

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 1971

4  
5 By: Representative Harrelson  
6  
7

## For An Act To Be Entitled

9 AN ACT TO TRANSFER THE STAFF OF THE ARKANSAS CODE  
10 REVISION COMMISSION TO THE BUREAU OF LEGISLATIVE  
11 RESEARCH; TO PROVIDE THAT THE BUREAU SHALL  
12 PROVIDE STAFF ASSISTANCE TO THE ARKANSAS CODE  
13 REVISION COMMISSION; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO TRANSFER THE STAFF OF THE  
16 ARKANSAS CODE REVISION COMMISSION TO THE  
17 BUREAU OF LEGISLATIVE RESEARCH AND TO  
18 PROVIDE THAT THE BUREAU SHALL PROVIDE  
19 STAFF ASSISTANCE TO THE ARKANSAS CODE  
20 REVISION COMMISSION.  
21  
22  
23

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

26 SECTION 1. (a)(1) Effective July 1, 2005, employees of the Arkansas  
27 Code Revision Commission are transferred to the Bureau of Legislative  
28 Research and shall be employees of the bureau.

29 (2) Effective July 1, 2005, the person who was employed as  
30 Executive Director of the Arkansas Code Revision Commission on June 30, 2005,  
31 shall become the code revisor for the Bureau of Legislative Research.

32 (b) All of the commission's records, personnel, property, unexpended  
33 balances of appropriations, allocations, and funds are transferred to the  
34 Bureau of Legislative Research.

35 (c) The Arkansas Code Revision Commission shall retain its powers,  
36 duties, and functions concerning the publication of the Arkansas Code but



1 staff support shall be provided through the Bureau of Legislative Research.

2  
3 SECTION 2. Arkansas Code § 1-2-302 is amended to read as follows:

4 1-2-302. ~~Executive director~~ Code revisor and staff assistance.

5 ~~The commission may employ an executive director and fix his~~  
6 ~~compensation, duties, authority, and responsibilities.~~

7 (a)(1) The Bureau of Legislative Research shall employ a person to  
8 serve as code revisor.

9 (2)(A) The Director of the Bureau of Legislative Research shall  
10 seek the advice of the Arkansas Code Revision Commission before employing a  
11 person as code revisor and before terminating the employment of a person who  
12 is serving as code revisor.

13 (B) The commission shall be entitled to interview  
14 applicants for the position of code revisor.

15 (b) The director shall consult with the commission concerning the  
16 duties, authority, and responsibility of the code revisor and concerning the  
17 code revision duties of other bureau employees who assist the commission.

18  
19 SECTION 3. Arkansas Code § 1-2-303 is amended to read as follows:

20 1-2-303. Powers and duties.

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

25 (2) The commission shall arrange for the solicitation and  
26 receipt of competitive bids for all these publications on such terms as it  
27 deems reasonable.

28 (3) Specifications for the publications shall be drawn under the  
29 supervision of and subject to approval by the commission.

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

35 (B) If the best interests of the state would be served,  
36 any and all bids submitted to the commission regarding any publication

1 project may be rejected, and the commission may negotiate any necessary  
 2 contract with the party most qualified to perform the services sought by the  
 3 commission.

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

10 (6) Supplements and replacement volumes published under the  
 11 supervision of the commission shall be prima facie evidence of the law  
 12 contained therein.

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

17 (1)(A) Creating and maintaining up-to-date continuing  
 18 computerized data base banks of the statutes of Arkansas by use of magnetic  
 19 tape or other means of photographic or electronic preservation and  
 20 reproduction systems with facilities for electronic access and retrieval.

21 (B) However, before the commission shall enter into any  
 22 contract for computerized data base banks of the statutes of Arkansas, the  
 23 commission shall confer with and seek the advice of the President Pro Tempore  
 24 of the Senate, the Speaker of the House of Representatives, the Legislative  
 25 Council, and the Director of the Bureau of Legislative Research with respect  
 26 to the needs and requirements for use of computerized data base banks of the  
 27 statutes of Arkansas:

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

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

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

34 (C) The commission shall confer periodically with the  
 35 President Pro Tempore of the Senate, the Speaker of the House of  
 36 Representatives, the Legislative Council, and the Director of the Bureau of

1 Legislative Research and shall seek their advice with respect to means of  
2 upgrading and improving the computerized data base banks to meet the needs  
3 and requirements for their respective uses;

4 (2) Providing continuing assistance to the commission in the  
5 maintenance of the data bases and the appropriate codification of legislation  
6 enacted by the General Assembly;

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

13 (4) Preparing a codification of all the statutes in a proposed  
14 code of laws to be presented to the General Assembly of the State of Arkansas  
15 for approval and enactment, or, in lieu of a single codification of all of  
16 the state's statutes, preparation of recommended codes of a similar subject  
17 or nature in proposed titles or chapters of a code for consideration by the  
18 General Assembly for enactment from time to time with the overall objective  
19 of eventually incorporating all of the state's statutes in a unified  
20 codification of those laws.

21 (c) ~~The commission shall cause the executive director and other staff~~  
22 ~~members of the commission~~ The code revisor and other designated staff of the  
23 Bureau of Legislative Research shall assist the commission:

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

- 27 (A) Obsolete statutes;
- 28 (B) Overlapping and duplicating laws;
- 29 (C) Inequitable or inconsistent laws;
- 30 (D) Deficiencies in existing laws which contribute to  
31 indefiniteness of interpretation of the purpose of those laws or the  
32 legislative intent of those laws;
- 33 (E) Deficiencies in administrative procedures;
- 34 (F) Defects in practice and procedure; and
- 35 (G) Deficiencies of due process provisions in the  
36 enforcement of the criminal laws of this state;

1           (2) To prepare initial drafts of corrective legislation to be  
 2 filed with the Legislative Council no later than one hundred twenty (120)  
 3 days after the adjournment of each session; and

4           (3)(A) To make studies of the methods, means, and systems used  
 5 in the various states for the compilation, codification, revision, and  
 6 publication of the compilations, codifications, or statutes of those states.

7           (B) These studies are to be used by the commission in  
 8 determining means of improving the codification of the statutes of Arkansas  
 9 and to prepare recommendations to the General Assembly in regard thereto.

10          (d)(1) In exercising the powers and duties imposed upon it by this  
 11 subchapter, the commission shall not authorize any change in the substance or  
 12 meaning of any provision of the Arkansas Code or any act of the General  
 13 Assembly. The bureau shall not change the substance or meaning of any  
 14 provision of the Arkansas Code or any act of the General Assembly. However,  
 15 the bureau working under the direction of the commission is authorized to:

16                   (A) Correct the spelling of words;

17                   (B) Change the capitalization for the purpose of  
 18 uniformity;

19                   (C) Correct manifest typographical and grammatical errors;

20                   (D) Correct manifest errors in references to laws and  
 21 other documents;

22                   (E) Correct manifest errors in internal reference numbers;

23                   (F) Substitute the proper Code section number, subchapter  
 24 number, chapter number, subtitle number, title number, or other number or  
 25 designation for the terms "this act", "the preceding Code section", or any  
 26 similar words or phrases;

27                   (G) Number, renumber, redesignate, and rearrange chapters,  
 28 subchapters, sections, subsections, and subdivisions, or any combination or  
 29 portion thereof;

30                   (H) Change internal reference numbers to agree with  
 31 renumbered chapters, subchapters, sections, subsections, subdivisions, or  
 32 portions thereof;

33                   (I) Substitute the correct calendar date for "the  
 34 effective date of this act" and other phrases of similar import;

35                   (J)(i) Correct inaccurate references to:

36                               (a) Funds;

- 1 (b) Fund accounts;
- 2 (c) The titles of officers;
- 3 (d) The names of departments or other agencies
- 4 of the federal government, the state government, or local governments, and
- 5 the names of other entities; and
- 6 (e) The short titles of other laws; and
- 7 (ii) Make any other name changes necessary to be
- 8 consistent with the laws currently in effect;
- 9 (K) Alphabetize definitions and make any necessary changes
- 10 to conform the definitions sections to Code style and format;
- 11 (L) Insert or delete hyphens in words so as to follow
- 12 correct grammatical usage;
- 13 (M) Change numerals or symbols to words or vice versa and
- 14 add figures or words if they are merely a repetition of written words or vice
- 15 versa for purposes of uniformity and style;
- 16 (N) Change the form of nouns, pronouns, and verbs for
- 17 purposes of style and grammar;
- 18 (O) Correct punctuation;
- 19 (P) Correct word usage;
- 20 (Q) Change gender-specific language to gender-neutral
- 21 language; and
- 22 (R) Remove obsolete language.
- 23 (2) Except as provided in subdivision (d)(1) of this section,
- 24 the wording, punctuation, and format of sections of acts shall appear in the
- 25 Code exactly as enacted by the General Assembly.
- 26 (3) No law may be removed from the Arkansas Code unless
- 27 specifically repealed by the General Assembly.
- 28 (4) Every section of each act which is required to be codified
- 29 shall be codified as a complete section of the Arkansas Code unless otherwise
- 30 consented to by the Director of the Bureau of Legislative Research.
- 31 (5) Sections of acts shall not be combined into the same Code
- 32 section unless they are identical or they specifically amend the same Code
- 33 section.
- 34 (6)(A) No section of an act shall be codified in more than one
- 35 (1) place in the Arkansas Code without the prior approval of the Director of
- 36 the Bureau of Legislative Research.

1 (B) If a section is applicable to more than one (1) title,  
 2 chapter, subchapter, or section of the Arkansas Code, it shall be codified in  
 3 one (1) section only, unless otherwise consented to by the Director of the  
 4 Bureau of Legislative Research, with notes indicating its applicability to  
 5 other portions of the Code.

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

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

12 (9)(A)(i) The commission shall provide a copy of its conformed  
 13 acts to the Director of the Bureau of Legislative Research within one hundred  
 14 twenty (120) days after the adjournment of each session of the General  
 15 Assembly.

16 (ii) The conformed acts may be provided in an  
 17 electronic format.

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

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

25 (e)(1) Except as provided in subdivision (e)(2) of this section, the  
 26 commission shall codify every initiated measure enacted by the people of  
 27 Arkansas and every act of each regular and extraordinary session of the  
 28 General Assembly.

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

- 32 (A) Appropriation language;
- 33 (B) Boilerplate language;
- 34 (C) Codification clauses;
- 35 (D) Effective date language;
- 36 (E) Emergency clauses;

- 1 (F) Expiration date language;
- 2 (G) General repealers;
- 3 (H) Intent, purpose, construction, and applicability
- 4 language;
- 5 (I) Language that specifically refers to an appropriation;
- 6 (J) Sections stating that they are not to be codified;
- 7 (K) Sections that the Legislative Council requests that
- 8 the commission not codify;
- 9 (L) Local, special, or temporary language; and
- 10 (M) Severability clauses.

11 (f)(1) The ~~commission~~ code revisor is expected to notify the Director  
 12 of the Bureau of Legislative Research on an act-by-act basis within one (1)  
 13 business day after discovering that a change should be made which requires  
 14 the prior approval of the Director of the Bureau of Legislative Research.

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

18 (g)(1) All uncodified local acts, special acts, and temporary acts,  
 19 excluding appropriation acts, shall be cumulatively indexed by the commission  
 20 using descriptive wording and shall include references to the act numbers and  
 21 years of enactment.

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

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

30  
 31 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
 32 General Assembly of the State of Arkansas that this act requires the Bureau  
 33 of Legislative Research to assist the Arkansas Code Revision Commission and  
 34 transfers the staff of the commission to the bureau; that to effectively  
 35 administer this act the transition should occur at the beginning of the next  
 36 fiscal year; that the effectiveness of this act on July 1, 2005, is essential



to the operation of the commission; and that in the event of an extension of the regular session, the delay in the effective date of this act beyond July 1, 2005, could work irreparable harm upon the proper administration of the preparation of the Arkansas Code. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2005.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36