

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

State of Arkansas

As Engrossed: H3/25/99 H3/29/99 H3/31/99

82nd General Assembly

A Bill

Act 1508 of 1999

Regular Session, 1999

HOUSE BILL 2199

By: Representative Madison

For An Act To Be Entitled

"AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE ARKANSAS CODE; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE ARKANSAS CODE."

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

SECTION 1. Arkansas Code 5-73-304(a) [As amended by Acts 1997, No. 696.] is amended to read as follows:

"(a)(1) Certified law enforcement officers, chiefs of police, and sheriffs shall be exempt from the licensing requirements of this subchapter, if otherwise authorized to carry a concealed handgun.

(2) Solely for purposes of this subchapter, an auxiliary law enforcement officer certified by the Arkansas Commission on Law Enforcement Standards and Training and approved by the sheriff of the county shall be deemed to be a certified law enforcement officer."

SECTION 2. Arkansas Code 8-7-904(b) [As amended by Acts 1997, No. 1354.] is amended to read as follows:

"(b) Committee members shall serve without compensation but ~~shall be entitled to per diem and mileage allowances for attendance at committee meetings at the same rate authorized by law for legislators' attendance at meetings of interim committees of the General Assembly. Committee members shall be entitled to reimbursement for actual expenses incurred for lodging~~

1 ~~while attending committee meetings which involve overnight stays~~ may receive
2 expense reimbursement and stipends in accordance with Title 25, Chapter 16,
3 Subchapter 9. "

4
5 SECTION 3. Arkansas Code 8-9-201(d) [As amended by Acts 1997, Nos. 540
6 and 1354.] is amended to read as follows:

7 "(d) Members shall serve without compensation but ~~shall be entitled to~~
8 ~~per diem and mileage allowances for attendance at council meetings at the same~~
9 ~~rate authorized by law for legislators' attendance at meetings of interim~~
10 ~~committees of the General Assembly. Members shall be entitled to reimbursement~~
11 ~~for actual expenses incurred for lodging while attending council meetings~~
12 which involve overnight stays may receive expense reimbursement and stipends
13 in accordance with Title 25, Chapter 16, Subchapter 9. "

14
15 SECTION 4. Arkansas Code 9-14-401(d) [As amended by Acts 1997, No.
16 1354.] is amended to read as follows:

17 "(d) All commission members ~~shall be notified thirty (30) days in~~
18 ~~advance of any commission meeting~~ may receive expense reimbursement in
19 accordance with §25-16-902. "

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21 SECTION 5. Arkansas Code 16-90-703(2) [As amended by Acts 1997, No.
22 703.] is amended to read as follows:

23 "(2)(A) 'Victim' means a person who suffers personal injury or death as
24 a result of criminally injurious conduct committed either within the State of
25 Arkansas or against any Arkansas resident who suffers personal injury as the
26 result of criminally injurious conduct which occurs in states presently not
27 having crime victims reparations programs for which the victim is eligible,
28 and further includes any Arkansas resident who is injured or killed by an act
29 of terrorism committed outside of the United States, as defined in 18 U.S.C. §
30 2331.

31 (B) The term 'victim' shall also include a person who is:

32 (i) ~~is an~~ An immediate family member of a deceased victim, a
33 victim of sexual assault, or a child victim; or

34 (ii) ~~is not~~ Not an immediate family member, but resided, at the
35 time of the crime, in the same permanent household as a deceased victim; "

36

1 SECTION 6. Arkansas Code 16-90-703(5) [As amended by Acts 1997, No.
2 887]. is amended to read as follows:

3 “(5)(A) ‘Criminally injurious conduct’ means an act which occurs or is
4 attempted in this state that results in personal injury or death to a victim,
5 which act is punishable by fine, imprisonment, or death.

6 (B)(i) This term shall include acts of terrorism committed outside
7 of the United States, as defined in 18 U.S.C. § 2331, against any Arkansas
8 resident.

9 (ii) This term shall not include acts arising out of the operation
10 of motor vehicles, boats, or aircraft unless the acts were committed with the
11 intent to inflict injury or death or unless the acts committed were in
12 violation of the Omnibus DWI Act, beginning at § 5-65-101 et seq.

13 (C) For the purposes of this subchapter, a person shall be deemed to
14 have committed criminally injurious conduct notwithstanding that by reason of
15 age, insanity, drunkenness, or other reason, he was legally incapable of
16 committing a crime;”

17
18 SECTION 7. The following sections of the Arkansas Code are repealed
19 because multiple acts of the same session amended these sections resulting in
20 multiple codifications:

21 (a) 5-65-104(h)[As enacted by Acts 1997, No. 830.]

22 (b) 5-73-304. Exemptions. [As amended by Acts 1997, No. 1239.]

23 (c) 8-6-904. Licensing committee - Members - Compensation - Restrictions. [As
24 amended by Acts 1997, No. 250.]

25 (d) 8-7-904. Advisory committee. [As amended by Acts 1997, No. 250.]

26 (e) 8-7-904. Advisory committee. [As amended by Acts 1997, No. 1018.]

27 (f) 8-9-201. State Marketing Board for Recyclables. [As amended by Acts 1997,
28 Nos. 250 and 540.]

29 (g) 8-9-201. State Marketing Board for Recyclables. [As amended by Acts 1997,
30 Nos. 540 and 1018.]

31 (h) 9-14-401. Creation. [As amended by Acts 1997, No. 250.]

32 (i) 9-28-213. Penalty for escape [Acts 1997, No. 1229.]

33 (j) 10-3-1502. Members - Compensation. [As amended by Acts 1997, Nos. 250.]

34 (k) 15-41-117. Rewards.

35 (l) 16-10-133. Trial court staff. [As amended by Acts 1997, No. 209.]

36 (m) 16-10-209. Court clerk - Activities and clerical duties. [As amended by

Acts 1997, No. 788.]

(n) 16-10-305. Court costs. [As amended by Acts 1997, No. 788.]

(o) 16-21-106. Assistance to victims and witnesses of crimes - Victim of crimes case coordinator. [As amended by Acts 1997, No. 736.]

(p) 16-90-703. Definitions. [As amended by Acts 1997, No. 818.]

(q) 17-86-201. Members. [As amended by Acts 1997, No. 250.]

(r) 22-3-303. Capitol Zoning District Commission - Creation - Members - Powers generally. [As amended by Acts 1997, Nos. 250 and 262.]

(s) 22-3-502. Creation - Members, etc. [As amended by Acts 1997, Nos. 250 and 1354.]

(t) 23-110-411. Admission tax. [As amended by Acts 1991, No. 664, § 1.]

(u) 24-5-118. Benefits - Annuity options. [As amended by Acts 1997, Nos. 347 and 1053.]

SECTION 8. Arkansas Code 19-5-302(1)(C) is repealed.

SECTION 9. Arkansas Code 20-10-812 is amended to read as follows:

"20-10-812. Fees.

(a)(1) The ~~division~~ Division of Health Care Facility Services is authorized to levy and collect a fee for the issuance of an annual license to a home health care services agency or a subunit of a home health care services agency. The license fee for a home health care services agency shall be an annual fee of one thousand dollars (\$1,000), and the fee for a subunit shall be an annual fee of one hundred dollars (\$100).

(2) The fees collected under this subsection (a) shall be deposited into the Health Facility Services Revolving Fund, § 19-5-1089.

(b)(1) All fees levied and collected under this subchapter, except for those set forth in subsection (a) of this section, shall be special revenues and shall be deposited ~~in~~ into the State Treasury and credited to the Public Health Fund.

(2) Those revenues collected under subsection (a) of this section shall be deposited into the Health Facility Services Revolving Fund, § 19-5-1089.

(c) Subject to ~~such~~ those rules and regulations ~~as~~ that may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health is authorized to transfer all unexpended funds

1 relative to this subchapter that pertain to fees collected except for those
2 collected under subsection (a) of this section, as certified by the Chief
3 Fiscal Officer of the State, to be carried forward and made available for
4 expenditures for the same purposes for any following fiscal year."

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6 SECTION 10. Arkansas Code 23-110-411(b)(1). Admission Tax. [As amended
7 by Acts 1991, No. 1020, § 1.] is amended to read as follows:

8 "(b)(1) The issuance of all tax-free passes shall be ~~under the~~
9 ~~regulations or orders of the commission~~ by the franchise holder or their
10 employees or agents. The commission shall have no authority over the issuance
11 or distribution of such passes."

12
13 SECTION 11. Arkansas Code 23-111-510. Admission Tax. [As amended by
14 Acts 1991, No. 664, § 2] is repealed.

15
16 SECTION 12. Arkansas Code 23-111-510(b)(1). Admission Tax. [As amended
17 by Acts 1991, No. 1020, § 2] is amended to read as follows:

18 "(b)(1) The issuance of all tax-free passes shall be ~~under the~~
19 ~~regulations or orders of the commission~~ by the franchise holder or their
20 employees or agents. The commission shall have no authority over the issuance
21 or distribution of such passes."

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23 SECTION 13. Arkansas Code 25-3-109 is repealed.

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25 SECTION 14. Arkansas Code 25-13-301 and 302 are repealed.

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27 SECTION 15. The Arkansas Code Revision Commission may utilize its
28 authority under Arkansas Code 1-2-303 to make technical corrections to acts of
29 prior legislative sessions as well as the acts of this 1999 regular session
30 and succeeding sessions.

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32 SECTION 16. All provisions of this act of a general and permanent
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
34 Code Revision Commission shall incorporate the same in the Code.

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36 SECTION 17. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 18. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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9 SECTION 19. EMERGENCY CLAUSE. It is hereby found and determined by the
10 Eighty-second General Assembly that this act makes various technical
11 corrections in the Arkansas Code; that this act further clarifies the law to
12 provide that the Arkansas Code Revision Commission may correct errors
13 resulting from enactments of prior sessions; and that this act should go into
14 effect immediately in order to be applicable during the codification process
15 of the enactments of this regular session. Therefore, an emergency is declared
16 to exist and this act being immediately necessary for the preservation of the
17 public peace, health and safety shall become effective on the date of its
18 approval by the Governor. If the bill is neither approved nor vetoed by the
19 Governor, it shall become effective on the expiration of the period of time
20 during which the Governor may veto the bill. If the bill is vetoed by the
21 Governor and the veto is overridden, it shall become effective on the date the
22 last house overrides the veto.

23 /s/ Madison
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26 APPROVED: 4/15/1999
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