for 'the effective
23 date of this Act' and other phrases of similar import;

24 (J) Correct inaccurate references to funds, fund accounts, the
25 titles of officers, the names of departments or other agencies of the state or
26 local governments, or the federal government, and to the short titles of other
27 laws, and make any other name changes necessary to be consistent with the laws
28 currently in effect;

29 ~~(H)~~ (K) Rearrange definitions in alphabetical order;

30 ~~(I)~~ (L) Insert or delete hyphens in words so as to follow correct
31 grammatical usage;

32 ~~(J)~~ (M) Change numerals or symbols to words or vice versa and add
33 figures or words if they are merely a repetition of written words or vice
34 versa for purposes of uniformity and style; and

35 ~~(K)~~ (N) Change nouns from the singular to the plural or vice
36 versa and change forms of verbs for purposes of style and grammar.

1 (0) With the prior approval of the Director of the Bureau of
2 Legislative Research, correct punctuation.

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

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

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

11 (5) Sections of acts shall not be combined into the same Code section
12 unless they are identical or they specifically amend the same Code section.

13 (6) No section of an act shall be codified in more than one (1) place
14 in the Arkansas Code without the prior approval of the Director of the Bureau
15 of Legislative Research. If a section is applicable to more than one (1)
16 title, chapter, subchapter, or section of the Arkansas Code, it shall be
17 codified in one (1) section only (unless otherwise consented to by the
18 Director of the Bureau of Legislative Research) with notes indicating its
19 applicability to other portions of the Code.

20 (7) The Code Revision Commission shall notify the Legislative Council
21 ~~as soon as possible after~~ no later than the first Friday of each month of the
22 discovery of problems with the acts or the Code and recommend corrections.

23 (8) The Code Revision Commission shall insert a codifier's note under
24 appropriate Code sections to alert the reader to conflicting Code provisions
25 and other problems identified by the commission.

26 (9) The Code Revision Commission shall report to the Legislative
27 Council ~~as soon as possible~~ within one hundred twenty (120) days after the
28 adjournment of each session of the General Assembly ~~regarding the acts and~~
29 ~~parts of~~ the differences between the acts of that session which were not
30 codified and their codified form. The commission ~~is not required to~~ shall
31 include with the report uncodified sections of acts excluding uncodified
32 appropriation sections, and other sections stating they are not to be
33 codified, sections specifically referring to an appropriation, emergency
34 clauses, general repealers, severability clauses, codification clauses, boiler
35 plate sections of appropriation bills and other boiler plate sections
36 identified by the Legislative Council.

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

4 ~~(11) This subsection shall not apply to the publication known as the~~
 5 ~~Acts of Arkansas. The Acts of Arkansas shall be published containing the acts~~
 6 ~~of the General Assembly exactly as enacted by the General Assembly. No~~
 7 ~~correction, change, renumbering, substitution, redesignation, or rearrangement~~
 8 ~~shall be made to the text of the acts published in the Acts of Arkansas.~~

9 (e) ~~Every uncodified section of every act of the General Assembly other~~
 10 ~~than appropriations sections, emergency clauses, general repealers,~~
 11 ~~severability clauses, codification clauses, and boilerplate sections in~~
 12 ~~appropriation bills shall be published as a separate volume or volumes by the~~
 13 ~~commission. The Arkansas Code Revision Commission shall cause every act of the~~
 14 ~~1999 regular session and each regular and special session thereafter to be~~
 15 ~~codified in the Arkansas Code with the exception of the following sections:~~

16 (1) Appropriation sections;

17 (2) Boilerplate sections of appropriation acts;

18 (3) Sections specifically referring to an appropriation;

19 (4) Sections stating they are not to be codified;

20 (5) Emergency clauses;

21 (6) General repealers;

22 (7) Severability clauses; and

23 (8) Codification clauses.

24 (f) It is the intent of the General Assembly that in exercising its
 25 authority under this act which requires the prior approval of the Director of
 26 the Bureau of Legislative Research, the commission is expected to notify the
 27 director on an act-by-act basis within one (1) business day after discovering
 28 that a change should be made which requires the prior approval of the
 29 director, and that the director is expected to respond to the commission
 30 within one (1) business day after receiving notice from the commission.

31 (g) The Director of the Bureau of Legislative Research may delegate his
 32 authority under this section to another employee of the Bureau of Legislative
 33 Research."

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 35 SECTION 5. Arkansas Code 25-18-225 is amended by inserting the
 36 following new subsection to be appropriately numbered or lettered by the

1 Arkansas Code Revision Commission:

2 "The Acts of Arkansas shall be published containing the acts of the
3 General Assembly exactly as enacted by the General Assembly. Acts passed by
4 the General Assembly in markup format shall be published in markup format. No
5 correction, change, renumbering, substitution, redesignation, or rearrangement
6 shall be made to the text of the acts published in the Acts of Arkansas."

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8 SECTION 6. All provisions of this Act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 7. If any provision of this Act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the Act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 Act are declared to be severable.

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18 SECTION 8. All laws and parts of laws in conflict with this Act are
19 hereby repealed.

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21 SECTION 9. EMERGENCY. It is hereby found and determined by the General
22 Assembly that there are presently inadequate statutory guidelines for the
23 codifications of the acts of the General Assembly; this act establishes
24 necessary guidelines; and this act should go into effect immediately in order
25 that the guidelines will be in effect for the codification of the acts of this
26 regular session. Therefore, an emergency is declared to exist and this act
27 being immediately necessary for the preservation of the public peace, health
28 and safety shall become effective on the date of its approval by the Governor.
29 If the bill is neither approved nor vetoed by the Governor, it shall become
30 effective on the expiration of the period of time during which the Governor
31 may veto the bill. If the bill is vetoed by the Governor and the veto is
32 overridden, it shall become effective on the date the last house overrides the
33 veto.

34 /s/ Madison

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