

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL

1687

By: Representative Shaver

"AN ACT TO CHANGE THE NAME OF THE ARKANSAS STATUTE REVISION COMMISSION TO THE ARKANSAS CODE REVISION COMMISSION; TO PRESCRIBE ADDITIONAL POWERS AND DUTIES OF SAID COMMISSION; AND FOR OTHER PURPOSES."

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

SECTION 1. That the name of the Arkansas Statute Revision Commission, as established by Act 50 of 1945, as amended, is hereby changed to, and the same shall hereafter be known as, the "Arkansas Code Revision Commission". The Arkansas Code Revision Commission shall succeed to all powers, functions and duties of the Arkansas Statute Revision Commission, as now provided by law, and all funds allocated or appropriated to the Arkansas Statute Revision Commission shall be made available for the support of the Arkansas Code Revision Commission and its staff.

The Arkansas Statute Revision Fund established in the State Treasury under the provisions of Act 651 of 1983 shall hereafter be known as the "Arkansas Code Revision Fund".

SECTION 2. In addition to the powers, functions, and duties now vested in the Arkansas Statute Revision Commission which are, by the provisions of this Act, transferred to the Arkansas Code Revision Commission, the Code Revision Commission shall have the authority, and it shall be its duty, to:

- (A) (1) make continual studies and conduct reviews of the common law, statutes, and current judicial decisions of the State in order to identify:
 - (a) obsolete statutes;
 - (b) overlapping and duplicating laws;
 - (c) inequitable or inconsistent laws;
 - (d) deficiencies in existing laws which contribute to indefinite-

ness of interpretation of the purpose of those laws or the legislative intent thereof;

(e) deficiencies in administrative procedures;

(f) defects in practice and procedure; and

(g) deficiencies of due process provisions in the enforcement of the criminal laws of this State;

(2) provide for other and similar studies designed to lead to the preparation of drafts of corrective legislation for presentation, after review and approval by the Legislative Council, to each session of the General Assembly for enactment; and

(3) make studies of the methods, means, and systems used in the various states for the compilation, codification, revision, and publication of the codes or statutes of those states. These studies are to be used by the Commission in determining means of improving the compilation of the Statutes of Arkansas and to prepare recommendations to the General Assembly in regard thereto.

(B) (1) In exercising the powers and duties imposed upon it by this Section, 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, but the Commission is authorized to:

(a) correct the spelling of words;

(b) change the capitalization for the purpose of uniformity;

(c) correct manifest typographical and grammatical errors;

(d) correct manifest errors in references to laws;

(e) correct manifest errors in internal reference numbers;

(f) substitute the proper 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) renumber, redesignate, and rearrange chapters, subchapters, sections, subsections, and subdivisions, or any combination or portion thereof;

(h) change internal reference numbers to agree with renumbered chapters, subchapters, sections, subsections, subdivisions, or portions thereof;

(i) substitute the correct calendar date for "the effective date

of this Act" and other phrases of similar import;

(j) correct inaccurate references to the titles of officers, the names of departments or other agencies of the State or local governments, or the federal government, and to the short titles of other laws, and make any other name changes necessary to be consistent with the laws currently in effect;

(k) rearrange definitions in alphabetical order;

(l) insert or delete hyphens in words so as to follow correct grammatical usage;

(m) change numerals or symbols to words or vice versa and add figures or words if they are merely a repetition of written words or vice versa for purposes of uniformity and style;

(n) change nouns from the singular to the plural or vice versa and change forms of verbs for purposes of style and grammar; and

(o) change punctuation for purposes of uniformity and consistency of style.

(2) This subsection shall not apply to the publication known as the Acts of Arkansas. The Acts of Arkansas shall be published containing the Acts of the General Assembly exactly as enacted by the General Assembly. No correction, change, renumbering, substitution, redesignation, or rearrangement shall be made to the text of the Acts published in the Acts of Arkansas.

SECTION 3. (a) The Arkansas Code Revision Commission shall not enter into any contracts or incur any financial obligations with publishing firms for the compilation, recompilation, revision, codification, or recodification of the Statutes of Arkansas, nor shall it enter into contracts for professional services nor incur any obligation of a continuing nature as authorized in this Act if the expenditure of state funds will be required, unless funds have been appropriated or are available from other sources available to it for that purpose.

(b) In no event shall the Commission create a financial commitment or obligation, to be paid for by the Commission or the State of Arkansas, in excess of the funds available to the Commission for the biennial period in which the services or obligations are incurred.

SECTION 4. EMERGENCY. It is hereby found and determined by the General

Assembly that the Arkansas Statute Revision Commission, acting under the authority of Act 641 of 1983, entered into a contract on August 1, 1984 with the Michie Company of Charlottesville, Virginia for a codification of the Statutes of the State of Arkansas of a general and permanent nature, and pursuant to such contract, the proposed Arkansas Code of 1987, consisting of 28 titles and 29 printed volumes, has been presented to the General Assembly for enactment by the 76th regular session; that upon enactment of the Code of Arkansas of 1987 by the General Assembly, the name of the Arkansas Statute Revision Commission should be changed to the Arkansas Code Revision Commission, and the duties of said Commission should be enlarged to provide for continuing review, revision, codification, and updating of the Code of 1987, including the incorporation therein of Statutes of a general and permanent nature enacted by the regular session of the 1987 General Assembly, in order that the entire body of the Arkansas Code of 1987 may be effective January 1, 1988; and that the immediate passage of this Act is necessary to change the name of said Commission to enable the Code Revision Commission to pursue its duties as outlined in this Act without undue delay. Therefore, an emergency is hereby declared to exist and this Act, being immediately necessary for the preservation of the public peace, health, and welfare, shall be in full force and effect upon its passage and approval.

