

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
85th General Assembly
Regular Session, 2005

As Engrossed: H3/3/05

A Bill

HOUSE BILL 1971

By: Representatives Harrelson, *Bond*

For An Act To Be Entitled

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

Subtitle

AN ACT TO TRANSFER THE STAFF OF THE
ARKANSAS CODE REVISION COMMISSION TO THE
BUREAU OF LEGISLATIVE RESEARCH AND TO
PROVIDE THAT THE BUREAU SHALL PROVIDE
STAFF ASSISTANCE TO THE ARKANSAS CODE
REVISION COMMISSION.

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

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

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

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

(c) The Arkansas Code Revision Commission shall retain its powers,
duties, and functions with respect to the Arkansas Code but staff support



1 shall be provided by 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 personnel 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 personnel of
23 the 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.

(B) 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.

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

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

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

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

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

(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;

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.
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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

1 to the operation of the commission; and that in the event of an extension of
2 the regular session, the delay in the effective date of this act beyond July
3 1, 2005, could work irreparable harm upon the proper administration of the
4 preparation of the Arkansas Code. Therefore, an emergency is declared to
5 exist and this act being necessary for the preservation of the public peace,
6 health, and safety shall become effective on July 1, 2005.

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8 */s/ Harrelson, et al*
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