

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/28/23
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~~ If the Code Revisor is terminated by the Director of the Bureau of Legislative Research, the director shall discuss the reasons for the termination with the Arkansas Code Revision Commission.

(B) ~~The commission shall be entitled to interview applicants for the position of Code Revisor~~ The portion of a meeting of the commission concerning the termination of the employment of the Code Revisor under subdivision (a)(2)(A) of this section shall be closed and exempt from



public observance under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(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.

SECTION 2. Arkansas Code § 1-2-303(d)-(h), concerning the powers and duties of the Arkansas Code Revision Commission, 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 of the General Assembly. The bureau shall not change the substance or meaning of any provision of the Arkansas Code or any act of the General Assembly. However, the bureau working under the direction of the commission may:

- (A) Correct the spelling of words;
- (B) Change capitalization for the purpose of uniformity;
- (C) Correct manifest typographical and grammatical errors;
- (D) Correct manifest errors in references to laws and other documents;
- (E) Correct manifest errors in internal reference numbers;
- (F) Substitute the proper Arkansas Code section number, subchapter number, chapter number, subtitle number, title number, or other number or designation for the terms “this act”, “the preceding Code section”, or any similar words or phrases;
- (G) Number, renumber, redesignate, and rearrange chapters, subchapters, sections, subsections, and subdivisions, or any combination or portion of chapters, subchapters, sections, subsections, and subdivisions;
- (H) Change internal reference numbers to agree with renumbered chapters, subchapters, sections, subsections, subdivisions, or portions of chapters, subchapters, sections, subsections, and subdivisions;
- (I) Substitute the correct calendar date for “the effective date of this act” and other phrases of similar import;
- (J) Correct inaccurate references to:
 - (i) Funds;

- (ii) Fund accounts;
 - (iii) The titles of officers;
 - (iv) The names of departments or other agencies of the federal government, the state government, or local governments, and the names of other entities; and
 - (v) The short titles of other laws;
- (K) Make any other name changes necessary to be consistent with the laws currently in effect;
- (L) Alphabetize definitions and make any necessary changes to conform the definitions sections to Arkansas Code style and format;
- (M) Insert or delete hyphens in words to follow correct grammatical usage;
- (N) Change numerals or symbols to words or vice versa and add figures or words if they are merely repetitions of written words or vice versa for purposes of uniformity and style;
- (O) Change the form of nouns, pronouns, and verbs for purposes of style and grammar;
- (P) Correct punctuation;
- (Q) Correct word usage;
- (R) Change gender-specific language to gender-neutral language; and
- (S) 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 Arkansas 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.~~
- ~~(5)~~(4) Sections of acts shall not be combined into the same Arkansas Code section unless they are identical or they specifically amend the same Arkansas Code section.
- ~~(6)(A) 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.~~
- ~~(B) If a section is applicable to more than one (1) title,~~

~~chapter, subchapter, or section of the Arkansas Code, it shall be codified only in one (1) section unless otherwise consented to by the director, with notes indicating its applicability to other portions of the Arkansas 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 Arkansas Code and recommend corrections.~~

~~(8)(5) The commission shall insert a codifier's note under appropriate Arkansas Code sections to alert the reader to conflicting Arkansas 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 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) As used in 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)(6) 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 Arkansas 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;
- (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) 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.

/s/Gazaway