

AR CODE REVISION COMMISSION

Enabling Laws

Act 1205 of 2003

Act 50 of 1945 as amended. See A.C.A. § 1-2-301

History and Organization

The Arkansas General Assembly created the Arkansas Statute Revision Commission by Acts 1945, No. 50. The Commission was made up of the Dean of the School of Law, the Attorney General, and three members of the bar appointed by the Arkansas Supreme Court for terms of four years. The Commission immediately took up the tasks of contracting with a Digester of Statutes to digest the laws of Arkansas, for which the General Assembly appropriated \$35,000, and of contracting with a publisher for the publication of the document. The Commission selected the Bobbs-Merrill Publishing Company for both contracts. The result of this effort was the Arkansas Statutes of 1947 Annotated, the last compilation of the laws of Arkansas.

Upon the completion of this work, a question arose as to the continuing existence of the Commission. This issue was resolved by Acts 1955, No. 246. The act was to ensure the continuous supervision of the publication of the supplements to the Arkansas Statutes of 1947 Annotated.

Twenty years later, efforts were begun to allow the Commission to seek solutions to problems in the Arkansas statutes which time and the increasing number of new laws and their complexity had created. Acts 1975, No. 1219 (1976 Ext. Sess.), gave the Commission authority to solicit and receive competitive bids for the printing and binding of any new compilations of the statutes.

Acts 1977, No. 665, increased the membership of the Commission to include the Dean of the School of Law of the University of Arkansas at Little Rock and clarified the authority and responsibility of the Commission with respect to soliciting and accepting bids for the publication of compilations, recom compilations, revisions, and supplementation of the Arkansas statutes.

The Commission began to investigate the need for the recompilation or revision of the Arkansas Statutes of 1947 Annotated. The Commission considered proposals from several publishing companies, but it quickly became clear that without support from the General Assembly, little could be done to correct the problems in the statutes.

In 1983, the General Assembly passed three acts that allowed the Commission to begin the process of correcting the problems in the Arkansas Statutes of 1947 Annotated. Acts 1983, No. 641, increased the membership of the Commission to include two nonvoting observer members, one appointed from each house of the General Assembly. The act allowed the Commission to solicit bids for codifications and recodifications of the statutes, allowed the Commission to set the price for the various publications by agreement with the publisher, and authorized the Commission to enter into contracts for the: (1) creation and maintenance of a computerized database of the statutes of Arkansas; (2) provision of continuing assistance to the Commission for the maintenance of the database; (3) performance of any other services necessary for maintaining the availability of a

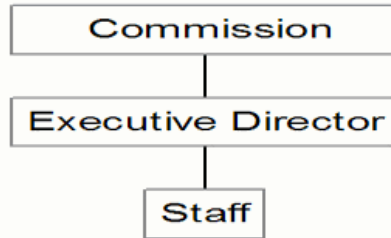
computerized database index of the statutes; and (4) preparation of a codification of all the statutes of a general and permanent nature into a proposed code or codes of law for presentation to and enactment by the General Assembly. The Act prohibited the Commission from making any changes in the substance or meaning of any law in the exercise of its power and prohibited the Commission from obligating the State for the compilation, recompilation, revision, codification, or recodification of the statutes, or incurring any obligation of a continuing nature, unless funds were appropriated or otherwise available to the Commission. Acts 1983, No. 651, created the Statute Revision Fund and provided for the collection of a fee of 25 cents, charged as court costs in all cases filed in the circuit, chancery, and probate courts and on all felony and misdemeanor convictions in circuit and municipal courts, to be deposited in the fund. Acts 1983, No. 640, appropriated money from the Statute Revision Fund for the operating expenses of the Arkansas Statute Revision Commission, including funding for a staff for the Commission for the first time in its forty-year history. This court cost was made a part of the uniform filing fees and court costs established by Acts 1995, No. 1256.

In August 1984, the Commission entered into an agreement with the Michie Company for the revision of the statutes of Arkansas into a single document for submission, consideration, and approval at the 1987 Regular Session of the General Assembly.

The preparation of the Arkansas Code of 1987 Legislative Edition took twenty-one months and included extensive legal research, review, and examination, and proofreading the equivalent of the Arkansas Statutes of 1947 three times during the process of supervising and consulting with the publisher's staff in the preparation of the Arkansas Code of 1987 Annotated. The General Assembly adopted the legislative edition in the 76th legislative session, effective January 1, 1988, changed the name of the Arkansas Statute Revision Commission to the Arkansas Code Revision Commission, and further detailed the duties and responsibilities of the Commission with respect to the code and future legislation.

After each regular session in 1989, 1991, 1993, 1995, 1997, 1999, and 2001, the staff of the Commission conformed the acts for inclusion in the Arkansas code, checking contract compliance by the publisher, listing items that needed additional legislation or examination by the General Assembly, drafting legislation to correct problems in the Arkansas Code, and updating the database of the code for legal research and bill drafting purposes. The staff repeated the process for the acts of the special sessions. The staff worked with the publisher to keep the Arkansas Code of 1987 up-to-date by the publication of one replacement volume during the 1989 biennium, by the publication of six replacement volumes during the 1991 biennium, and by the publication of 12 replacement volumes during the 1993 biennium. The staff also assisted the Education Laws Revision Commission and the Election Laws Revision Commission in their studies of the Arkansas Code of 1987. During the 1995 biennium, six volumes were replaced and two volumes were split and replaced; in addition, the Commentaries volume was split and replaced, as was the Tables volume. During the 1997 biennium, 32 supplements were completed, 12 volumes were replaced, and four volumes were split and replaced. During the 1999 biennium, in addition to replacing 42 supplements, seven volumes were replaced, three volumes were split and replaced, and title 29 was introduced in a special volume pamphlet. During the 2001 biennium, 44 supplements were replaced, 12 volumes were replaced, and two volumes were split and replaced. In each biennium, the staff also worked with the publisher in the publication of the Advance Code Service and assisted other agencies in their research and legal questions concerning the Arkansas Code.

The Arkansas Code Revision Commission, by Acts 1995, No. 459, was mandated to create a code of all state regulations. The Commission, by Acts 1997, No. 533, was reorganized, its powers and duties were changed, and the responsibility for creating the code of state regulations was removed. Acts 1999, No. 751, restored some of the powers removed the Commission by the 1997 act. Acts 2001, No. 327, restored more of the powers removed from the Commission by the 1997 act retroactive to March 17, 1997.



Agency Commentary

The Arkansas Code Revision Commission is requesting an increase in Operating Expenses for FY06 in the amount of \$2,500 to purchase a new PC and for FY07, an increase of \$1,000 to purchase additional office supplies.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
 AUDIT OF :
 Arkansas Code Revision Commission
 FOR THE YEAR ENDED JUNE 30, 2003

Findings	Recommendations
The Division of Legislative Audit does not perform an audit for the Agency.	

Employment Summary

	Male	Female	Total	%
White Employees	5	3	8	80 %
Black Employees	0	0	0	0 %
Other Racial Minorities	0	2	2	20 %
Total Minorities			2	20 %
Total Employees			10	100 %

Publications

A.C.A 25-1-204

Name	Statutory Authorization	Required for		# Of Copies	Reason (s) for Continued Publication and Distribution
		Governor	General Assembly		
N/A	N/A	N	N	0	N/A

Analysis of Budget Request

Appropriation / Program: 223 - Code Rev-St Oprs

Funding Sources: HUA- Miscellaneous Agencies Fund

Since 1989, the Arkansas Code Revision Commission (ACRC) has been responsible for maintaining the Arkansas Code of 1987 Annotated. This includes monitoring compliance of the contract with the publisher, assisting and monitoring the publisher in the preparation of supplements to the Code and conforming legislation after each regular and special session of the General Assembly for publication in the supplements of the Code. For the past several biennia, the General Assembly has reorganized the Commission and changed the way in which the Commission may codify legislation.

Base Level for this appropriation includes graduated salary increases of 3% to 1.5% each year over FY05 salary levels, along with related Personal Services Matching costs for nine (9) Base Level positions. This includes a \$600 minimum increase for employees earning \$20,000 or below. Included in Personal Services Matching in a \$40 increase in the monthly contribution for State employee's health insurance for a total State match of \$320 per month.

The Commission is requesting an increase in Operating Expenses of \$2,500 for FY06 to purchase a new computer and \$1,000 for FY07 to purchase additional office supplies.

The Executive Recommendation provides for Base Level.

Appropriation / Program Summary

Appropriation / Program: 223 Code Rev-St Oprs
Funding Sources: HUA- Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2003-2004 Actual	2004-2005 Budget	2004-2005 Authorized	2005-2006			2006-2007		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	344,271	354,091	335,469	365,193	365,193	365,193	375,871	375,871	375,871
#Positions		9	9	9	9	9	9	9	9	9
Extra Help	5010001	8,872	10,000	17,000	10,000	10,000	10,000	10,000	10,000	10,000
#Extra Help		2	1	6	6	6	6	6	6	6
Personal Services Matching	5010003	92,505	97,657	87,332	103,988	103,988	103,988	105,995	105,995	105,995
Operating Expenses	5020002	81,887	82,741	86,736	82,741	85,241	82,741	82,741	83,741	82,741
Travel-Conference Fees	5050009	3,874	2,360	4,000	2,360	2,360	2,360	2,360	2,360	2,360
Professional Fees and Services	5060010	4,200	4,200	5,000	4,200	4,200	4,200	4,200	4,200	4,200
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	1,000	0	0	0	0	0	0
Total		535,609	551,049	536,537	568,482	570,982	568,482	581,167	582,167	581,167
Funding Sources										
General Revenue	4000010	371,825	372,779		403,282	405,782	403,282	415,967	416,967	415,967
Merit Adjustment Fund	4000055	0	13,070		0	0	0	0	0	0
State Admn of Justice	4000470	113,996	113,996		113,996	113,996	113,996	113,996	113,996	113,996
Transfers from Agencies	4000690	49,788	51,204		51,204	51,204	51,204	51,204	51,204	51,204
Total Funding		535,609	551,049		568,482	570,982	568,482	581,167	582,167	581,167
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		535,609	551,049		568,482	570,982	568,482	581,167	582,167	581,167

The FY05 Budgeted amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2003-05 biennium.

Change Level by Appropriation

Appropriation / Program: 223-Code Rev-St Oprs

Funding Sources: HUA- Miscellaneous Agencies Fund

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	568,482	9	568,482	100.0	581,167	9	581,167	100.0
C01	Existing Program	0	0	568,482	100.0	1,000	0	582,167	100.1
C08	Technology	2,500	0	570,982	100.4	0	0	582,167	100.1

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	568,482	9	568,482	100.0	581,167	9	581,167	100.0
C01	Existing Program	0	0	568,482	100.0	0	0	581,167	100.0
C08	Technology	0	0	568,482	100.0	0	0	581,167	100.0

Justification

C01	This increase for Operating Expenses in the amount of \$1,000 in FY07 is to purchase some additional office supplies.
C08	This increase for Operating Expenses in the amount of \$2,500 in FY06 is to purchase a new computer.