

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.

State of Arkansas
83rd General Assembly
Regular Session, 2001

A Bill

HOUSE BILL 1331

By: Representative Napper

For An Act To Be Entitled

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

Subtitle

TO ELIMINATE OBSOLETE LANGUAGE REGARDING
THE CODE REVISION COMMISSION; TO MODIFY
THE POWERS AND DUTIES OF THE CODE
REVISION COMMISSION TO PROVIDE A MORE
EFFICIENT METHOD OF CODIFYING THE ACTS
OF THE GENERAL ASSEMBLY.

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

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

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

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

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

- 1 (A) Correct the spelling of words;
- 2 (B) Change the capitalization for the purpose of
- 3 uniformity;
- 4 (C) Correct manifest typographical and grammatical errors;
- 5 (D) Correct manifest errors in references to laws and other
- 6 documents;
- 7 (E) Correct manifest 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~~ Alphabetize
- 32 definitions and make any necessary changes to conform the definitions 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 numerals or symbols to words or vice versa and

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

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

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

(P) Correct word usage;

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

(R) Remove obsolete language.

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

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

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

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

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

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

(8) The commission shall insert a codifier's note under appropriate Code sections to alert the reader to conflicting Code provisions 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 uncoded~~
 14 ~~sections of acts, excluding:~~

15 ~~(i) Uncoded 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~~

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

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

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

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

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