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Using Legislative History in Arkansas to Determine Legislative Intent: An Examination of Cases and Review of the Sources

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USING LEGISLATIVE HISTORY IN ARKANSAS TO DETERMINE
LEGISLATIVE INTENT: AN EXAMINATION OF CASES AND
REVIEW OF THE SOURCES

*Kathryn C. Fitzhugh and Melissa M. Serfass**

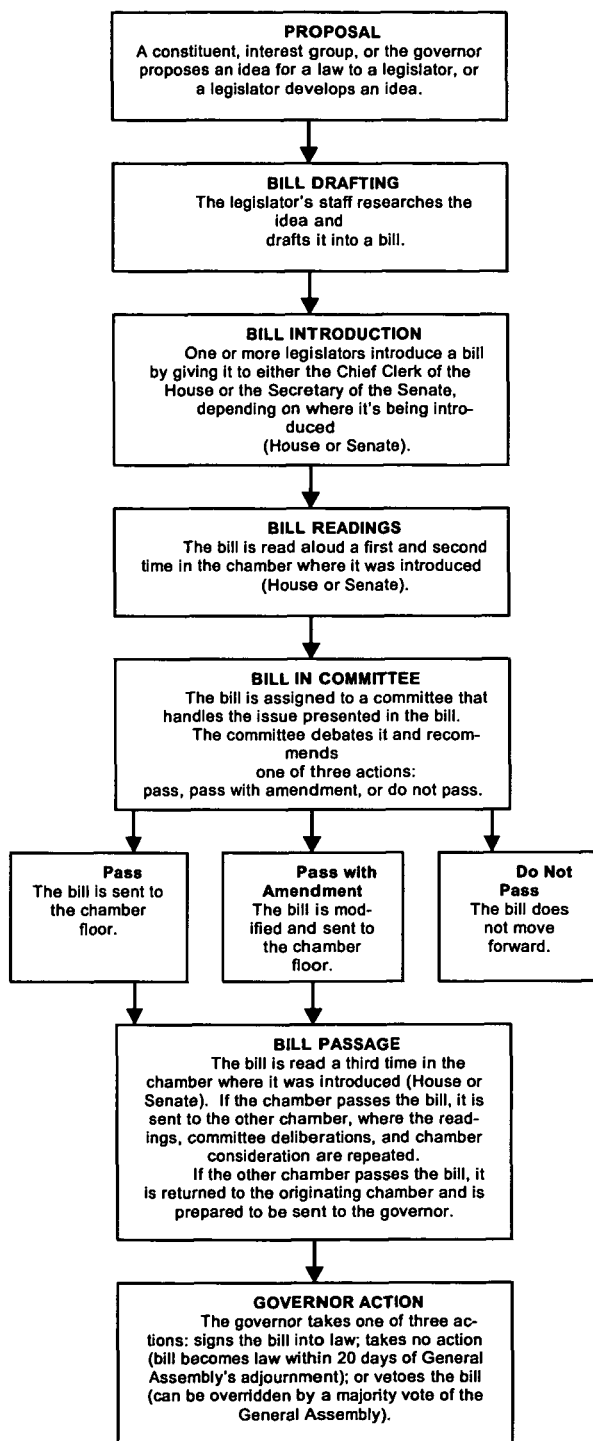
I. BRIEF DESCRIPTION OF THE LEGISLATIVE PROCESS

Arkansas's bicameral legislature, the Arkansas General Assembly, consists of two legislative chambers: the Senate and the House of Representatives. Thirty-five senators serve in the Senate and one hundred state representatives serve in the House of Representatives. In 2010, the Arkansas General Assembly began meeting annually, holding fiscal sessions in even-numbered years and general sessions in odd-numbered years.

The chart below gives a description of the Arkansas legislature's legislative process.¹

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1. LEAGUE OF WOMEN VOTERS OF ARKANSAS, GOVERNMENT IN ARKANSAS 15 (Douglas L. Reed and Margaret M. Reed, eds., 8th ed. 2009).



Most bills require a simple majority for passage. The Arkansas Constitution requires a two-thirds majority vote for bills for appropriations and new taxes.² Bills for tax increases and constitutional amendments require a three-fourths majority vote.³ The Arkansas Constitution has exceptions to its strict requirements for passage of appropriation and tax bills as it requires only a simple majority for appropriation and tax bills “to raise means for the payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection.”⁴

II. ARKANSAS APPELLATE COURTS’ USAGE OF LEGISLATIVE HISTORY

A court attempting to determine the meaning of a statute must answer three questions: “What does the statute say as written?”; “[w]hen should the statute be interpreted to mean something different than its literal meaning?”; and “[i]f interpretation is called for, how will this be done?”⁵ This section will focus on an aspect of the third question: What information will the Arkansas appellate courts consider in determining the intent of the legislature?

When the meaning of a statute is not clear, the courts will “look to the language of the statute, the subject matter, the object to be accomplished, the purpose to be served, the remedy provided, the legislative history, and other appropriate means that shed light on the subject.”⁶ The question of how legislative history has been used will be considered. Because published legislative history in Arkansas is in short supply, other sources used to determine legislative intent will be considered.

A. Legislative History

Traditionally the term legislative history is used to describe the documents produced by a legislature prior to and during the process of enacting a statute.⁷ Possible legislative history materials include bills, committee prints

2. ARK. CONST. art. V, sec. 31.

3. ARK. CONST. art. V, sec. 38.

4. ARK. CONST. art. V, sec 31.

5. Michael W. Mullane, *Statutory Interpretation in Arkansas: How Should a Statute Be Read? When is it Subject to Interpretation? What Our Courts Say and What They Do*, 2004 ARK. L. NOTES 85, 85. This article and a companion piece, Michael W. Mullane, *Statutory Interpretation in Arkansas: How Arkansas Courts Interpret Statutes. A Rational Approach*, 2005 ARK. L. NOTES 73, provide a detailed analysis of how Arkansas appellate courts have approached the issue of statutory interpretation.

6. *Sluder v. Steak & Ale of Little Rock, Inc.*, 361 Ark. 267, 272, 206 S.W.3d 213, 215 (2005) (quoting *Kyzar v. West Memphis*, 360 Ark. 454, 201 S.W.3d 923 (2005)).

7. CHRISTIAN E. MAMMEN, *USING LEGISLATIVE HISTORY IN AMERICAN STATUTORY INTERPRETATION* 189 (2002).

and reports, hearings, floor debates, and conference reports. A researcher compiling a federal legislative history will find many of these documents widely available.⁸ A legal researcher in Arkansas will not. The Arkansas General Assembly does not publish its proceedings other than in a journal from each chamber that records the readings of bills and the votes.⁹ The Arkansas legislature does not currently publish debates, committee reports, or transcripts of committee hearings.¹⁰

Arkansas courts have repeatedly said they look to legislative history in determining legislative intent.¹¹ Given that many of the materials traditionally called legislative history are not available in Arkansas, what do Arkansas appellate courts mean when they say they consider legislative history?

If materials similar to those found at the federal level were available in Arkansas, the appellate courts would possibly make use of them. In a concurrence in *Southwest Arkansas Communications, Inc. v. Arrington*, Justice Glaze of the Arkansas Supreme Court said, “Undoubtedly, if our General Assembly had a system by which a record could be made of its proceedings *when construing and passing legislation*, valuable information would then be available to the courts when confronted with constitutional and statutory problems such as that presented in . . . the case at hand.”¹²

B. General Rules

Arkansas’s appellate courts review issues of statutory construction *de novo* and are not bound by the trial court’s decision; however, absent a showing of error, that interpretation will be accepted as correct on appeal.¹³ The often articulated rules of statutory construction in Arkansas include:

- “The basic rule of statutory construction is to give effect to the intent of the legislature.”¹⁴

8. ROY M. MERSKY & DONALD J. DUNN, *FUNDAMENTALS OF LEGAL RESEARCH* 183 (8th ed. 2002).

9. ARK. CONST. art. V, § 12.

10. Before 1956, the Arkansas House and Senate Journals were more substantive in the published content. *See infra* Part III.E.

11. *See, e.g.*, *Ark. Okla. Gas Corp. v. Macsteel Div. of Quanex*, 370 Ark. 481, 485, 262 S.W.3d 147, 150 (2007); *Ark. Dep’t of Econ. Dev. v. William J. Clinton Presidential Found.*, 364 Ark. 40, 48, 216 S.W.3d 119, 125 (2005); *Burford Distrib., Inc. v. Starr*, 341 Ark. 914, 916, 20 S.W.3d 363, 365 (2000); *ACW, Inc. v. Weiss*, 329 Ark. 302, 313, 947 S.W.2d 770, 775 (1997).

12. 296 Ark. 141, 149, 753 S.W.2d 267, 271 (1998) (Glaze, J., concurring) (emphasis in original).

13. *Quanex*, 370 Ark. at 485, 262 S.W.3d at 150; *Kelley v. USAA Cas. Ins. Co.*, 371 Ark. 344, 346, 266 S.W.3d 734, 737 (2007); *Bryant v. Cadena Contracting, Inc.*, 100 Ark. App. 377, 379, 269 S.W.3d 378, 379 (2007).

14. *Weiss v. Maples*, 369 Ark. 282, 286, 253 S.W.3d 907, 911 (2007); *State ex rel. Ark.*

- “The first rule in considering the meaning and effect of a statute is to construe it just as it reads, giving the words their ordinary and usually accepted meaning in common language.”¹⁵
- “Where the language of a statute is clear and unambiguous and susceptible of a sensible construction,” the court will not resort to statutory construction.¹⁶
- “A statute is ambiguous only where it is open to two or more constructions, or where it is of such obscure or doubtful meaning that reasonable minds might disagree or be uncertain as to its meaning.”¹⁷
- Statutes are construed “so that no word is left void, superfluous or insignificant.”¹⁸ Every word is given meaning and effect if possible.¹⁹
- When a review is necessary, it is “an examination of the whole act.”²⁰
- In an effort to give effect to every part, provisions are reconciled “to make them consistent, harmonious, and sensible.”²¹
- “[S]tatutes relating to the same subject are said to be *in pari materia* and should be read in a harmonious manner, if possible.”²²
- “A cardinal rule in dealing with a statutory provision is to give it a consistent and uniform interpretation so that it is not taken to mean one thing at one time and something else at another time.”²³

Dep’t of Parks and Tourism v. Jeske, 365 Ark. 279, 285, 229 S.W.3d 23, 27 (2006). *Accord* Wal-Mart Stores, Inc. v. D.A.N. Joint Venture III, L.P., 374 Ark. 489, 490, 288 S.W.3d 627, 629 (2008).

15. *Quanex*, 370 Ark. at 485, 262 S.W.3d. at 150; *Sluder v. Steak & Ale of Little Rock, Inc.*, 361 Ark. 267, 272, 206 S.W.3d 213, 215 (2005).

16. *Britt v. State*, 261 Ark. 488, 495, 549 S.W.2d 84, 87 (1977).

17. *City of Fort Smith v. Carter*, 364 Ark. 100, 108, 216 S.W.3d 594, 599 (2005). *Accord* ACW v. Weiss, 329 Ark. 302, 312, 947 S.W. 2d 770, 775 (1997).

18. *Maples*, 369 Ark. at 286, 947 S.W.3d at 911; *Jeske*, 365 Ark. at 285, 229 S.W.3d at 27.

19. *Maples*, 369 Ark. at 286, 947 S.W.3d at 911; *Jeske*, 365 Ark. at 285, 229 S.W.3d at 27.

20. *Maples*, 369 Ark. at 286, 947 S.W.3d at 911.

21. *Id.* at 286, 947 S.W.3d at 911.

22. *Id.* at 286–87, 947 S.W.3d at 912; *Jeske*, 365 Ark. at 285, 229 S.W.3d at 27.

23. *Morris v. McLemore*, 313 Ark. 53, 55, 852 S.W.2d 135, 136 (1993).

When the construction of a statute has been followed for many years, it ought not to be changed.²⁴

C. Legislative History in House and Senate Journals

The courts will look to the legislative journals as a source to determine legislative intent.²⁵ In *State v. Bowman*, the Arkansas Supreme Court said, “[n]ow, whenever a question arises as to the existence of a statute, the judges who are called upon to decide have a right to resort to any source of information in order to arrive at a correct determination, and to that end may examine the legislative journals.”²⁶ The court in *Bowman* examined the House Journal to determine whether a bill was legally enacted.²⁷

In *Wiseman v. Madison Cadillac Co.*, the court said that when there is ambiguity in a legislative act, the court would resort to the history of the statute and of the proceedings attending its passage.²⁸ In addition, it stated that courts would take judicial notice of the actions of the legislature as shown by the journals.²⁹

In *Martin v. Hickey*, the court refused to read a provision that the legislature had omitted into an act, stating, “[a]ny uncertainty that exists is completely dispelled when the legislative history of the 1955 act is examined.”³⁰ Examining the House Journal had shown that the legislature amended the bill to strike a specific word.³¹

In *Frolic Footwear, Inc. v. State*, the court said, “Since the legislators specifically deleted the words ‘loss of pay,’ we find it impossible to believe that they really meant for that deletion to be meaningless.”³² Again, the court examined the House Journal in order to make their determination.³³ As recently as 2001, a court has taken judicial notice of the 1935 edition of the

24. *Kelley v. USAA Cas. Ins. Co.*, 371 Ark. 344, 348, 266 S.W.3d 734, 738 (2007) (citing *Morris*, 313 Ark. at 55, 852 S.W.2d at 136).

25. See *Martin v. Hickey*, 232 Ark. 121, 123, 334 S.W.2d 667, 669 (1960); *Bell v. State*, 120 Ark. 530, 530, 180 S.W. 186, 190 (1915); *State v. Bowman*, 90 Ark. 174, 174, 118 S.W. 711, 712 (1909).

26. *Bowman*, 90 Ark. at 174, 118 S.W. at 712.

27. *Id.* at 174, 118 S.W. at 712–13.

28. 191 Ark. 1021, 1021, 88 S.W.2d 1007, 1009 (1936).

29. *Id.* at 1021, 88 S.W.2d at 1009.

30. 232 Ark. 121, 122, 334 S.W.2d 667, 669 (1960) (quoting *Moorman v. Taylor*, 227 Ark. 180, 181, 297 S.W.2d 103, 104 (1957)).

31. *Id.* at 122, 334 S.W.2d at 669.

32. 284 Ark. 487, 489, 683 S.W.2d 611, 612 (1985) (citing *Moorman*, 227 Ark. at 181, 297 S.W.2d at 104).

33. *Id.* at 489, 683 S.W.2d at 612.

House Journal in its determination that a constitutional amendment had been properly adopted.³⁴

D. Act Title, Preamble, and Emergency Clause

[W]here there is doubt as to the legislative intent, due either to ambiguous phrases or a suggested word omission, and where the missing word can be appropriately supplied by determining from the title, preamble, or other collateral phrases just what the law-makers intended to accomplish, it is then proper to consider any or all of these collateral aids.³⁵

While the title of an act is not controlling, it, like a preamble or emergency clause, may be looked at to determine “a meaning not fully expressed in the Act proper.”³⁶ In *Roscoe v. Water and Sewer Improvement District No. 3 of Garland County*, the court examined the affirmative language of an act along with the title and preamble to determine that the omission of the word “and” in one section was a clerical mistake and should be included to accomplish what lawmakers intended.³⁷

Declaring “[w]hat the chapter [of the Arkansas Code] concerns is readily apparent from the Act’s title,” the Arkansas Supreme Court has looked to the title to determine the application of a statute.³⁸ Stating that “[t]he title of an act, while not part of the law, may be referred to in order to help ascertain the intent of the General Assembly,” the court in *Consumers Utilities Rate Advocacy Division v. Arkansas Public Service Commission* examined the subtitle of an act.³⁹

An emergency clause may be considered in determining the intent of an act.⁴⁰ The effect of an emergency clause is to allow an act to become effective immediately. Arkansas cases clearly illustrate the courts’ willingness to examine an emergency clause.⁴¹

34. *Rudd v. State*, 76 Ark. App. 121, 126–27, 61 S.W.3d 885, 890 (2001).

35. *Roscoe v. Water & Sewer Improvement Dist. No. 3 of Garland County*, 216 Ark. 109, 111, 224 S.W.2d 356, 357 (1949).

36. *Id.* at 111, 224 S.W.2d at 357.

37. *Id.* at 110, 224 S.W.2d at 357.

38. *Kelly v. USAA Cas. Ins. Co.*, 371 Ark. 344, 347, 266 S.W.3d 734, 738 (2007).

39. 99 Ark. App. 228, 235, 258 S.W.3d 758, 765 (2007) (citing *Routh Wrecker Serv., Inc. v. Wins*, 312 Ark. 123, 847 S.W.2d 707 (1993)).

40. *Roscoe*, 216 Ark. at 111, 224 S.W.2d at 357.

41. *See, e.g., Farm Bureau Mut. Ins. Co. of Ark. v. Wright*, 285 Ark. 228, 232, 686 S.W.2d 778, 782 (1985) (“We are also especially persuaded by the emergency clause which reveals the true purpose of the act”); *Heath v. Westark Poultry Processing Corp.*, 259 Ark. 141, 144, 531 S.W.2d 953, 955 (1976) (“The language of the emergency clause . . . tends to support our view.”).

E. Official Commentary

While Arkansas courts consider official commentary a highly persuasive aid to construction, it is not controlling over the plain meaning of a statute.⁴² In *State v. Reeves*, the Arkansas Supreme Court agreed with the interpretation in the commentary to the criminal code,⁴³ stating:

While we are not bound by the interpretation of the Criminal Code set out in the commentary, it is very highly persuasive and should be adopted unless we are clearly convinced that it is erroneous or that it is contrary to the settled policy of this state, as declared in opinions of this court.⁴⁴

The courts also consider commentary to the Uniform Commercial Code a highly persuasive aid to construction.⁴⁵

F. Administrative and Executive Interpretation

Arkansas follows the familiar rule of statutory construction that the interpretation of a law by executive and administrative officers is highly persuasive and will not be disregarded unless it is clearly wrong.⁴⁶ In *Omega Tube v. Maples*, the court noted that executive and administrative officers will generally be called upon to interpret statutes long before the courts will.⁴⁷ The construction placed on a statute by an executive or administrative officer, "especially if . . . observed and acted upon for a long period of time, and generally or uniformly acquiesced in," should only be disregarded when it is clearly wrong.⁴⁸

Citing *Omega Tube*, the court in *ACW, Inc. v. Weiss* affirmed that an executive or administrative interpretation will not be disregarded unless it is clearly wrong.⁴⁹ Materials considered by the court in *ACW, Inc.* in interpreting a tax-rate question included the official *Arkansas Legislative Tax Handbook* prepared by the Legislative Council of the Arkansas General Assem-

42. *State v. Owens*, 370 Ark. 421, 425, 260 S.W.3d 288, 291 (2007) (holding that the plain language of the statute in question was clear); *Britt v. State*, 261 Ark. 488, 495, 549 S.W.2d 84, 87 (1977) (holding that the plain language of the statute in question was clear).

43. 264 Ark. 622, 574 S.W.2d 647 (1978).

44. *Id.* at 625, 574 S.W.2d at 648–49.

45. *See Cranfill v. Union Planters Bank, N.A.*, 86 Ark. App. 1, 10, 158 S.W.3d 703, 709 (2004).

46. *Omega Tube & Conduit Corp. v. Maples*, 312 Ark. 489, 495, 850 S.W.2d 317, 320 (1993); *Sw. Bell Tel., L.P. v. Dir. of Ark. Employment Sec. Dep't*, 93 Ark. App. 303, 308, 218 S.W.3d 317, 320 (2005).

47. *Omega Tube*, 312 Ark. at 495, 850 S.W.2d at 320.

48. *Id.* at 496, 850 S.W.2d at 320.

49. *ACW, Inc. v. Weiss*, 329 Ark. 302, 313, 947 S.W.2d 770, 775 (1997).

bly and the 1991–1993 Official Budget of the State of Arkansas prepared by the Department of Finance and Administration.⁵⁰

G. History of Statutes and Subsequent Amendments

As a guide in determining legislative intent, the courts will examine the history of statutes involved.⁵¹ In the 1996 election law case of *Citizens to Establish a Reform Party in Arkansas v. Priest*, the central issue was the deadline by which a petition to organize a new political party had to be filed with the Secretary of State.⁵² Two statutes were found to be in “hopeless conflict.”⁵³ The court examined the “genesis of the conflict” through a detailed review of the legislation on the topic.⁵⁴ The court looked at acts on the subject passed in five different legislative sessions, starting in 1971 and ending in 1995.⁵⁵ The court said, “[i]n divining the intent of the legislature, we may construe the statutes in question by looking to all laws on the subject, viewing them as a single system and giving effect to the general purpose of the system.”⁵⁶

Viewing the system of election laws as a whole, the court determined which deadline served the intention of the legislature.⁵⁷ Courts will also consider changes made to statutes by subsequent amendments as a determining factor to legislative intent.⁵⁸

H. Testimony of Legislators and Other Individuals

Arkansas courts will not consider the testimony of individual legislators as a factor determinative of legislative intent. Courts have made it very clear that individual views regarding legislative intent are not admissible.⁵⁹

50. *See id.* at 313–14, 947 S.W.2d at 775.

51. *Wal-Mart Stores, Inc. v. D.A.N. Joint Venture III, L.P.*, 374 Ark. 489, 491, 288 S.W.3d 627, 629 (2008); *State v. L.P.*, 369 Ark. 21, 27, 250 S.W.3d 248, 253 (2007); *Citizens to Establish a Reform Party in Ark. v. Priest*, 325 Ark. 257, 261, 926 S.W.2d 432, 435 (1996).

52. *Citizens*, 325 Ark. at 259, 926 S.W.2d at 434.

53. *Id.* at 262, 926 S.W.2d at 435.

54. *See id.* at 261, 926 S.W.2d at 435.

55. *Id.* at 261–66, 926 S.W.2d at 435–37.

56. *Id.* at 265, 926 S.W.2d at 437.

57. *Id.* at 266–67, 926 S.W.2d at 437–38.

58. *Ark. County v. Desha County*, 342 Ark. 135, 141, 27 S.W.3d 379, 383 (2000); *Sw. Bell Tel., L.P. v. Dir. of Ark. Employment Sec. Dep’t*, 93 Ark. App. 303, 308, 218 S.W.3d 317, 320 (2005) (citing *Pledger v. Mid-State Constr. & Materials, Inc.*, 325 Ark. 388, 925 S.W.2d 412 (1996)).

59. *Bd. of Trustees for the City of Little Rock, Ark., Police Pension Fund v. City of Little Rock*, 295 Ark. 585, 590, 750 S.W.2d 950, 953 (1988); *Carr v. Young*, 231 Ark. 641, 645, 331 S.W.2d 701, 704 (1960), *rev’d on other grounds*, *Shelton v. Tucker*, 364 U.S. 479

In *Carr v. Young*, the testimony of both the Attorney General, whose office assisted in drafting the legislation, and the senator who introduced the bill was found to be incompetent to show legislative intent.⁶⁰ In *Wiseman v. Madison Cadillac Co.*, the court stated that it “will not inquire into the motives which influenced the Legislature or individual members in voting for its passage, nor indeed as to the intention of the draftsman or of the Legislature so far as it has not been expressed in the act.”⁶¹

III. PRIMARY SOURCES

A. Bills

- Print

- The Chief Clerk of the House’s and Secretary of the Senate’s offices offer access to bills at their offices where the bills may be printed through the offices’ computers.

- *Arkansas Daily Legislative Digest*. Little Rock, AR: Arkansas Legislative Digest, 1939 to date. This publication is a loose-leaf set that provides a daily subscription to bills, amendments, resolutions, and session laws during sessions, in addition to summaries of bills and resolutions introduced, bill status information, committee schedules, summaries of actions taken, rosters, and roll-call votes.

- Online

- Arkansas General Assembly Website, <http://www.arkleg.state.ar.us>. The Arkansas General Assembly website provides the text of bills and resolutions from the 76th General Assembly, Regular Session, 1987 to date; bill status reports; the text of amendments; and other legislative information.

- *Digest Arkansas*. Little Rock, AR: Arkansas Legislative Digest, Inc., <http://ardigest.net/www/ar/index.htm>. *Digest Arkansas* provides full-text bills and resolutions, 1992 to date; bill tracking and status; summaries; news; news alerts; ros-

(1960). Both cases cite *Wiseman v. Madison Cadillac Co.*, 191 Ark. 1021, 88 S.W.2d 1007 (1935).

60. *Carr*, 231 Ark. at 645, 331 S.W.2d at 704.

61. 191 Ark. 1021, 1025, 88 S.W.2d 1007, 1009 (1935).

ters; statistics; and other legislation-related information. Its first version, the *Arkansas Legislative Digest*, a print version includes summaries of bills and resolutions and status information.

- LexisNexis offers both current bills and current bill tracking in AR Bill Tracking and Full-Text Bills, ARBILL. LexisNexis has two other databases that offer current bills and bill tracking separately.

- Westlaw's full-text Arkansas bills databases include the following: AR-BILLTXT, AR-STN-BILLTXT, and AR-BILLS. Historical bills are in AR-BILLS-OLD and AR-BILLTXT-OLD, 1996 to date for all bill versions and 1995 to date for enacted versions. Westlaw bill tracking databases are: AR-BILLTRK for current bills and AR-BILLTRK-OLD for bill summaries, 1992 to date.

- Microfiche

- Arkansas Bureau of Legislative Research. *Senate Bills, House Bills, and Resolutions*. Little Rock, AR: the Bureau, 1949–2001.

B. Session Laws

Knowing the effective date, that is, the date an act becomes effective, is essential. The Bureau of Legislative Research's *Legislative Drafting Manual* explains how to calculate effective dates by stating that, "[a]n act without an emergency clause or specific effective date becomes effective on the ninety-first day after sine die adjournment of the session at which the act was enacted or the ninety-first day of a recess."⁶²

- Sources for Effective Dates

- Arkansas General Assembly. *Summary of General Action on General Legislation*. 1969 to date.

62. BUREAU OF LEGISLATIVE RESEARCH, LEGISLATIVE DRAFTING MANUAL FOR THE STATE OF ARKANSAS § 6.5 (2006), available at <http://www.arkleg.state.ar.us/bureau/Pages/bureaupublications.aspx> (follow "Legal Services Division Publications" hyperlink, then select "Legislative Drafting Manual October 2006" hyperlink) (requires log-in).

<http://www.arkleg.state.ar.us> (under “Documents,” “Summary of General Legislation”).

○ Arkansas Attorney General’s Opinions Website. 1991 to date. <http://ag.arkansas.gov/opinions/>.

○ *Arkansas Statutes Annotated* prefaces, 1838–1979.

• Print

○ *Acts of Arkansas*. Little Rock: Thomson-West. 1837 to date. The former publisher is the Arkansas Secretary of State. Since 1994 the appropriation acts and the general acts have been published in the same volumes.

○ *Arkansas Code of 1987 Annotated*. Charlottesville, VA: LexisNexis, Matthew Bender, 1995 to date. This set consists of paperbound volumes containing the Arkansas acts. They are published during each legislative session.

• Online

○ Arkansas General Assembly. *Acts*. Little Rock, AR: Arkansas General Assembly, <http://www.arkleg.state.ar.us>. The General Assembly’s web page provides the current Arkansas session laws and those of previous legislative sessions from 1987 to date.

○ *Digest Arkansas*. Little Rock, AR: Arkansas Legislative Digest, Inc., <http://www.ardigest.net/www/ar/index.htm>. *Digest Arkansas* provides Arkansas acts from 1992 to date, in addition to bills, resolutions, and other legislative and legislation-related information.

○ LexisNexis’s Arkansas Advance Legislative Service, ARALS file, provides Arkansas session laws from 1989 to date.

○ Westlaw provides Arkansas session laws in the following databases: AR-LEGIS, current session laws and AR-LEGIS-OLD, 1991 to date.

○ HeinOnline. Session Laws Library. HeinOnline provides Arkansas session laws from 1985 to date with a time lag of approximately one year.

- Microfiche

- Arkansas. General Assembly. *Acts*. Buffalo, NY: Hein, 1819–1989. This microfiche set provides session laws through 1989.

- Amendments

- Arkansas General Assembly. *Bills and Resolutions*, <http://www.arkleg.state.ar.us>. After retrieving a bill, links to the bill status history and the amendments appear on the same page.

- *Digest Arkansas* provides the text of amendments for the date range of the bills it provides, 1992 to date. See the Amendment Table of a bill's "Index of Options" page.

C. Committee Hearings

- Print

- The legislature does not publish current committee reports. The pre-1956 House and Senate Journals contain selective committee reports.

D. Floor Debate

No floor debate is officially recorded.

E. House and Senate Journals

The House and Senate Journals provide the minutes of the two chambers. The pre-1956 journals provide more detailed minutes in some instances; additionally, they provide appendices containing selective reports of committees and the state agencies and other miscellaneous information.

- Print

- Arkansas General Assembly. *House Journal*. 1st Session, 1836–60th Session, 1955. Biennial. Most of the 1860–1955 journals are indexed.

- Arkansas General Assembly. *Senate Journal*. 1st Session, 1836–60th Session, 1955. Most of the 1860–1955 journals are indexed.

- Online

- Arkansas General Assembly. *House Journal*. 84th Session, 2003 to date, <http://www.arkleg.state.ar.us>.

- Arkansas General Assembly. *Senate Journal*. 83rd Session, 2001 to date, <http://www.arkleg.state.ar.us>.

- Westlaw's AR-LH-JRNLS database offers House Journals from the 84th Session, 2003 to date and the Senate Journals from the 83rd Session, 2001 to date.

F. Preambles

A preamble is a prefatory statement, appearing before the enacting clause, of reasons impelling the legislature to act.⁶³ Although sparingly used, preambles appear in the session laws when they exist. Older preambles frequently begin with a series of statements beginning with “whereas” and ending with “now, therefore.”

G. Other Sources

- Bibliography

- Bureau of Legislative Research, *Legislative Drafting Manual for the State of Arkansas* (2006), available at, <http://www.arkleg.state.ar.us/bureau/legal/Publications/Bill%20Drafting%20Manual%2010-08-06.pdf>.

- M. E. Mullins, *A HANDBOOK FOR LEGISLATIVE DRAFTERS (ARKANSAS EDITION)* (1986).

- *THERE OUGHTA BE A LAW!: A MANUAL FOR NEW ARKANSAS LEGISLATORS*. Little Rock, AR: Bureau of Legislative Research (2000).

63. M. E. MULLINS, *A HANDBOOK FOR LEGISLATIVE DRAFTERS (ARKANSAS EDITION)* 86 (1986).

H. Contact Information

- Legislature

- House of Representatives, Little Rock, AR. In session phone: 501-682-6211. Out of session phone: 501-682-7771.

- Arkansas Senate, Little Rock, AR. In session phone: 501-682-2902. Out of session phone: 501-682-6107. Secretary of the Senate, phone: 501-682-5951. Website: www.arkansashouse.org.

- Bureau of Legislative Research, State Capitol, Room 315, Little Rock, AR 72201. Phone: 501-682-1937. Website: www.state.ar.us/senate/.

- Libraries

- Arkansas Supreme Court Library, Phone: 501-682-2147. <http://courts.state.ar.us/library>.

- UALR/Pulaski County Law Library, University of Arkansas at Little Rock William H. Bowen School of Law, Phone: 501-324-9970. <http://www.law.ualr.edu/library/>.

- Young Law Library, University of Arkansas School of Law. Phone: 479-575-8427. <http://law.uark.edu/library.php>.

