

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
4

As Engrossed: H3/3/05 S3/14/05

A Bill

HOUSE BILL 1971

5 By: Representatives Harrelson, *Bond*
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

16 AN ACT TO TRANSFER THE STAFF OF THE
17 ARKANSAS CODE REVISION COMMISSION TO THE
18 BUREAU OF LEGISLATIVE RESEARCH AND TO
19 PROVIDE THAT THE BUREAU SHALL PROVIDE
20 STAFF ASSISTANCE TO THE ARKANSAS CODE
21 REVISION COMMISSION.
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 with respect to the Arkansas Code but staff support



1 shall be provided by the Bureau of Legislative Research.

2 (d)(1) Employees transferred from the Arkansas Code Revision
3 Commission may occupy positions authorized for the Bureau of Legislative
4 Research and Bureau of Legislative Research employees may occupy positions
5 authorized for the Arkansas Code Revision Commission.

6 (2) Appropriations authorized for the personal services and
7 operating expenses of the Arkansas Code Revision Commission may be utilized
8 for the personal services and operating expenses of the Bureau of Legislative
9 Research and appropriations authorized for the personal services and
10 operating expenses of the Bureau of Legislative Research may be utilized for
11 the personal services and operating expenses of the office and employees
12 transferred from the Arkansas Code Revision Commission and for operating
13 expenses of the Arkansas Code Revision Commission.

14
15 SECTION 2. Arkansas Code § 1-2-302 is amended to read as follows:

16 1-2-302. ~~Executive director~~ Code revisor and staff assistance.

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

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

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

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

27 (b) The director shall consult with the commission concerning the
28 duties, authority, and responsibility of the code revisor and concerning the
29 code revision duties of other bureau personnel who assist the commission.

30
31 SECTION 3. Arkansas Code § 1-2-303 is amended to read as follows:

32 1-2-303. Powers and duties.

33 (a)(1) The Arkansas Code Revision Commission shall, from time to time,
34 arrange for the publication of compilations, recom compilations, revisions,
35 codifications, or recodifications of or cumulative or noncumulative
36 supplements to the statutes of Arkansas.

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

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

6 (4)(A) Contracts shall be awarded to the lowest responsible
7 bidder, taking into consideration, among other things, estimated time of
8 performance, quality of work, probability of timely and adequate performance,
9 and experience of the company regarding the services sought by the
10 commission.

11 (B) If the best interests of the state would be served,
12 any and all bids submitted to the commission regarding any publication
13 project may be rejected, and the commission may negotiate any necessary
14 contract with the party most qualified to perform the services sought by the
15 commission.

16 (5) The price at which publications under this section shall be
17 sold shall, from time to time, be fixed by the Arkansas Code Revision
18 Commission. If the commission enters into a contract with a publisher for any
19 publication, the price at which the publication under the contract shall be
20 sold shall, from time to time, be fixed by agreement between the commission
21 and the publishers.

22 (6) Supplements and replacement volumes published under the
23 supervision of the commission shall be prima facie evidence of the law
24 contained therein.

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

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

33 (B) However, before the commission shall enter into any
34 contract for computerized data base banks of the statutes of Arkansas, the
35 commission shall confer with and seek the advice of the President Pro Tempore
36 of the Senate, the Speaker of the House of Representatives, the Legislative

1 Council, and the Director of the Bureau of Legislative Research with respect
2 to the needs and requirements for use of computerized data base banks of the
3 statutes of Arkansas:

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

6 (ii) To meet the needs of the General Assembly and
7 the committees thereof; and

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

10 (C) The commission shall confer periodically with the
11 President Pro Tempore of the Senate, the Speaker of the House of
12 Representatives, the Legislative Council, and the Director of the Bureau of
13 Legislative Research and shall seek their advice with respect to means of
14 upgrading and improving the computerized data base banks to meet the needs
15 and requirements for their respective uses;

16 (2) Providing continuing assistance to the commission in the
17 maintenance of the data bases and the appropriate codification of legislation
18 enacted by the General Assembly;

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

25 (4) Preparing a codification of all the statutes in a proposed
26 code of laws to be presented to the General Assembly of the State of Arkansas
27 for approval and enactment, or, in lieu of a single codification of all of
28 the state's statutes, preparation of recommended codes of a similar subject
29 or nature in proposed titles or chapters of a code for consideration by the
30 General Assembly for enactment from time to time with the overall objective
31 of eventually incorporating all of the state's statutes in a unified
32 codification of those laws.

33 ~~(c) The commission shall cause the executive director and other staff~~
34 ~~members of the commission~~ The code revisor and other designated personnel of
35 the Bureau of Legislative Research shall assist the commission:

36 (1) To make continual studies and conduct reviews of the common

1 law, statutes, and current judicial decisions of the state in order to
2 identify:

3 (A) Obsolete statutes;

4 (B) Overlapping and duplicating laws;

5 (C) Inequitable or inconsistent laws;

6 (D) Deficiencies in existing laws which contribute to
7 indefiniteness of interpretation of the purpose of those laws or the
8 legislative intent of those laws;

9 (E) Deficiencies in administrative procedures;

10 (F) Defects in practice and procedure; and

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

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

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

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

22 (d)(1) In exercising the powers and duties imposed upon it by this
23 subchapter, the commission shall not authorize any change in the substance or
24 meaning of any provision of the Arkansas Code or any act of the General
25 Assembly. The bureau shall not change the substance or meaning of any
26 provision of the Arkansas Code or any act of the General Assembly. However,
27 the bureau working under the direction of the commission is authorized to:

28 (A) Correct the spelling of words;

29 (B) Change the capitalization for the purpose of
30 uniformity;

31 (C) Correct manifest typographical and grammatical errors;

32 (D) Correct manifest errors in references to laws and
33 other documents;

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

35 (F) Substitute the proper Code section number, subchapter
36 number, chapter number, subtitle number, title number, or other number or

1 designation for the terms "this act", "the preceding Code section", or any
2 similar words or phrases;

3 (G) Number, renumber, redesignate, and rearrange chapters,
4 subchapters, sections, subsections, and subdivisions, or any combination or
5 portion thereof;

6 (H) Change internal reference numbers to agree with
7 renumbered chapters, subchapters, sections, subsections, subdivisions, or
8 portions thereof;

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

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

12 (a) Funds;

13 (b) Fund accounts;

14 (c) The titles of officers;

15 (d) The names of departments or other agencies
16 of the federal government, the state government, or local governments, and
17 the names of other entities; and

18 (e) The short titles of other laws; and

19 (ii) Make any other name changes necessary to be
20 consistent with the laws currently in effect;

21 (K) Alphabetize definitions and make any necessary changes
22 to conform the definitions sections to Code style and format;

23 (L) Insert or delete hyphens in words so as to follow
24 correct grammatical usage;

25 (M) Change numerals or symbols to words or vice versa and
26 add figures or words if they are merely a repetition of written words or vice
27 versa for purposes of uniformity and style;

28 (N) Change the form of nouns, pronouns, and verbs for
29 purposes of style and grammar;

30 (O) Correct punctuation;

31 (P) Correct word usage;

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

34 (R) Remove obsolete language.

35 (2) Except as provided in subdivision (d)(1) of this section,
36 the wording, punctuation, and format of sections of acts shall appear in the

1 Code exactly as enacted by the General Assembly.

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

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

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

10 (6)(A) No section of an act shall be codified in more than one
11 (1) place in the Arkansas Code without the prior approval of the Director of
12 the Bureau of Legislative Research.

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

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

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

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

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

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

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

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

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

- 8 (A) Appropriation language;
- 9 (B) Boilerplate language;
- 10 (C) Codification clauses;
- 11 (D) Effective date language;
- 12 (E) Emergency clauses;
- 13 (F) Expiration date language;
- 14 (G) General repealers;
- 15 (H) Intent, purpose, construction, and applicability
 16 language;
- 17 (I) Language that specifically refers to an appropriation;
- 18 (J) Sections stating that they are not to be codified;
- 19 (K) Sections that the Legislative Council requests that
 20 the commission not codify;
- 21 (L) Local, special, or temporary language; and
- 22 (M) Severability clauses.

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

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

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

34 (2) No later than one hundred twenty (120) days after the
 35 adjournment of each legislative session, the ~~commission~~ code revisor shall
 36 provide a report to the Director of the Bureau of Legislative Research and

1 the Legislative Council identifying which acts and parts of acts of the
2 session are to be cumulatively indexed pursuant to subdivision (g)(1) of this
3 section.

4 (h) The Director of the Bureau of Legislative Research may delegate
5 his or her authority under this section to another employee of the bureau.
6

7 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that this act requires the Bureau
9 of Legislative Research to assist the Arkansas Code Revision Commission and
10 transfers the staff of the commission to the bureau; that to effectively
11 administer this act the transition should occur at the beginning of the next
12 fiscal year; that the effectiveness of this act on July 1, 2005, is essential
13 to the operation of the commission; and that in the event of an extension of
14 the regular session, the delay in the effective date of this act beyond July
15 1, 2005, could work irreparable harm upon the proper administration of the
16 preparation of the Arkansas Code. Therefore, an emergency is declared to
17 exist and this act being necessary for the preservation of the public peace,
18 health, and safety shall become effective on July 1, 2005.

19
20 /s/ Harrelson
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36