

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1427

By: Representative Gazaway
By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF ARKANSAS LAW RELATED TO
THE CODE REVISOR; TO DECLARE AN EMERGENCY; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF ARKANSAS LAW
RELATED TO THE CODE REVISOR; AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 1-2-302 is amended to read as follows:
1-2-302. Code Revisor and staff assistance.

(a)(1) The Bureau of Legislative Research shall employ a person to
serve as Code Revisor.

~~(2)(A) The Director of the Bureau of Legislative Research
shall seek the advice of the Arkansas Code Revision Commission before
employing a person as Code Revisor and before terminating the employment of a
person who is serving as Code Revisor.~~

~~(B) The commission shall be entitled to interview
applicants for the position of Code Revisor.~~

(b) The ~~director~~ Director of the Bureau of Legislative Research shall
may consult with the ~~commission~~ Arkansas Code Revision Commission concerning
the duties, authority, and responsibility of the Code Revisor and concerning
the code revision duties of other bureau personnel who assist the commission.



1 SECTION 2. Arkansas Code § 1-2-303(d)-(h), concerning the powers and
2 duties of the Arkansas Code Revision Commission, are amended to read as
3 follows:

4 (d)(1) In exercising the powers and duties imposed upon it by this
5 subchapter, the commission shall not authorize any change in the substance or
6 meaning of any provision of the Arkansas Code or any act of the General
7 Assembly. The bureau shall not change the substance or meaning of any
8 provision of the Arkansas Code or any act of the General Assembly. However,
9 the bureau working under the direction of the commission may:

10 (A) Correct the spelling of words;

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

12 (C) Correct manifest typographical and grammatical errors;

13 (D) Correct manifest errors in references to laws and

14 other documents;

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

16 (F) Substitute the proper Arkansas Code section number,
17 subchapter number, chapter number, subtitle number, title number, or other
18 number or designation for the terms "this act", "the preceding Code section",
19 or any similar words or phrases;

20 (G) Number, renumber, redesignate, and rearrange chapters,
21 subchapters, sections, subsections, and subdivisions, or any combination or
22 portion of chapters, subchapters, sections, subsections, and subdivisions;

23 (H) Change internal reference numbers to agree with
24 renumbered chapters, subchapters, sections, subsections, subdivisions, or
25 portions of chapters, subchapters, sections, subsections, and subdivisions;

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

28 (J) Correct inaccurate references to:

29 (i) Funds;

30 (ii) Fund accounts;

31 (iii) The titles of officers;

32 (iv) The names of departments or other agencies of
33 the federal government, the state government, or local governments, and the
34 names of other entities; and

35 (v) The short titles of other laws;

36 (K) Make any other name changes necessary to be consistent

1 with the laws currently in effect;

2 (L) Alphabetize definitions and make any necessary changes
3 to conform the definitions sections to Arkansas Code style and format;

4 (M) Insert or delete hyphens in words to follow correct
5 grammatical usage;

6 (N) Change numerals or symbols to words or vice versa and
7 add figures or words if they are merely repetitions of written words or vice
8 versa for purposes of uniformity and style;

9 (O) Change the form of nouns, pronouns, and verbs for
10 purposes of style and grammar;

11 (P) Correct punctuation;

12 (Q) Correct word usage;

13 (R) Change gender-specific language to gender-neutral
14 language; and

15 (S) Remove obsolete language.

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

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

21 ~~(4) Every section of each act which is required to be codified~~
22 ~~shall be codified as a complete section of the Arkansas Code unless otherwise~~
23 ~~consented to by the director.~~

24 ~~(5)~~(4) Sections of acts shall not be combined into the same
25 Arkansas Code section unless they are identical or they specifically amend
26 the same Arkansas Code section.

27 ~~(6)(A) No section of an act shall be codified in more than one~~
28 ~~(1) place in the Arkansas Code without the prior approval of the director.~~

29 ~~(B) If a section is applicable to more than one (1) title,~~
30 ~~chapter, subchapter, or section of the Arkansas Code, it shall be codified~~
31 ~~only in one (1) section unless otherwise consented to by the director, with~~
32 ~~notes indicating its applicability to other portions of the Arkansas Code.~~

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

36 ~~(8)~~(5) The commission shall insert a codifier's note under

1 appropriate Arkansas Code sections to alert the reader to conflicting
 2 Arkansas Code provisions and other problems identified by the commission.

3 ~~(9)(A)(i) The commission shall provide a copy of its conformed~~
 4 ~~acts to the director within one hundred twenty (120) days after the~~
 5 ~~adjournment of each session of the General Assembly.~~

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

8 ~~(B) As used in subdivision (d)(9)(A) of this section,~~
 9 ~~"conformed acts" means those documents prepared by the commission indicating~~
 10 ~~the differences between the codification of the acts and the original forms~~
 11 ~~of the acts.~~

12 ~~(10)(6)~~ If the acts of the General Assembly are in markup
 13 format, language overstricken shall not be codified and underlined language
 14 shall not be underlined in the Arkansas Code.

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

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

- 22 (A) Appropriation language;
- 23 (B) Boilerplate language;
- 24 (C) Codification clauses;
- 25 (D) Effective date language;
- 26 (E) Emergency clauses;
- 27 (F) Expiration date language;
- 28 (G) General repealers;
- 29 (H) Intent, purpose, construction, and applicability
- 30 language;
- 31 (I) Language that specifically refers to an appropriation;
- 32 (J) Sections stating that they are not to be codified;
- 33 (K) Sections that the Legislative Council requests that
- 34 the commission not codify;
- 35 (L) Local, special, or temporary language; and
- 36 (M) Severability clauses.

~~(f)(1) The Code Revisor is expected to notify the director 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.~~

~~(2) The director is expected to respond to the Code Revisor~~
~~within one (1) business day after receiving notice from the commission.~~

~~(g)(1)(f)(1)~~ All uncodified 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~~ The Code Revisor shall provide a
 report to the ~~director and the~~ Legislative Council identifying which acts and
 parts of acts of the session are to be cumulatively indexed pursuant to
 subdivision ~~(g)(1)~~ (f)(1) of this section.

~~(h)(g)~~ The director may delegate his or her authority under this
 section to another employee of the bureau.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
General Assembly of the State of Arkansas that the current Code Revisor will
be retiring soon; that the process for replacing the Code Revisor is
cumbersome and will require a significant amount of time; that the Code
Revisor impacts the public peace, health, and safety by ensuring that laws
enacted by the General Assembly are codified properly and made available to
the citizens of this state for implementation; and that this act is
immediately necessary because it is imperative that the Code Revisor position
be filled prior to the retirement of the current Code Revisor to ensure that
laws enacted by the General Assembly in the regular session of the Ninety-
fourth General Assembly are promptly and accurately codified. 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:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor,
the expiration of the period of time during which the Governor may veto the
bill; or

(3) If the bill is vetoed by the Governor and the veto is

overridden, the date the last house overrides the veto.

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