

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2211

4
5 By: Representative Napper
6
7

For An Act To Be Entitled

8 AN ACT TO MAKE VARIOUS CORRECTIONS TO THE
9 ARKANSAS CODE OF 1987 ANNOTATED; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 AN ACT TO MAKE VARIOUS CORRECTIONS TO
13 THE ARKANSAS CODE OF 1987 ANNOTATED.
14
15
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 2-16-203(b)(1) is amended to read as
21 follows to remove from the section ambiguous language that will be placed in
22 a note to the section:

23 (b)(1)(A) In a lawful proceeding respecting licensing, as defined in
24 the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in addition
25 to or in lieu of any other lawful disciplinary action, the State Plant Board
26 may assess a civil penalty of not more than one thousand dollars (\$1,000) for
27 each violation of any statute, rule, or order enforceable by the board.

28 (B) In no case shall a single application or drift
29 incident by a pesticide applicator be considered multiple violations based on
30 the number of complaints.

31 (C) In no case shall the failure to meet minimum treating
32 standards (~~§ 17-37-101 et seq., Sections III A, III B, III C, and III D~~),
33 except those which require a termiticide application, be considered a
34 violation and subject to a civil penalty.
35

36 SECTION 2. Arkansas Code § 4-9-525(f) is repealed to be reenacted as a



1 section specifically designated not to be codified:

2 ~~(f) The Secretary of State shall report periodically to the Treasurer~~
 3 ~~of State the number of filing and indexing fees collected under subdivision~~
 4 ~~(a)(1) during the period from July 1, 2001 through June 30, 2013, and the~~
 5 ~~Treasurer of State shall deposit twelve dollars (\$12.00) of every such fee in~~
 6 ~~a separate account for the benefit of those circuit clerks who qualify under~~
 7 ~~this subsection. The proceeds in the account shall be distributed by the~~
 8 ~~Treasurer of State at least quarterly to the county recorder cost fund of the~~
 9 ~~counties of qualifying circuit clerks in the proportion that the total of the~~
 10 ~~filing and indexing fees (other than fees charged solely for filing records~~
 11 ~~related to collateral which is equipment used in farming operations, or farm~~
 12 ~~products, or accounts or general intangibles arising from or relating to the~~
 13 ~~sale of farm products by a farmer or crops growing or to be grown) collected~~
 14 ~~by each qualifying clerk in calendar year 1999 under former chapter 9 of the~~
 15 ~~Uniform Commercial Code bears to the total of those same filing and indexing~~
 16 ~~fees collected by all qualified distributees. Said calculations shall be~~
 17 ~~determined in a reasonable manner. The clerks qualified to share in these~~
 18 ~~distributions shall be the circuit clerks of the counties who file with the~~
 19 ~~Treasurer of State no later than September 1, 2001 a sworn record stating the~~
 20 ~~total amount of the relevant indexing and filing fees of the kind described~~
 21 ~~in this subsection collected by said clerks in 1999, and the Treasurer of~~
 22 ~~State shall use these sworn records in computing the pro rata share of each~~
 23 ~~qualified distributee.~~

24
 25 SECTION 3. Formerly codified subsection (f) of Arkansas Code § 4-9-525
 26 is enacted to read as follows. The Arkansas Code Revision Commission shall
 27 not codify this section:

28 The Secretary of State shall report periodically to the Treasurer of
 29 State the number of filing and indexing fees collected under Arkansas Code §
 30 4-9-525(a)(1) during the period from July 1, 2001, through June 30, 2013, and
 31 the Treasurer of State shall deposit twelve dollars (\$12.00) of every such
 32 fee in a separate account for the benefit of those circuit clerks who qualify
 33 under this section. The proceeds in the account shall be distributed by the
 34 Treasurer of State at least quarterly to the county recorder cost fund of the
 35 counties of qualifying circuit clerks in the proportion that the total of the
 36 filing and indexing fees (other than fees charged solely for filing records

1 related to collateral which is equipment used in farming operations, or farm
 2 products, or accounts or general intangibles arising from or relating to the
 3 sale of farm products by a farmer or crops growing or to be grown) collected
 4 by each qualifying clerk in calendar year 1999 under former chapter 9 of the
 5 Uniform Commercial Code bears to the total of those same filing and indexing
 6 fees collected by all qualified distributees. Said calculations shall be
 7 determined in a reasonable manner. The clerks qualified to share in these
 8 distributions shall be the circuit clerks of the counties who file with the
 9 Treasurer of State no later than September 1, 2001 a sworn record stating the
 10 total amount of the relevant indexing and filing fees of the kind described
 11 in this section collected by said clerks in 1999, and the Treasurer of State
 12 shall use these sworn records in computing the pro rata share of each
 13 qualified distributee.

14
 15 SECTION 4. Arkansas Code § 6-14-111(b)(2) is amended to read as
 16 follows to supply omitted language:

17 (2) The county clerk shall certify to the board of election
 18 commissioners that the petition contains the names of at least twenty (20)
 19 qualified registered voters who are residents of the district and respective
 20 electoral zone, if directors are elected from zones, at least forty-five (45)
 21 days before the annual school election.

22
 23 SECTION 5. Arkansas Code § 6-15-1402(i) is amended to read as follows
 24 to remove unnecessary language:

25 (i) The department shall issue the ~~first~~ annual school performance
 26 report no later than March 15 of each school year.

27
 28 SECTION 6. Arkansas Code § 6-61-302(a) is amended to read as follows
 29 to correct an error and to supply omitted language:

30 (a) To assist the Arkansas Higher Education Coordinating Board in its
 31 responsibilities regarding incorporation and certification of postsecondary
 32 educational institutions, the board shall appoint an advisory committee.

33
 34 SECTION 7. Arkansas Code § 6-61-527 is repealed to evidence the new
 35 name and status of Westark College after its merger into the University of
 36 Arkansas system:

1 ~~6-61-527. University Center at Westark Community College.~~

2 ~~(a)(1) In order to provide the residents of western Arkansas with~~
 3 ~~greater access to higher education opportunities beyond those which can be~~
 4 ~~provided by Westark College, there is hereby created the University Center at~~
 5 ~~Westark College.~~

6 ~~(2)(A) The primary purpose of the General Assembly in creating~~
 7 ~~this center is to meet the needs of persons who cannot, because of family or~~
 8 ~~work responsibilities, leave the area to become students at universities in~~
 9 ~~other communities.~~

10 ~~(B) It is the intent of the General Assembly in creating~~
 11 ~~this center to avoid the establishment of an additional institution of higher~~
 12 ~~education or a branch of an institution and to avoid the duplication of~~
 13 ~~administrative personnel and services.~~

14 ~~(b) The university center shall be managed and administered by the~~
 15 ~~Board of Trustees of the Sebastian County Community Junior College District~~
 16 ~~utilizing the administrative staff and support services of Westark.~~

17 ~~(c) Westark shall determine, in cooperation with the public~~
 18 ~~universities and with the approval of the Arkansas Higher Education~~
 19 ~~Coordinating Board, the need for various upper-level and graduate programs~~
 20 ~~and courses and shall encourage those institutions to offer the needed~~
 21 ~~programs and courses.~~

22 ~~(d) The coordinating board shall promote and encourage participation~~
 23 ~~in the university center by revising the process by which it makes funding~~
 24 ~~recommendations for the various Arkansas public universities. The board~~
 25 ~~shall recommend for participating institutions adequate enrollment funding~~
 26 ~~for the offering of selected courses and programs at the university center.~~
 27 ~~The board also shall recommend for Westark funding appropriate to compensate~~
 28 ~~the institution for administrative and overhead costs related to the~~
 29 ~~provision of university courses and programs.~~

30 ~~(e) It is the intent of the General Assembly that the university~~
 31 ~~center serve as a pilot program for off-campus college instruction by four-~~
 32 ~~year institutions of higher education on two-year campuses. Westark shall~~
 33 ~~furnish a progress report on a semiannual basis to the Legislative Council,~~
 34 ~~the House and Senate Committees on Education, and the coordinating board.~~

35 ~~(f)(1) It shall be the responsibility of the district to provide~~
 36 ~~facilities for approved courses and programs at the university center.~~

1 ~~(2) Included in the overhead costs in subsection (d) of this~~
2 ~~section shall be reasonable compensation to Westark for the maintenance and~~
3 ~~provision of such facilities for the university center.~~

4 ~~(g) For the purposes of this section:~~

5 ~~(1) "Upper level course" shall mean a university course which is~~
6 ~~considered junior or senior level at the institution offering the course and~~
7 ~~which is not offered at the freshman or sophomore level at Westark;~~

8 ~~(2) "Upper level program" shall mean a prescribed series of~~
9 ~~university courses offered at the junior and senior level which when combined~~
10 ~~with a prescribed series of freshman and sophomore courses qualifies~~
11 ~~successful students for the baccalaureate degree;~~

12 ~~(3) "Graduate course" shall mean a university course intended~~
13 ~~for students who have completed a baccalaureate degree; and~~

14 ~~(4) "Graduate program" shall mean a prescribed series of~~
15 ~~graduate courses which leads to a post baccalaureate degree.~~

16 ~~(h) The Center for Quality and Productivity at Westark Community~~
17 ~~College shall annually provide detailed reports and other accountability~~
18 ~~indices to the Department of Higher Education and to the Arkansas Economic~~
19 ~~Development Commission.~~

20
21 SECTION 8. Arkansas Code § 6-61-1101 is repealed to evidence the new
22 name and status of Westark College after its merger into the University of
23 Arkansas system:

24 ~~6-61-1101. Special status.~~

25 ~~In order to encourage the redesign of higher education in Arkansas,~~
26 ~~Westark Community College is hereby established as a "unique community~~
27 ~~college", a community college that predominantly offers one year and two year~~
28 ~~certificates and associate degrees and which also is authorized to offer~~
29 ~~selected baccalaureate degrees.~~

30
31 SECTION 9. Arkansas Code § 6-61-1102 is repealed to evidence the new
32 name and status of Westark College after its merger into the University of
33 Arkansas system:

34 ~~6-61-1102. Unique designation.~~

35 ~~The primary purpose of the General Assembly in establishing Westark~~
36 ~~Community College as a unique community college is to allow Westark to serve~~

1 as the state's model for a "new college" which includes a curriculum which
 2 shortens the learning cycle for a baccalaureate degree from the national
 3 average of more than five (5) years to three (3) years and which reexamines
 4 and realigns instructional systems, schedules, and processes in order to meet
 5 the needs of an information and technology driven era. It is the intent of
 6 the General Assembly to limit the designation "unique community college" to
 7 Westark because of its location in the heart of the state's largest
 8 manufacturing center, its enrollment of over three thousand (3,000) full-
 9 time equivalent students, and its local millage rate of 5.25 to support the
 10 college.

11

12 SECTION 10. Arkansas Code § 6-61-1103 is repealed to evidence the new
 13 name and status of Westark College after its merger into the University of
 14 Arkansas system:

15 ~~6-61-1103. Restricted "unique" status.~~

16 ~~It is the intent of the General Assembly to limit the designation~~
 17 ~~"unique community college" to Westark because of its location in the heart of~~
 18 ~~the state's largest manufacturing center, its enrollment of over three~~
 19 ~~thousand (3,000) full-time equivalent students, and its local millage rate of~~
 20 ~~5.25 to support the college.~~

21

22 SECTION 11. Arkansas Code § 6-61-1104 is repealed to evidence the new
 23 name and status of Westark College after its merger into the University of
 24 Arkansas system:

25 ~~6-61-1104. Baccalaureate degree programs.~~

26 ~~(a) The preponderance of degrees offered by Westark College, seventy-~~
 27 ~~five percent (75%) or more, shall be one semester certificates of~~
 28 ~~proficiency, one year technical certificates, and two year associate of~~
 29 ~~applied science and arts degrees.~~

30 ~~(b)(1) Westark is authorized to offer a baccalaureate degree program in~~
 31 ~~manufacturing technology and other selected baccalaureate degree programs,~~
 32 ~~not to exceed a total of nine (9) in number.~~

33 ~~(2) Each baccalaureate degree program offered by Westark must:~~

34 ~~(A) Meet a demonstrated demand of the area and of~~
 35 ~~industries served by the college; and~~

36 ~~(B) Be designed for completion in fewer than four (4)~~

1 years.

2 ~~(3) After the first graduating class, baccalaureate programs~~
3 ~~that have a job placement rate or graduation rate of fewer than nine (9)~~
4 ~~students per year for three (3) consecutive years will be dropped.~~

5 ~~(c) Westark may continue to contract with other colleges and~~
6 ~~universities for the offering of courses and programs through the University~~
7 ~~Center at Westark College, which was approved by the General Assembly with~~
8 ~~the enactment of § 6-61-527.~~

9

10 SECTION 12. Arkansas Code § 6-61-1107 is repealed to evidence the new
11 name and status of Westark College after its merger into the University of
12 Arkansas system:

13 ~~6-61-1107. Administration.~~

14 ~~Westark College shall continue to be governed by the Board of Trustees~~
15 ~~of the Sebastian County Community Junior College District, utilizing the~~
16 ~~administrative staff and support services of Westark.~~

17

18 SECTION 13. Arkansas Code § 6-64-104(a) is amended to read as follows
19 to update the name of the athletic conference:

20 (a) Unless otherwise prohibited or limited by ~~Southwest~~ Southeastern
21 Conference rules, the University of Arkansas Athletic Department shall make
22 available for radio broadcasts all football and basketball games of the
23 University of Arkansas under uniform arrangements for the right to radio
24 broadcast such games as may be provided by the Athletic Department.

25

26 SECTION 14. Arkansas Code § 6-82-504 is amended to read as follows to
27 supply omitted language and to carry out the purposes of Acts 2001, No. 113:

28 6-82-504. Awards to children.

29 (a) In order for a natural child to be eligible to receive a
30 scholarship benefit:

31 (1) The child must have been born prior to the date of the death
32 or total and permanent disability of the law enforcement officer, ~~fire~~
33 ~~fighter~~ firefighter, state highway employee, state correction employee,
34 Department of Community Correction employee, state parks employee, teacher,
35 or state forestry employee; or

36 (2) The law enforcement officer, ~~fire fighter~~ firefighter, state

1 highway employee, state correction employee, Department of Community
 2 Correction employee, state parks employee, teacher, or state forestry
 3 employee or the spouse of the law enforcement officer, ~~fire fighter~~
 4 firefighter, state highway employee, state correction employee, Department of
 5 Community Correction employee, state parks employee, teacher, or state
 6 forestry employee must have been pregnant with the child at the time of the
 7 death or total and permanent disability of the law enforcement officer, ~~fire~~
 8 ~~fighter~~ firefighter, state highway employee, state correction employee,
 9 Department of Community Correction employee, state parks employee, teacher,
 10 or state forestry employee.

11 (b) In order for an adopted child to be eligible to receive a
 12 scholarship benefit:

13 (1) The child must have been adopted prior to the date of the
 14 death or total and permanent disability of the law enforcement officer, ~~fire~~
 15 ~~fighter~~ firefighter, state highway employee, state correction employee,
 16 Department of Community Correction employee, state parks employee, teacher,
 17 or state forestry employee; or

18 (2) The child's adoption process must have begun prior to the
 19 date of the death or total and permanent disability of the law enforcement
 20 officer, ~~fire fighter~~ firefighter, state highway employee, state correction
 21 employee, Department of Community Correction employee, state parks employee,
 22 teacher, or state forestry employee.

23 (c) In order for a stepchild under the age of nineteen (19) to be
 24 eligible to receive a scholarship benefit:

25 (1) The stepchild must have been listed as a dependent on the
 26 federal and state income tax returns of the law enforcement officer, ~~fire~~
 27 ~~fighter~~ firefighter, state highway employee, state correction employee,
 28 Department of Community Correction employee, state parks employee, teacher,
 29 or state forestry employee in each of the five (5) income years immediately
 30 prior to the date of the death or total and permanent disability of the law
 31 enforcement officer, ~~fire fighter~~ firefighter, state highway employee, state
 32 correction employee, Department of Community Correction employee, state parks
 33 employee, teacher, or state forestry employee; and

34 (2) The stepchild must have received more than one-half (1/2) of
 35 his or her financial support from the law enforcement officer, ~~fire fighter~~
 36 firefighter, state highway employee, state correction employee, Department of

1 Community Correction employee, state parks employee, teacher, or state
 2 forestry employee in each of the five (5) income years immediately prior to
 3 the date of the death or total and permanent disability of the law
 4 enforcement officer, ~~fire fighter~~ firefighter, state highway employee, state
 5 correction employee, Department of Community Correction employee, state parks
 6 employee, teacher, or state forestry employee.

7 (d) In order for a stepchild nineteen (19) years of age or older to be
 8 eligible to receive a scholarship benefit:

9 (1) The stepchild must have been listed as a dependent on the
 10 federal and state income tax returns of the law enforcement officer, ~~fire~~
 11 ~~fighter~~ firefighter, state highway employee, state correction employee,
 12 Department of Community Correction employee, state parks employee, teacher,
 13 or state forestry employee in each of five (5) income years during the eight
 14 (8) years immediately prior to the date of the death or total and permanent
 15 disability of the law enforcement officer, ~~fire fighter~~ firefighter, state
 16 highway employee, state correction employee, Department of Community
 17 Correction employee, teacher, state parks employee, or state forestry
 18 employee; and

19 (2) The stepchild must have received more than one-half (1/2) of
 20 his or her financial support from the law enforcement officer, ~~fire fighter~~
 21 firefighter, state highway employee, state correction employee, Department of
 22 Community Correction employee, state parks employee, teacher, or state
 23 forestry employee in each of five (5) income years during the eight (8) years
 24 immediately prior to the date of the death or total and permanent disability
 25 of the law enforcement officer, ~~fire fighter~~ firefighter, state highway
 26 employee, state correction employee, Department of Community Correction
 27 employee, state parks employee, teacher, or state forestry employee.

28 (e) If the covered public employee or his or her heirs did not file
 29 for the available death or disability benefit, but were otherwise eligible to
 30 receive, within the time frame provided in § 21-5-703, then the covered
 31 public employee's child or children who would have otherwise been eligible to
 32 receive the provided educational scholarship benefit under this section may
 33 individually file prior to their twenty-first birthdays a claim to receive
 34 the provided educational scholarship benefit.

35
 36 SECTION 15. Arkansas Code § 9-11-802 is amended to read as follows to

1 clarify a reference:

2 9-11-802. Definitions.

3 As used in this subchapter:

4 (1) "Authorized counseling" means marital counseling provided by a:

5 (A) ~~priest~~ Priest, minister, rabbi, clerk of the Religious
6 Society of Friends, or any clergy member of any religious sect;~~;~~ or a

7 (B)(i) ~~licensed~~ licensed professional counselor, licensed
8 associate counselor, licensed marriage and family therapist, ~~licensed~~
9 ~~clinical psychologist~~, or licensed associate marriage and family therapist,
10 as defined by § 17-27-102; or

11 (ii) Licensed clinical psychologist; and

12 (2) "Judicial separation" means a judicial proceeding pursuant to § 9-
13 11-809 which results in a court determination that the parties of a covenant
14 marriage live separate and apart.

15

16 SECTION 16. Arkansas Code § 9-14-231(b) is amended to read as follows
17 because of the revision of § 4-9-301 et seq. in 2001:

18 (b) The lien against personal property created in this section shall
19 bear the same priority as set forth in § ~~4-9-312~~ 4-9-322.

20

21 SECTION 17. Arkansas Code § 9-27-331(a)(1) is amended to read as
22 follows for consistency with § 9-28-206:

23 (a)(1) A commitment to the Division of Youth Services of the
24 Department of Human Services is for an indeterminate period not to exceed the
25 ~~eighteenth~~ twenty-first birthday of a juvenile, except as otherwise provided
26 by law.

27

28 SECTION 18. Arkansas Code § 10-2-112(a) is amended to read as follows
29 to clarify the meaning of the subsection:

30 (a)(1) The Chief Clerk of the House of Representatives and the
31 Secretary of the Senate, under the direction and supervision of the Speaker
32 of the House of Representatives and the President Pro Tempore of the Senate,
33 shall establish a system for the prefiling of bills and resolutions beginning
34 on November 15 of each year preceding a regular session of the General
35 Assembly.

36 (2) Under that presession filing system, each member-elect of the

1 General Assembly and holdover member of the Senate who will be serving at the
 2 next-following regular session of the General Assembly shall be permitted to
 3 prefile bills and resolutions for ~~that~~ the next regular session as soon as
 4 the members-elect of the next General Assembly are certified to the Secretary
 5 of State.

6
 7 SECTION 19. Arkansas Code § 10-3-802(b)(2)(B) is amended to read as
 8 follows to clarify the meaning of the subdivision:

9 (B) One (1) alternate member for each of the thirteen (13)
 10 House members shall be selected as prescribed by House Rule ~~according to~~
 11 ~~House Rule~~.

12
 13 SECTION 20. Arkansas Code § 10-4-111(c) is amended to read as follows
 14 to clarify the meaning of the subsection:

15 (c) The Legislative Auditor shall notify and cooperate with the
 16 appropriate prosecuting attorney on all matters that appear to involve a
 17 criminal offense. Upon request and with the approval of the cochairs ~~and co-~~
 18 ~~vice chairs~~ of the Committee, the Legislative Auditor shall cooperate in any
 19 other investigations by the appropriate prosecuting attorney, the Department
 20 of Arkansas State Police, or any other law enforcement agency.

21
 22 SECTION 21. Arkansas Code § 11-2-118(b) is amended to read as follows
 23 to remove a reference to a board which was abolished by Acts 1943, No. 126, §
 24 1:

25 (b) In case of failure of any person to comply with any subpoena
 26 lawfully issued, or on the refusal of any witness to produce evidence or to
 27 testify to any matter regarding which he or she may be lawfully interrogated,
 28 it shall be the duty of any court of competent jurisdiction or the judge
 29 thereof, upon application of the director, ~~any member of the Industrial~~
 30 ~~Board~~, or any officer or agent of the department, to compel obedience by
 31 attachment proceedings for contempt, as in the case of disobedience of the
 32 requirements of a subpoena issued for the court or a refusal to testify
 33 therein.

34
 35 SECTION 22. Arkansas Code § 11-3-101(b) is amended to read as follows
 36 to make subsection (b) consistent with Arkansas Code § 11-3-101(a):

1 (b) Any person, firm, or corporation violating the provisions of this
 2 section shall be guilty of a misdemeanor. Upon conviction, the person, firm,
 3 or corporation shall be fined in any sum not less than one thousand dollars
 4 (\$1,000).

5
 6 SECTION 23. Arkansas Code § 11-9-508(d)(3) is amended to read as
 7 follows to correct an error:

8 (3) Prohibit “~~balanced~~ balance billing” from the employee,
 9 employer, or carrier;

10
 11 SECTION 24. Arkansas Code § 11-9-711(d) is amended to read as follows
 12 to update the subsection:

13 (d) School District Employees. The action taken by the commission with
 14 respect to the allowance or disallowance of any claim filed by a school
 15 district employee shall be subject to appeal to the ~~circuit court~~ Court of
 16 Appeals as provided for in subsection (b) of this section.

17
 18 SECTION 25. Arkansas Code § 12-8-112(a) is amended to read as follows,
 19 and the Arkansas Code Revision Commission shall make appropriate changes and
 20 corrections to the Arkansas Code to implement this section:

21 (a) The Department of Arkansas State Police shall maintain
 22 headquarters and a ~~Bureau of Identification and Information~~ an Identification
 23 Bureau which shall be located at the State Capitol, or elsewhere in the City
 24 of Little Rock.

25
 26 SECTION 26. Arkansas Code § 12-26-102 is amended to remove a reference
 27 to a board previously abolished by the General Assembly:

28 12-26-102. Definitions.

29 As used in this chapter, unless the context otherwise requires:

30 ~~(1) “Board” means the Arkansas Criminal Detention Facilities Board;~~

31 ~~(2)(1)~~ (1) “Committee” means the criminal detention facilities review
 32 committee established in each of the judicial districts of this state;

33 ~~(3)(2)~~ (2) “Criminal detention facility” means any institution operated by
 34 a political jurisdiction or a combination of jurisdictions for the care,
 35 keeping, or rehabilitative needs of adult criminal offenders, including
 36 regional jails, county jails, municipal jails, and temporary holding units;

1 ~~(4)(3)~~ “Intermediate/long-term facility” “Intermediate or long-term
 2 facility” means a criminal detention institution in which prisoners may be
 3 held from the time of intake through a one-year period;

4 ~~(5)(4)~~ “Short-term facility” means any institution operated by a local
 5 unit of government in which persons may be incarcerated from the time of
 6 intake up to sixty (60) days; and

7 ~~(6)(5)~~ “Twenty-four-hour or overnight facility” means any institution
 8 operated by a local government in which persons may be incarcerated from the
 9 time of intake up to twenty-four (24) hours.

10
 11 SECTION 27. Arkansas Code § 12-26-103(b) is amended to read as follows
 12 to remove a reference to a repealed section:

13 (b) The coordinator’s office shall be responsible for promulgating
 14 minimum standards for the construction, maintenance, and operation of local,
 15 county, regional, or state criminal detention facilities and juvenile
 16 detention facilities in accordance with the Arkansas Administrative Procedure
 17 Act, § 25-15-201 et seq., ~~and with § 12-26-104.~~

18
 19 SECTION 28. Arkansas Code § 13-2-104 is merged into Arkansas Code §
 20 13-2-103 to eliminate any possible confusion that resulted from the enactment
 21 of two acts in the 2001 legislative session that covered the same subject
 22 matter and to remove temporary language that will be placed in a note to §
 23 13-2-103:

24 13-2-103. Library computer use – Policy – Signed agreement form
 25 required.

26 (a) The board of directors of each library operated as an entity of
 27 the state or any city, county, or other political subdivision of the state
 28 with one (1) or more public access computers shall develop, adopt, and
 29 implement ~~by August 1, 2001,~~ a written policy that:

30 (1) Establishes and maintains a system to prevent ~~minors~~ a minor
 31 from gaining computer access to materials harmful to minors as defined in §
 32 5-68-501;

33 (2) Provides for:

34 (A) ~~suspending~~ Suspending the privilege of a minor to use
 35 the public access computers if the minor violates the policy; and

36 (B) ~~provides for revoking~~ Revoking such a privilege for a

1 repeat ~~offenders~~ offender; and

2 (3) Requires ~~all users~~ each user to sign a computer-use
3 agreement form outlining proper and improper use of public access computers
4 prior to ~~their~~ his or her being allowed to access the computer equipment.

5 (b) For purposes of this section, "public access computer" means a
6 computer that:

- 7 (1) Is located in a public school or public library;
- 8 (2) Is accessible by a minor; and
- 9 (3) Is connected to any computer communication system such as,
10 but not limited to, what is commonly known as the Internet.

11 (c) Copies of the standards and rules for the enforcement of this
12 section shall be submitted to the Arkansas State Library.

13
14 ~~13-2-104. Computer use policy—Definitions—Requirements.~~

15 ~~(a) For purposes of this section:~~

16 ~~(1) "Harmful to minors" means that quality of any description,~~
17 ~~exhibition, presentation, or representation, in whatever form, of nudity,~~
18 ~~sexual conduct, sexual excitement, or sadomasochistic abuse when the material~~
19 ~~or performance, taken as a whole, has the following characteristics:~~

20 ~~(A) The average person eighteen (18) years of age or older~~
21 ~~applying contemporary community standards would find that the material or~~
22 ~~performance has a predominant tendency to appeal to a prurient interest in~~
23 ~~sex to minors;~~

24 ~~(B) The average person eighteen (18) years of age or older~~
25 ~~applying contemporary community standards would find that the material or~~
26 ~~performance depicts or describes nudity, sexual conduct, sexual excitement,~~
27 ~~or sadomasochistic abuse in a manner that is patently offensive to prevailing~~
28 ~~standards in the adult community with respect to what is suitable for minors;~~
29 ~~and~~

30 ~~(C) The material or performance lacks serious literary,~~
31 ~~scientific, medical, artistic, or political value for minors; and~~

32 ~~(2) "Public access computer" means a computer that:~~

33 ~~(A) Is located in a public school;~~

34 ~~(B) Is frequently or regularly used directly by a minor;~~

35 ~~and~~

36 ~~(C) Is connected to any computer communication system.~~

1 ~~(b) Each library operated as an entity of the state or any city,~~
 2 ~~county, or other political subdivision of the state with one (1) or more~~
 3 ~~public access computers shall develop, adopt, and implement a written policy~~
 4 ~~that:~~

5 ~~(1) Establishes and maintains a system to prevent minors from~~
 6 ~~gaining computer access to materials harmful to minors; and~~

7 ~~(2) Provides for suspending the privilege of a minor from using~~
 8 ~~the public access computers for violation of the policy and revoking the~~
 9 ~~privilege for repeat offenders.~~

10 ~~(c) Copies of the standards and rules for the enforcement of~~
 11 ~~this section shall be submitted to the Arkansas State Library.~~

12
 13 SECTION 29. Arkansas Code § 14-168-221 is repealed in view of the
 14 enactment of Arkansas Code § 14-168-322 and in light of the repeal of the
 15 remainder of Arkansas Code § 14-168-201 et seq. by Acts 2001, No. 1197:

16 ~~14-168-221. Impact reports.~~

17 ~~The Assessment Coordination Division of the Arkansas Public Service~~
 18 ~~Commission, in cooperation with other state agencies and local governments,~~
 19 ~~shall make a comprehensive impact report to the Governor and General Assembly~~
 20 ~~at the beginning of each biennium as to the economic, social, and financial~~
 21 ~~effect and impact of community redevelopment financing projects.~~

22
 23 SECTION 30. Arkansas Code §§ 14-272-201 and 14-272-202 are repealed in
 24 light of the passage of the July 1, 2000 date set forth in § 14-272-202 for
 25 submission of findings to the House and Senate Committees on Agriculture and
 26 Economic Development:

27 ~~14-272-201. Legislative findings.~~

28 ~~It is found and determined by the General Assembly that:~~

29 ~~(1) Approximately nine hundred forty (940) fire stations exist in the~~
 30 ~~state and approximately sixty percent (60%) have either a ten (10) or a nine~~
 31 ~~(9) in ISO ratings, which means homeowners must pay the highest insurance~~
 32 ~~rates;~~

33 ~~(2) The availability of water is the main reason for the poor ratings,~~
 34 ~~because to get an ISO rating of eight (8), the fire department must be able~~
 35 ~~to pump two hundred fifty (250) gallons per minute for two (2) hours;~~

36 ~~(3) Insurance premiums go down by thirty five percent (35%) when an~~

1 ~~ISO rating goes down from a ten (10) to an eight (8);~~

2 ~~(4) Reducing the ISO rating from a ten (10) to an eight (8) would~~
3 ~~provide substantial savings to the homeowner and save the citizens of this~~
4 ~~state millions of dollars; and~~

5 ~~(5) Reducing the rate would also improve safety in the community.~~

6
7 ~~14-272-202. Scope of study Report.~~

8 ~~(a) The Arkansas Rural Development Commission shall conduct a study of~~
9 ~~all rural fire departments and their ISO ratings. The study shall include an~~
10 ~~examination of why so many fire departments have an ISO rating of over eight~~
11 ~~(8), list needs of these fire departments in order to achieve a better~~
12 ~~rating, and make recommendations for policies and programs necessary to~~
13 ~~correct the problem.~~

14 ~~(b) The commission shall submit its findings to the House and Senate~~
15 ~~Committees on Agriculture and Economic Development and to the Governor by~~
16 ~~July 1, 2000.~~

17
18 SECTION 31. Arkansas Code § 15-4-1702 is amended to read as follows to
19 insert a definition inadvertently omitted by the 2001 amendment of the
20 section:

21 15-4-1702. Definitions.

22 As used in this subchapter:

23 (1)(A) "Average hourly wage" means the average wage of the net new
24 full-time permanent employees based on payroll for the most recent quarter
25 reported to the Arkansas Employment Security Department.

26 (B) "Average hourly wage" is computed by using the total of the
27 net new full-time permanent employee's reported taxable earnings, including
28 overtime pay and one quarter (1/4) of the employee's annual bonus amount,
29 divided by the number of weeks worked during the most recent quarter, divided
30 by the average hours worked per week per net new full-time permanent
31 employee;

32 (2) "Corporate headquarters" means the home or center of operations,
33 including research and development, of a national or multinational
34 corporation;

35 (3) "Department" means the Department of Economic Development;

36 (4) "Director" means the Director of the Department of Economic

1 Development;

2 (5) "Distribution center" means a facility for the reception, storage,
3 or shipping of:

4 (A) A ~~business'~~ business's own products or products which the
5 business wholesales to retail businesses or ships to its own retail outlets;

6 (B) Products owned by other companies with which the business
7 has contracts for storage and shipping if seventy-five percent (75%) of the
8 sales revenues are from out-of-state customers; or

9 (C) Products for sale to the general public if seventy-five
10 percent (75%) of the sales revenues are from out-of-state customers;

11 (6)(A) "Existing employees" means those employees hired by the
12 business prior to the date of the financial incentive plan.

13 (B) Existing employees may be considered net new full-time
14 permanent employees only if:

15 (i) The position or job filled by the existing employee
16 was created as a result of the project; and

17 (ii) The position vacated by the existing employee was
18 either filled by a subsequent employee or no subsequent employee ~~will~~ would
19 be hired because the business no longer conducts the particular business
20 activity requiring such a classification;

21 (7) "Financial incentive plan" means an agreement entered into by a
22 business and the Department of Economic Development to provide the business
23 an incentive to locate a new facility or expand an existing facility in
24 Arkansas;

25 ~~(7)(8)~~ "Governing authority" means the quorum court of a county or the
26 governing body of a municipality;

27 ~~(8)(9)~~(A) "High unemployment" means an unemployment rate equal to or
28 in excess of one hundred fifty percent (150%) of the state's average
29 unemployment rate for the preceding calendar year as specified by statewide
30 annual labor force statistics compiled by the Arkansas Employment Security
31 Department when the state's annual average unemployment rate is six percent
32 (6%) or below.

33 (B) When the state's annual average unemployment rate is above
34 six percent (6%), "high unemployment" means an unemployment rate equal to or
35 in excess of three percent (3%) above the state's average unemployment rate
36 for the preceding calendar year as specified by statewide annual labor force

1 statistics compiled by the Arkansas Employment Security Department+;

2 ~~(9)~~(10) “Modernization” means to increase efficiency or to increase
 3 productivity of the business through investment in machinery or equipment, or
 4 both, and shall not include costs for routine maintenance+;

5 ~~(10)~~(11)(A)(i) “Net new full-time permanent employee” means a position
 6 or job which was created pursuant to a signed financial incentive plan and
 7 which is filled by one (1) or more employees or contractual employees who
 8 were Arkansas taxpayers during the year in which the tax credits or
 9 incentives were earned.

10 (ii) The position or job held by ~~such~~ the employee or
 11 employees must have been filled for at least twenty-six (26) consecutive
 12 weeks with an average of at least thirty (30) hours per week.

13 (B) ~~Provided, however~~ However, in order to qualify for the
 14 provisions of this subchapter, a contractual employee must be offered a
 15 benefits package comparable to a direct employee of the business seeking
 16 incentives under this subchapter.

17 (C) Employees could not have been claimed for tax credits or
 18 incentives under this subchapter during the preceding taxable year.

19 (D) The number of net new full-time permanent employees shall be
 20 equal to the total number of new full-time permanent employees for the
 21 current year minus the total number of new full-time permanent employees for
 22 the previous tax year;

23 ~~(11)~~(12) “Office sector business” means control centers that influence
 24 the environment in which data processing, customer service, credit
 25 accounting, telemarketing, claims processing, and other administrative
 26 functions that act as production centers are performed;

27 ~~(12)~~(13) “Program” means the Arkansas Enterprise Zone Act of 1993, §
 28 15-4-1701 et seq.;

29 ~~(13)~~(14)(A) “Project” means:

30 (i) All activities and costs associated with the
 31 construction of a new plant or facility;

32 (ii) The expansion of an established plant or facility by
 33 adding to the building or production equipment or support infrastructure, or
 34 both; or

35 (iii) Modernization through the replacement of production
 36 or processing equipment or support infrastructure, or both.

1 (B) Expenditures for routine repair and maintenance that do not
 2 result in new construction or expansion are ineligible for benefits under
 3 this subchapter.

4 (C) In order to receive credit for project costs, the costs must
 5 be incurred within four (4) years from the date the project plan was approved
 6 by the ~~department~~ Department of Economic Development.

7 (D) Routine operating expenditures are ineligible for benefits
 8 under this subchapter;

9 ~~(14)~~(15) "Project plan" means the plan submitted to the ~~department~~
 10 Department of Economic Development containing such information as may be
 11 required by the director to determine eligibility for benefits;

12 ~~(15)~~(16) "Regional headquarters" means the center of operations for a
 13 specific geographical area;

14 ~~(16)~~(17) "Routine maintenance" means the replacement of existing
 15 machinery parts with like parts; and

16 ~~(17)~~(18) "Trucking sector business" means a business that is
 17 classified within the Standard Industrial Classification code number 4231.

18
 19 SECTION 32. Arkansas Code § 15-21-502 is amended to read as follows to
 20 clarify the meaning of several definitions, to remove the definition of an
 21 acronym that is not used in § 15-21-501 et seq., and to conform the
 22 definitions to Arkansas Code style:

23 15-21-502. Definitions.

24 As used in this subchapter, ~~unless the context otherwise requires:~~

25 (1) "Agency" means any agency or instrumentality of the State of
 26 Arkansas that utilizes geographic information systems data;

27 (2) "Arkansas Geographic Information Office" means the office that
 28 provides administrative and technical support to the Arkansas State Land
 29 Information Board, including, but not limited to, staff, hardware, software,
 30 and representation;

31 (3) "Arkansas Spatial Data Infrastructure" means the combination of
 32 state framework data, data repository, or GeoStor, distribution mechanisms,
 33 and the staff and organizational structures necessary to accomplish these
 34 activities;

35 (4) "Board" means the Arkansas State Land Information Board;

36 (5) "Digital basemap" means a computerized representation of map

1 information;

2 (6) "Digital cadastre" means the storage and manipulation of
 3 computerized representations of parcel maps and linked parcel databases;

4 (7) "Framework data" means commonly needed data themes developed,
 5 maintained, and integrated by public and private organizations within a
 6 geographic area. These data themes include, but are not limited to, digital
 7 cadastre, public land survey system, elevation, geodetic control,
 8 governmental units, hydrography, orthoimagery, transportation, soils, and
 9 geology;

10 ~~(8) "GIS" means geographic information systems;~~

11 ~~(9)~~(8) "Metadata" ~~describes~~ means a description of the content,
 12 ancestry and source, quality, database schema, and accuracy of digital map
 13 data;

14 ~~(10)~~(9) "Spatial data" means information that identifies the
 15 geographic location and characteristics of natural or constructed features
 16 and boundaries on the earth. This information may be derived from, among
 17 other things, remote sensing, mapping, and surveying technologies;

18 ~~(11)~~(10) "Spatial data repository" means the physical location and
 19 content of the state's consolidated spatial data;

20 ~~(12)~~(11) "State Geodetic Advisor" means the ~~coordinates~~ coordinator of
 21 the state's network of geodetic control monuments;

22 ~~(13)~~(12) "State Geographic Information Coordinator" means the person
 23 who provides administrative and technical support to the board; and

24 ~~(14)~~(13)(A) "State of Arkansas Shared Technical Architecture"
 25 ~~comprises~~ means the structure of program or system components, how these
 26 components relate to one another, and the principles that govern their design
 27 and evolution over time.

28 (B) Important aspects include the division of functions among
 29 system parts, the means of communication among them, and the representation
 30 of shared information.

31

32 SECTION 33. Arkansas Code § 15-21-503(b) is amended to read as follows
 33 to remove from the subsection obsolete language that will be placed in a note
 34 to the section and to change references to a board name to conform to
 35 Arkansas Code style:

36 (b)(1)(A) The ~~Arkansas State Land Information Board~~ board shall be

1 composed of twelve (12) voting members appointed by the Governor for terms of
 2 four (4) years.

3 (B) At the time of appointment or reappointment, the
 4 appointing authority shall adjust the length of terms to ensure that the
 5 terms of members of the ~~Arkansas State Land Information Board~~ board are
 6 staggered so that, insofar as possible, an equal number of members shall
 7 rotate each year.

8 ~~(2) Members will be generally drawn from, but not limited to,~~
 9 ~~the membership of the State Mapping and Land Records Modernization Advisory~~
 10 ~~Board created by Act 150 of 1993.~~

11 ~~(3)(2)~~ The ~~Arkansas State Land Information Board~~ board will
 12 shall be composed of the following members or their designees:

- 13 (A) Three (3) state entity representatives;
- 14 (B) Three (3) city, county, and local government
 15 representatives;
- 16 (C) Three (3) private sector representatives; and
- 17 (D) Three (3) representatives of institutions of higher
 18 education.

19 ~~(4)(3)~~ All members of the ~~Arkansas State Land Information Board~~
 20 board shall have knowledge of the use and usefulness of digital land and
 21 geographic information in the management of government and a general
 22 awareness of the role of mapping as related to such management.

23 ~~(5)(4)~~ With the exception of those members appointed to the
 24 ~~Arkansas State Land Information Board~~ board representing a state agency, no
 25 person shall serve as a member of the board for more than two (2) consecutive
 26 terms.

27 ~~(6)(5)~~ Upon the death, disability, resignation, removal, or
 28 refusal to serve of any member, the Governor shall appoint a qualified person
 29 to complete ~~Arkansas State Land Information Board~~ board membership.

30

31 SECTION 34. Arkansas Code § 17-92-101(1) is amended to read as follows
 32 to clarify the meaning of a definition in the section:

33 (1) ~~“Board of Pharmacy”~~ “Board” means the Arkansas State Board of
 34 Pharmacy;

35

36 SECTION 35. The Arkansas Code Revision Commission is given specific

1 authority to dual codify the language currently found at Arkansas Code § 15-
 2 4-2608 concerning the Arkansas Delta Region Trust Fund at its current
 3 placement at Arkansas Code § 15-4-2608 and at Arkansas Code § 19-5-1123.
 4 Arkansas Code § 19-5-1123 shall read as follows:

5 19-5-1123. Arkansas Delta Region Trust Fund.

6 (a) There is established on the books of the Treasurer of State,
 7 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
 8 the Arkansas Delta Region Trust Fund.

9 (b) The fund shall consist of funds received by the Arkansas Delta
 10 Development Commission and any other moneys as may be provided by the General
 11 Assembly, there to be used for the administration and operations of the
 12 commission.

13
 14 SECTION 36. Arkansas Code § 20-10-1205(e)(2)(B) is amended to read as
 15 follows to supply omitted language:

16 (B) In the event that the resident has no spouse or a
 17 named beneficiary or that the person cannot be located, property being held
 18 is to be disbursed pursuant to the provisions of the Probate Code, § 28-1-101
 19 et seq.

20
 21 SECTION 37. The introductory language to Arkansas Code § 20-10-1403(b)
 22 is amended to read as follows to correct an error and to make subsection (b)
 23 consistent with the rest of Acts 2001, No. 1397, § 3:

24 (b) Effective July 1, 2002, through June ~~29~~ 30, 2003, all nursing
 25 facilities shall maintain the following minimum direct-care ~~staffing to~~
 26 ~~resident~~ staffing-to-resident ratios:

27
 28 SECTION 38. Arkansas Code § 20-10-1409(c)(1) is amended to read as
 29 follows to clarify the subdivision:

30 (c)(1)(A) In the event that the Director of the Office of Long-Term
 31 Care determines that minimum staffing standards should be increased pursuant
 32 to § 20-10-1409(b)(2), the Director of the Office of Long-Term Care shall
 33 certify the determination and any proposed regulatory increases to minimum
 34 staffing standards to the Director of the Division of Medical Services, who
 35 shall notify the Director of the Department of Human Services and the
 36 Legislative Council of the determination and whether sufficient appropriated

1 funds exist to fund the costs, ~~as defined as direct care costs by the Long-~~
 2 ~~Term Care Cost Reimbursement Methodology of the Long Term Care Provider~~
 3 ~~Reimbursement Manual as in effect January 12, 2001,~~ to be incurred by the
 4 proposed changes to the minimum staffing standards.

5 (B) "Costs", as used in this subsection, means direct-care
 6 costs as defined in the Long-Term Care Provider Reimbursement Manual as in
 7 effect January 12, 2001.

8
 9 SECTION 39. Arkansas Code § 20-13-1106(b)(33) is amended to read as
 10 follows to conform the subdivision to the changes made to Arkansas Code § 5-
 11 65-111(b) by Acts 2001, No. 1206, § 1:

12 (33) Fourth or subsequent driving while intoxicated violations which
 13 constitute felony offenses under § 5-65-111(b)(3) and (4).

14
 15 SECTION 40. Arkansas Code § 20-33-205(d)(2)(B)(ii) is amended to read
 16 as follows to clarify the subdivision:

17 (ii) Murder in the first degree and murder in the second degree, as
 18 prohibited in §§ 5-10-102 and 5-10-103;

19
 20 SECTION 41. Arkansas Code § 20-47-202 is amended to read as follows to
 21 supply omitted introductory language and to conform the section to Arkansas
 22 Code style:

23 20-47-202. Definitions.

24 As used in this subchapter:

25 (1) "Administrator" ~~refers to~~ means the chief administrative officer
 26 or executive director of any private or public facility or of any community
 27 mental health center certified by the Division of Mental Health Services;

28 (2) "Community mental health center" ~~refers to~~ means a program and its
 29 affiliates established and administered by the state, or a private, nonprofit
 30 corporation certified by the division for the purpose of providing mental
 31 health services to the residents of a defined geographic area and which
 32 minimally provides twenty-four-hour emergency, inpatient, outpatient,
 33 consultation, education, prevention, partial care, follow-up and aftercare,
 34 and initial screening and precare services. The division may contract with a
 35 community mental health center for the operation and administration of any
 36 services which are part of the state mental health system;

1 (3) "Crisis response services" ~~refers to~~ means immediate or emergency
 2 treatment. Because mental illnesses are often of an episodic nature, there
 3 will be instances that require acute and quick crisis response services;

4 (4) "Deputy director" ~~refers to~~ means the chief executive officer for
 5 the Division of Mental Health Services;

6 (5) "Detention" ~~refers to~~ means any confinement of a person against
 7 his or her wishes and begins either:

8 (A) When a person is involuntarily brought to a receiving
 9 facility or program or to a hospital;

10 (B) When, pursuant to § 20-47-209(a), the person appears for the
 11 initial hearing; or

12 (C) When a person on a voluntary status in a receiving facility
 13 or program or a hospital requests to leave pursuant to § 20-47-204(3);

14 (6) "Division" ~~refers to~~ means the Division of Mental Health Services
 15 of the Department of Human Services;

16 (7) "Hospital" ~~refers to~~ means the University of Arkansas for Medical
 17 Sciences Hospital, the federal Department of Veterans Affairs Hospitals, or
 18 any private hospital with a fully trained psychiatrist on the active or
 19 consultant staff;

20 (8) "Initial screening" ~~refers to~~ means initial screening services
 21 conducted by a mental health professional provided by a receiving facility or
 22 program for individuals residing in the area served by the receiving facility
 23 or program who are being considered for referral to inpatient programs of the
 24 state mental health system to determine whether or not the individual meets
 25 the criteria for voluntary or involuntary admission and to determine whether
 26 or not appropriate alternatives to institutionalization are available. Such
 27 screening services shall be available to community organizations, agencies,
 28 or private practitioners who are involved in making referrals to the state
 29 mental health system;

30 (9) "Least restrictive appropriate setting" for treatment ~~refers to~~
 31 means the available treatment setting which provides the person with the
 32 highest likelihood of improvement or cure and which is not more restrictive
 33 of the person's physical or social liberties than is necessary for the most
 34 effective treatment of the person and for adequate protection against any
 35 dangers which the person poses to himself or herself or others;

36 (10)(A) "Mental illness" ~~refers to~~ means a substantial impairment of

1 emotional processes, or of the ability to exercise conscious control of one's
 2 actions, or the ability to perceive reality or to reason, when the impairment
 3 is manifested by instances of extremely abnormal behavior or extremely faulty
 4 perceptions.

5 (B) It does not include impairment solely caused by:

6 (i) Epilepsy;

7 (ii) Mental retardation;

8 (iii) Continuous or noncontinuous periods of intoxication
 9 caused by substances such as alcohol or drugs; or

10 (iv) Dependence upon or addiction to any substance such as
 11 alcohol or drugs;

12 (11) "Physician" ~~refers to~~ means a medical doctor licensed to practice
 13 in Arkansas;

14 (12) "Psychosurgery" ~~refers to~~ means those operations currently
 15 referred to as lobotomy, psychiatric surgery, and behavioral surgery and all
 16 other forms of brain surgery if the surgery is performed for the purpose of
 17 the following:

18 (A) Modification or control of thoughts, feelings, actions, or
 19 behavior rather than the treatment of a known and diagnosed physical disease
 20 of the brain;

21 (B) Modification of normal brain function or normal brain tissue
 22 in order to control thoughts, feelings, actions, or behavior; or

23 (C) Treatment of abnormal brain function or abnormal brain
 24 tissue in order to modify thoughts, feelings, actions, or behavior when the
 25 abnormality is not an established cause of those thoughts, feelings, actions,
 26 or behavior;

27 (13) "Receiving facility or program" ~~refers to~~ means an inpatient or
 28 outpatient treatment facility or program which is designated within each
 29 geographic area of the state by the Deputy Director for the Division of
 30 Mental Health Services to accept the responsibility for care, custody, and
 31 treatment of persons involuntarily admitted to the state mental health
 32 system;

33 (14) "State mental health system" ~~refers to~~ means the Arkansas State
 34 Hospital, the George W. Jackson Community Mental Health Center in Jonesboro,
 35 Arkansas, and any other facility or program licensed or certified by the
 36 Division of Mental Health Services;

1 (15) "Treatment" ~~refers to~~ means those psychological, educational,
 2 social, chemical, medical, somatic, or other techniques designed to bring
 3 about rehabilitation of persons with mental illness. Treatment may be
 4 provided in inpatient and outpatient settings; and

5 (16) "Treatment plan" ~~refers to~~ means an individualized written
 6 document developed by the treatment staff of the hospital or receiving
 7 facility or program which includes the following:

8 (A) A substantiated diagnosis in the terminology of the American
 9 Psychiatric Association's Diagnostic and Statistical Manual;

10 (B) Short-term and long-term treatment goals;

11 (C) Treatment programs, facilities, and activities to be
 12 utilized to achieve the treatment goals; and

13 (D) Methods for periodic review and revision of the treatment
 14 plan.

15
 16 SECTION 42. Arkansas Code § 20-48-406(a)(2) is amended to read as
 17 follows to supply language that was omitted from Acts 1997, No. 208, § 22:

18 ~~(2) The investigation shall include an examination of the~~
 19 ~~individual by two (2) reputable physicians appointed or designated by the~~
 20 ~~board for the purpose of determining the mental status and condition of the~~
 21 ~~individual and whether or not he or she has or is a carrier of a contagious~~
 22 ~~or infectious disease. The investigation may also include one (1) or more~~
 23 ~~examinations of the individual by psychologists, psychiatrists, and~~
 24 ~~physicians designated by the board. If the board determines from the~~
 25 ~~investigation that:~~

26 ~~(A) The statements made in the petition are true and~~
 27 ~~correct;~~

28 ~~(B) The individual is eligible under the provisions of §~~
 29 ~~20-48-404; and~~

30 ~~(C) The individual neither has nor is a carrier of a~~
 31 ~~contagious or infectious disease.~~

32 (2)(A) The investigation shall include an examination of the
 33 individual by two (2) reputable physicians appointed or designated by the
 34 board for the purpose of determining the mental status and condition of the
 35 individual and whether or not he or she has or is a carrier of a contagious
 36 or infectious disease.

1 (B) The investigation may also include one (1) or more
 2 examinations of the individual by psychologists, psychiatrists, and
 3 physicians designated by the board.

4 (C) The board may proceed toward admission of the
 5 individual to the center in accordance with the provisions of subsection (b)
 6 or subsection (c) of this section, whichever the board may deem proper in the
 7 particular case, but taking into consideration the request contained in the
 8 petition if the board determines from the investigation that:

9 (i) The statements made in the petition are true and
 10 correct;

11 (ii) The individual is eligible under the
 12 provisisions of § 20-48-404;

13 (iii) The individual neither has nor is a carrier of
 14 a contagious or infectious disease; and

15 (iv) The individual is not suffering from psychosis
 16 of such nature and extent that a center could not properly and beneficially
 17 care for, treat, and train the individual with the facilities and program it
 18 then has.

19
 20 SECTION 43. Arkansas Code § 20-76-401(a) is amended to read as follows
 21 to create the Transitional Employment Assistance Program:

22 (a) ~~The Department of Human Services shall administer a program of~~
 23 ~~transitional employment assistance.~~ The Transitional Employment Assistance
 24 Program is created. The program shall be administered by the Department of
 25 Human Services. Eligible applicants shall receive one (1) or more of the
 26 following: assessment services, employment assistance, support services,
 27 medical assistance, a positive reinforcement outcome bonus, relocation
 28 assistance, and extended support services.

29
 30 SECTION 44. Arkansas Code § 20-77-111(b)(2) is amended to read as
 31 follows to delete a reference to a commission which was abolished by Acts
 32 1997, No. 113, §§ 1, 2 and Acts 1999, No. 638, §§ 1, 2:

33 (2) It shall include other comparisons in the format as may be
 34 requested by the Legislative Council, ~~the Arkansas Health Resources~~
 35 ~~Commission,~~ the House Interim Committee on Public Health, Welfare, and Labor,
 36 and the Senate Interim Committee on Public Health, Welfare, and Labor or

1 appropriate subcommittees thereof to which the reports are to be delivered.

2

3 SECTION 45. The following language is added at the beginning of
 4 Arkansas Code § 20-77-801 to supply omitted introductory language:

5 20-77-801. Definitions.

6 As used in this subchapter:

7 (1)(A) "Home intravenous drug therapy services" means the items and
 8 services described in subdivision (1)(B) of this section furnished to an
 9 individual who is under the care of a physician in a place of residence used
 10 as the individual's home, by a qualified home intravenous drug therapy
 11 provider, and under a plan established and periodically reviewed by a
 12 physician.

13 (B) "Home intravenous drug therapy services" includes
 14 pharmacy and related services, including medical supplies, intravenous
 15 fluids, and equipment used in administering intravenous fluids as are
 16 necessary to conduct safely and effectively an intravenous-administered drug
 17 regimen;

18 (2) "Qualified pharmacy home intravenous drug therapy provider"
 19 means any entity that the Arkansas State Board of Pharmacy determines meets
 20 the following requirements:

21 (A) Is capable of providing home intravenous drug therapy
 22 services;

23 (B) Makes services available, as needed, seven (7) days a
 24 week on a twenty-four-hour basis;

25 (C) Adheres to the appropriate written protocols and
 26 policies with respect to the provision of items and services;

27 (D) Maintains clinical records on all patients;

28 (E) Coordinates all services with the patient's physician;

29 (F) Maintains patient records as to frequency of nursing
 30 visits, certificate of medical necessity from the attending physician,
 31 progress reports on the patient, and a patient care plan;

32 (G) Conducts a quality assessment and assurance program,
 33 including drug regimen review and coordination of patient care;

34 (H) Provides sterile compounding of intravenous drugs in
 35 an atmosphere which contains less than one thousand (1,000) particles 0.5
 36 microns or larger in diameter per cubic foot of air and positive air flow.

1 Clean air hoods must be certified at least annually;

2 (I) Performs stringent quality control procedures,
3 including complete sterile compounding records of drug lot number, expiration
4 date, quantity used, and a copy of the label attached to the final compounded
5 product;

6 (J) Is licensed by the board; and

7 (K) Meets such other requirements as the board may
8 determine are necessary to assure the safe and effective provision of home
9 intravenous drug therapy services and the efficient administration of home
10 intravenous drug therapy; and

11 (3) "Referring physician" means, with respect to providing home
12 intravenous drug therapy services to an individual, a physician who:

13 (A) Prescribed the home intravenous drug for which the
14 services are to be provided; and

15 (B) Established the plan of care for the services.
16

17 SECTION 46. The following language is added at the beginning of
18 Arkansas Code § 20-77-901 to supply omitted introductory language:

19 20-77-901. Definitions.

20 As used in this subchapter:

21 (1) "Arkansas Medicaid program" means the program authorized under
22 Title XIX of the federal Social Security Act, which provides for payments for
23 medical goods or services on behalf of indigent families with dependent
24 children and of aged, blind, or disabled individuals whose income and
25 resources are insufficient to meet the cost of necessary medical services;

26 (2) "Claim" includes any request or demand, including any and all
27 documents or information required by federal or state law or by rule, made
28 against medical assistance programs funds for payment. A claim may be based
29 on costs or projected costs and includes any entry or omission in a cost
30 report or similar document, book of account, or any other document which
31 supports, or attempts to support, the claim. A claim may be made through
32 electronic means if authorized by the department. Each claim may be treated
33 as a separate claim, or several claims may be combined to form one claim.

34 (3) "Fiscal agent" means any individual, firm, corporation,
35 professional association, partnership, organization, or other legal entity
36 which, through a contractual relationship with the Department of Human

1 Services, the State of Arkansas receives, processes, and pays claims under
 2 the program;

3 (4) "Knowing" or "knowingly" means that the person has actual
 4 knowledge of the information or acts in deliberate ignorance or reckless
 5 disregard of the truth or falsity of the information;

6 (5) "Medicaid recipient" means any individual on whose behalf any
 7 person claimed or received any payment or payments from the program or its
 8 fiscal agents, whether or not any such individual was eligible for benefits
 9 under the program;

10 (6) "Person" means any provider of goods or services or any employee
 11 of the provider, whether that provider be an individual, individual medical
 12 vendor, firm, corporation, professional association, partnership,
 13 organization, or other legal entity under the program but which provides
 14 goods or services to a provider under the program or its fiscal agents; and

15 (7) "Records" means all documents in any form, including, but not
 16 limited to, medical documents and X rays, prepared by any person for the
 17 purported provision of any goods or services to any Medicaid recipient.
 18

19 SECTION 47. Arkansas Code § 20-80-308 is repealed because the board
 20 which it created was abolished by Acts 1989, No. 536, § 10:

21 ~~20-80-308. Community Services Advisory Board.~~

22 ~~(a) The Governor shall appoint a nine person Community Services~~
 23 ~~Advisory Board to advise him or her and make recommendations to him or her~~
 24 ~~concerning matters affecting low income persons in the state.~~

25 ~~(b) The board shall provide to the Governor an annual report on~~
 26 ~~poverty conditions in the state.~~

27 ~~(c) Board members shall serve terms concurrent with the Governor's~~
 28 ~~term of office.~~

29 ~~(d) The board shall be made up as follows:~~

30 ~~(1) Three (3) executive directors of community action agencies,~~
 31 ~~one of whom must be the President of the Arkansas Community Action Agencies~~
 32 ~~Association;~~

33 ~~(2) Three (3) members from the boards of directors of community~~
 34 ~~action agencies;~~

35 ~~(3) Three (3) members from the public who have received~~
 36 ~~assistance or services from the community action agencies;~~

1 ~~(4) The deputy director of the appropriate division of the~~
 2 ~~Department of Human Services shall serve as an ex officio member of the~~
 3 ~~board.~~

4 ~~(e) The board shall elect a chair and other officers it deems~~
 5 ~~necessary. The board shall meet at the call of the chair but no less than~~
 6 ~~quarterly.~~

7 ~~(f) The appropriate division shall provide technical assistance and~~
 8 ~~reimbursement for the expenses of the board in accordance with § 25-16-901 et~~
 9 ~~seq.~~

10
 11 SECTION 48. Arkansas Code § 21-15-102(e) is amended to read as follows
 12 to clarify the meaning of the subsection:

13 (e) Before making a temporary or permanent offer of employment, a
 14 state agency shall inform applicants that:

15 (1) Continued employment is contingent upon the results of a
 16 criminal history check and a central registry check; and

17 (2) The applicant has the right to obtain a copy of his or her:

18 (A) ~~The report of the person's criminal~~ Criminal history
 19 report from the bureau; and

20 (B) ~~The report of the person's central~~ Central registry
 21 report from the registries.

22
 23 SECTION 49. Arkansas Code § 21-15-103(f) is amended to read as follows
 24 to clarify the meaning of the subsection:

25 (f) A state agency shall inform all employees in positions that
 26 include, as part of the job description, direct contact with a child that:

27 (1) Continued employment is contingent upon the results of a
 28 criminal history check and a central registry check; and

29 (2) The employee has the right to obtain a copy of his or her:

30 (A) ~~The~~ Criminal history report from the bureau; and

31 (B) ~~The central~~ Central registry report from the
 32 registries.

33
 34 SECTION 50. Arkansas Code § 23-40-125 is amended to read as follows to
 35 remove from the section language that will be codified as new Arkansas Code §
 36 23-40-126:

1 23-40-125. Prepaid Funeral Contracts Recovery Program Fund ~~—Created—~~
 2 ~~Prepaid Funeral Contracts Recovery Program Board—Established.~~

3 (a) There is established within the State Insurance Department Prepaid
 4 Trust Fund an account to be known as the “Prepaid Funeral Contracts Recovery
 5 Program Fund”, hereinafter “fund”.

6 (b) No money is to be appropriated from this fund for any purpose,
 7 except for expenses and payment of claims of the Prepaid Funeral Contracts
 8 Recovery Program at the direction of the Insurance Commissioner and the
 9 Prepaid Funeral Contracts Recovery Program Board established by this chapter.

10 (c) The fund shall be invested under the direction of the commissioner
 11 and the Treasurer of State, with advice from the Chief Fiscal Officer of the
 12 State as needed from time to time.

13 (d)(1) All income derived through investment of the fund, including,
 14 but not limited to, fees, interest, and dividends, shall be credited as
 15 investment income to the fund and deposited therein.

16 (2) All income derived from fund transfers, subrogation awards,
 17 grants, orders or judgments of restitution, refunds, voluntary reimbursements
 18 or restitution, and gifts shall be credited as investment income to the fund
 19 and deposited therein.

20 (e) Further, all moneys deposited in the fund shall not be subject to
 21 any deduction, tax, levy, or any other type of assessment, except as may be
 22 provided in this ~~subchapter~~ chapter.

23 (f)(1) The fund shall be administered by the commissioner, with advice
 24 from the ~~Prepaid Funeral Contracts Recovery Program Board, hereinafter~~
 25 ~~“board”~~ board.

26 (2) The purpose of the fund is to reimburse purchasers of
 27 preneed funeral contracts who have suffered financial loss as a result of the
 28 impairment, insolvency, business interruption, or improper inactivity of a
 29 prepaid funeral organization licensed in this state under this chapter.

30 (g)(1) From the fee for each preneed funeral contract as required by §
 31 23-40-119(d)(1)(A), and from any funds transferred to the fund, pursuant to §
 32 23-40-119(f)(1), the commissioner with board advice and consultation shall
 33 administer the Prepaid Funeral Contracts Recovery Program.

34 (2) The commissioner may suspend fees or unused funds transfers
 35 or deposits into the fund at any time and for any period for which the
 36 commissioner determines that a sufficient amount is available to meet likely

1 disbursements and to maintain an adequate reserve in compliance with a rule
 2 and regulation of the commissioner.

3 (h) The commissioner with board assistance shall adopt procedures
 4 governing management of the fund, the presentation and processing of
 5 applications for reimbursement, and subrogation or assignment of the rights
 6 of any reimbursed applicant.

7 (i)(1) The commissioner may expend moneys in the fund for the
 8 following purposes:

9 (A) To make reimbursements on approved applications; and

10 (B) To pay related expenses involved in operating the
 11 program as permitted under state law.

12 (2) Reimbursements from the fund shall be made only to the
 13 extent to which such losses are not bonded or otherwise covered, protected,
 14 or reimbursed, and only after the applicant has complied with all applicable
 15 rules of the fund.

16 (j)(1) The commissioner shall investigate all applications made and
 17 may reject or allow such claims, in whole or in part, to the extent that
 18 moneys are available in the fund.

19 (2) All payments shall be a matter of privilege and not of
 20 right, and no person shall have any right in the fund as a third-party
 21 beneficiary or otherwise.

22 (3) No attorney may be compensated by the board for prosecuting
 23 an application for reimbursement.

24 (k)(1) In the event reimbursement is made to an applicant under this
 25 section, the commissioner, on behalf of the state, shall be subrogated in the
 26 reimbursed amount and may bring any action the commissioner deems advisable
 27 for the program against any person, including a prepaid licensee.

28 (2) The commissioner may enforce any claims the program, on
 29 behalf of the state, may have for restitution or otherwise, and may employ
 30 and compensate consultants, agents, legal counsel, accountants, and any other
 31 persons the commissioner deems appropriate. Payments shall be made from the
 32 fund for such services.

33 ~~(1)(A) There is hereby created the Prepaid Funeral Contracts Recovery~~
 34 ~~Program Board.~~

35 ~~(B)(i) Members of the board shall consist of no fewer than five~~
 36 ~~(5) nor more than nine (9) members of various licensed Arkansas prepaid~~

~~funeral organizations, including one consumer member selected from the Arkansas public at large.~~

~~(ii) The members of the board shall be selected by member licensees, subject to approval of the commissioner.~~

~~(iii) Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to approval of the commissioner.~~

~~(iv) In approving selections to the board, the commissioner shall consider, among other things, whether all member licensees are fairly represented.~~

~~(m)(1) The board shall assist the commissioner and come under the immediate supervision of the commissioner and shall be subject to the applicable provisions of the laws of this state.~~

~~(2) The fund, as well as board action, shall be subject to examination and regulation by the commissioner.~~

~~(3)(A) The board shall prepare and submit to the commissioner each year, not later than one hundred twenty (120) days after the program's fiscal year, a financial report in a form approved by the commissioner and a report of program activities during the preceding fiscal year.~~

~~(B) Upon request of a licensed prepaid funeral organization in this state, the commissioner shall provide the member prepaid funeral organization with a copy of the report.~~

~~(n) There shall be no liability on the part of and no cause of action of any nature shall arise against any member of the board, the commissioner or his or her representatives, agents, or employees for any act or omission by them in the performance of their powers and duties under this chapter, or in its administration, dispensation, handling, or collection of funds for the program.~~

SECTION 51. Arkansas Code Title 23, Chapter 40 is amended to add the following section:

23-40-126. Prepaid Funeral Contracts Recovery Program Board.

(a)(1) There is created the Prepaid Funeral Contracts Recovery Program Board.

(2)(A) Members of the board shall consist of no fewer than five (5) nor more than nine (9) members of various licensed Arkansas prepaid

1 funeral organizations, including one (1) consumer member selected from the
 2 Arkansas public at large.

3 (B) The members of the board shall be selected by member
 4 licensees, subject to approval of the Insurance Commissioner.

5 (C) Vacancies on the board shall be filled for the
 6 remaining period of the term by a majority vote of the remaining board
 7 members, subject to approval of the commissioner.

8 (D) In approving selections to the board, the commissioner
 9 shall consider, among other things, whether all member licensees are fairly
 10 represented.

11 (b)(1) The board shall assist the commissioner and come under the
 12 immediate supervision of the commissioner and shall be subject to the
 13 applicable provisions of the laws of this state.

14 (2) The Prepaid Funeral Contracts Recovery Program Fund created
 15 by this chapter, as well as board action, shall be subject to examination and
 16 regulation by the commissioner.

17 (3)(A) Each year the board shall prepare and submit to the
 18 commissioner not later than one hundred twenty (120) days after the Prepaid
 19 Funeral Contracts Recovery Program's fiscal year:

20 (i) A financial report in a form approved by the
 21 commissioner; and

22 (ii) A report of program activities during the
 23 preceding fiscal year.

24 (B) Upon request of a licensed prepaid funeral
 25 organization in this state, the commissioner shall provide the member prepaid
 26 funeral organization with a copy of the report.

27 (c) There shall be no liability on the part of and no cause of action
 28 of any nature shall arise against any member of the board, the commissioner,
 29 or the commissioner's representatives, agents, or employees for any act or
 30 omission by them in the performance of their powers and duties under this
 31 chapter, or in their administration, dispensation, handling, or collection of
 32 funds for the program.

33
 34 SECTION 52. Arkansas Code § 23-63-1302 is amended to add the following
 35 definition for an acronym used in § 23-63-1301 et seq:

36 0. "RBC" means risk-based capital.

1
 2 SECTION 53. Arkansas Code § 23-66-513(a)(3) is amended to read as
 3 follows to correct an error in the wording of the subdivision:

4 (a)(3) The forms and the requirements of this subsection shall not
 5 apply to:

6 (A) Any limited or restricted license for the kinds of
 7 insurance ~~as~~ defined in § 23-64-502(7) or (9), any limited or restricted
 8 license which the commissioner may exempt, or any temporary license the
 9 commissioner may issue;

10 (B) Corporations, partnerships, limited liability
 11 companies, and partnerships licensed as insurance agencies under this
 12 chapter; and

13 (C) Any individual requesting a renewal license or
 14 requesting his or her second or subsequent insurer appointments added after
 15 the first-time license or appointment.

16
 17 SECTION 54. Arkansas Code § 23-80-404(b) is amended to read as follows
 18 to clarify the meaning of the subsection and to conform the subsection to
 19 Arkansas Code style:

20 (b) The uniform prescription drug information card or other technology
 21 shall:

22 (1)(A)~~(i)~~ Be in a format approved by the National Council for
 23 Prescription Drug Programs, in which case the card or other technology shall

24 ~~(ii) Include~~ include all fields of information
 25 required by the council, and

26 ~~(iii) Conform~~ conform to the most recent pharmacy
 27 information card or other technology implementation guide produced by the
 28 council; ~~or.~~

29 (B) ~~Conform~~ In the alternative, the card or other
 30 technology shall conform to a national format established in an
 31 administrative rule by the Insurance Commissioner;

32 (2) Include in a clear, readable, and understandable manner all
 33 information, exclusive of information provided on the prescription as
 34 required by law or regulation, that is necessary to process a claim for
 35 prescription drug benefits under the health benefit plan;

36 (3) Format and arrange all information on the card or other

1 technology in a manner that corresponds both in content and format to the
 2 content and format required by the health benefit plan to process the claim
 3 for prescription drug benefits;

4 (4) Conform all information on the card or other technology not
 5 specified by the council to a content and format established in an
 6 administrative rule by the commissioner; and

7 (5) If the health benefit plan requires a conditional or
 8 situational field as defined by the council, conform the conditional or
 9 situational field to the most recent pharmacy information card or other
 10 technology implementation guide produced by the council or to a national
 11 format established in an administrative rule by the commissioner.

12
 13 SECTION 55. Arkansas Code § 24-4-601(b) and (c) are amended to read as
 14 follows to clarify the meaning of the subsections:

15 (b)(1) For each year of noncontributory credited service in the system
 16 rendered prior to July 1, 2001, resulting from employment in a position
 17 covered at any time by social security or another federal retirement plan
 18 supported wholly or in part by employer contributions, a member shall receive
 19 one and seventy-five hundredths percent (1.75%) of the member's final average
 20 compensation plus, for each year of noncontributory credited service in the
 21 system rendered prior to July 1, 2001, resulting from employment in a
 22 position never so covered, a member shall receive two and eleven hundredths
 23 percent (2.11%) of the member's final average compensation.

24 (2) For each year of credited service in the system rendered
 25 after June 30, 2001, resulting from employment in a position covered at any
 26 time by social security or another federal retirement plan supported wholly
 27 or in part by employer contributions, a member shall receive one and seventy-
 28 two hundredths percent (1.72%) of the member's final average compensation
 29 plus, for each year of credited service in the system rendered after June 30,
 30 2001, resulting from employment in a position never so covered, a member
 31 shall receive two and seven hundredths percent (2.07%) of the member's final
 32 average compensation.

33 (c)(1) ~~For a~~ A member of the General Assembly first elected before
 34 July 1, 1999, shall receive a monthly annuity equal to thirty-five dollars
 35 (\$35.00) multiplied by the number of years of actual service as a member of
 36 the General Assembly.

1 member for his or her first full year of credited service that precedes the
2 fiscal year in which the service is purchased; or

3 (2) The average of the three (3) highest
4 salaries earned at the time of purchase; plus

5 (b) Interest from the end of that year of
6 credited service to the date of payment in full.

7 (ii) If the payment is not made in a single sum at
8 the time the contract is made, interest shall be added from the date of the
9 contract to the date of payment in full.

10 (B) The payment shall be credited to the member's account
11 in the members' deposit account and shall be in addition to regular member
12 contributions thereto;

13 (3) The out-of-state service shall not become credited service
14 under this system until:

15 (A) The member payments specified in subdivision (c)(2) of
16 this section have been paid in full; and

17 (B)(i) The member has established five (5) or more years
18 of actual service.

19 (ii) Should a member cease to be an active member
20 before the out-of-state service has been established as system-credited
21 service, the member payments contributed as specified in subdivision (c)(2)
22 of this section shall be refundable, together with regular interest thereon;

23 (4) The benefit program to be applied to each year of service
24 credit being granted shall be the benefit program in effect at the time of
25 retirement; and

26 (5) Such other rules and regulations consistent ~~herewith~~ with
27 this subchapter as the Board of Trustees of the Arkansas Teacher Retirement
28 System may from time to time adopt.

29
30 SECTION 58. Arkansas Code § 24-7-606(c) is amended to read as follows
31 to clarify the meaning of the subsection:

32 (c) ~~Payment for the service shall be based on the greater of the~~
33 ~~annual salary earned for the first full year of state teaching service~~
34 ~~preceding the fiscal year in which the service is purchased and the total of~~
35 ~~the member contribution rate in effect during that fiscal school year plus~~
36 ~~the employer contribution rate in effect during that fiscal year, or the~~

1 ~~average of the three (3) highest salaries earned at the time of purchase,~~
 2 ~~plus interest from the end of the fiscal year in which the service is~~
 3 ~~purchased until payment is made in full. The member shall pay to the system~~
 4 ~~for each year of service credit being granted:~~

5 (1) The product of the sum of the employee and employer
 6 contribution rates in effect at the time of purchase multiplied by the
 7 greater of:

8 (A) The annual salary received by the member for his or
 9 her first full year of credited service that precedes the fiscal year in
 10 which the service is purchased; or

11 (B) The average of the three (3) highest salaries earned
 12 at the time of purchase; plus

13 (2) Interest from the end of that year of credited service to
 14 the date of payment in full.

15
 16 SECTION 59. Arkansas Code § 24-7-607(b) is amended to read as follows
 17 to clarify the meaning of the subsection:

18 (b) From and after January 1, 1990, an active member shall be
 19 eligible, upon application, to purchase private school service to be credited
 20 as service under this ~~section~~ subchapter in accordance with the following
 21 conditions:

22 (1) The private school service credit to be granted shall be
 23 limited to service for which no benefit could be paid by another system
 24 similar in purpose to the Arkansas Teacher Retirement System, except social
 25 security, if the member left on deposit his or her contributions to the other
 26 system, and it shall be limited to fifteen (15) years;

27 (2)(A) ~~The member shall pay to the system for each year of~~
 28 ~~service credit being granted; the greater of the employee and employer~~
 29 ~~contribution rate in effect at the time of purchase of the annual salary~~
 30 ~~received by him or her for his or her first full year of credited service~~
 31 ~~that precedes the fiscal year in which the service is purchased, or the~~
 32 ~~average of the three (3) highest salaries earned at the time of purchase,~~
 33 ~~together with interest from the end of that year of credited service to the~~
 34 ~~date of payment in full.~~

35 (i) The product of the sum of the employee and
 36 employer contribution rates in effect at the time of purchase multiplied by

1 the greater of:

2 (a) The annual salary received by the member
3 for his or her first full year of credited service that precedes the fiscal
4 year in which the service is purchased; or

5 (b) The average of the three (3) highest
6 salaries earned at the time of purchase; plus

7 (ii) Interest from the end of that year of credited
8 service to the date of payment in full.

9 (B) If the payment is not made in a single sum at the time
10 the contract is made, interest shall be added from the date of the contract
11 to the date of payment in full.

12 (C) The payment shall be credited to the member's account
13 in the members' deposit account and shall be in addition to regular member
14 contributions thereto;

15 (3) The private school service shall not become credited service
16 under this system until:

17 (A) The member payments specified in subdivision (b)(2) of
18 this section have been paid in full; and

19 (B)(i) The member has established five (5) or more years
20 of actual service exclusive of private school service.

21 (ii) Should a member cease to be an active member
22 before the private school service has been established as system-credited
23 service, the member payments contributed as specified in subdivision (b)(2)
24 of this section shall be refundable, together with regular interest thereon;

25 (4) The benefit program to be applied to each year of service
26 credit being granted shall be the benefit program in effect at the time of
27 retirement; and

28 (5) Such other rules and regulations consistent with this
29 ~~section~~ subchapter as the Board of Trustees of the Arkansas Teacher
30 Retirement System may from time to time adopt.

31

32 SECTION 60. Arkansas Code § 24-7-610(a) is amended to read as follows
33 to clarify the meaning of the subsection:

34 (a)(1) Any member of the Arkansas Teacher Retirement System shall be
35 entitled to purchase credited service in the system for a period not to
36 exceed five (5) years for service rendered by the member in the Arkansas

1 National Guard if the member:

2 (A) Makes an application to the Board of Trustees of the
3 Arkansas Teacher Retirement System;

4 (B) Provides proof satisfactory to the board of that
5 person's service in the Arkansas National Guard; and

6 (C) Pays to the system for each year of service credit
7 being granted; ~~the greater of the employee and employer contribution rate in~~
8 ~~effect at the time of the purchase of the annual salary received by the~~
9 ~~member for his or her first full year of credited service that precedes the~~
10 ~~fiscal year in which the service is purchased or the average of the three (3)~~
11 ~~highest salaries earned at the time of purchase, plus interest from the end~~
12 ~~of that year of credited service to the date of payment in full, for each~~
13 ~~year of service credit.~~

14 (i) The product of the sum of the employee and
15 employer contribution rates in effect at the time of purchase multiplied by
16 the greater of:

17 (a) The annual salary received by the member
18 for his or her first full year of credited service that precedes the fiscal
19 year in which the service is purchased; or

20 (b) The average of the three (3) highest
21 salaries earned at the time of purchase; plus

22 (ii) Interest from the end of that year of credited
23 service to the date of payment in full.

24 (2) If the payment for service under this section is not made in
25 a single lump-sum payment, interest shall accrue from the date of the initial
26 payment to the date of the payment in full.

27 (3) The payment shall be credited to the member's account in the
28 members' deposit account and shall be in addition to regular member
29 contributions.

30

31 SECTION 61. Arkansas Code § 24-11-211(a) is amended to read as follows
32 to remove from the section special language that will be placed in a note to
33 the section:

34 (a)(1) There is hereby created the Arkansas Policemen's Pension
35 Supplement Program to be administered by the Arkansas Fire and Police Pension
36 Review Board.

1 ~~(2) Local and municipal police officers provide valuable~~
 2 ~~services to the citizens of this state by risking their lives and health to~~
 3 ~~protect the lives and property of our citizens. Upon their retirement or~~
 4 ~~participation in a deferred retirement option plan, these police officers are~~
 5 ~~provided retirement benefits through local police pension funds. These~~
 6 ~~retired police officers and, if deceased, their survivors are expected to pay~~
 7 ~~for all kinds of expenses after their retirement, some which are unexpected~~
 8 ~~and can be extremely expensive. A program by which the state can provide a~~
 9 ~~modest annual supplement to retirement benefits to defray unexpected expenses~~
 10 ~~for retired police officers and their survivors will benefit all local police~~
 11 ~~officers, local governments, and all citizens of the state.~~

12 ~~(3)~~(2) As used in this section, the term “retired police
 13 officers” shall include police officers who are retired from active service
 14 and officers who remain actively employed while participating in the Arkansas
 15 Police Officers’ Deferred Option Plan under a policemen’s pension and relief
 16 fund.

17
 18 SECTION 62. Arkansas Code § 24-11-809(c) is amended to read as
 19 follows to remove from the subsection temporary language that will be placed
 20 in a note to the section:

21 ~~(c)(1)(A) The Insurance Commissioner is directed, and it shall be the~~
 22 ~~commissioner’s duty, to embody in his or her annual statement the names of~~
 23 ~~all cities, towns, and fire protection districts entitled to receive the tax~~
 24 ~~paid by the insurance companies.~~

25 ~~(B) The commissioner shall require the companies to report~~
 26 ~~at the time of making his or her annual statements the amount of premiums~~
 27 ~~received and the amount of taxes paid by the companies during the year ending~~
 28 ~~December 31 upon real and personal property insured against the perils~~
 29 ~~recited in each and all of the several cities, towns, and fire protection~~
 30 ~~districts named in his or her report.~~

31 ~~(2) Thereafter, and by June 30 in each calendar year until the~~
 32 ~~year 2000, the commissioner shall certify to the Auditor of State the names~~
 33 ~~of the towns, cities, and fire protection districts having organized fire~~
 34 ~~departments that qualify for participation in the taxes distributed for~~
 35 ~~firemen’s relief and pension funds and the amount of taxes paid in the~~
 36 ~~preceding year by the companies described in this section upon the premiums~~

1 ~~described in this section. As of December 15, 2000, the provisions of~~
 2 ~~subdivisions (c)(1) and (2) of this section shall be superseded by the~~
 3 ~~provisions of § 24-11-810(a) and (b).~~

4 ~~(3)~~(A) All taxes that are levied on insurers that are allocated
 5 to general revenues under this section may be allocated to the Fire
 6 Protection Premium Tax Fund and the Arkansas Fire and Police Pension
 7 Guarantee Fund and then to general revenues.

8 (B) For the 1999-2000 state fiscal year, six hundred
 9 thousand dollars (\$600,000) of the funds transferred to General Revenues
 10 pursuant to this section and § 24-11-810 shall be transferred to the Fire
 11 Protection Premium Tax Fund and in all subsequent years fifty percent (50%)
 12 of the percentage increase in the amount allocated to General Revenues under
 13 this section and § 24-11-810, using the dollar amount allocated in fiscal
 14 year 1999-2000 as the baseline, shall be transferred to the Fire Protection
 15 Premium Tax Fund in addition to the six hundred thousand dollars (\$600,000)
 16 per year, until such time that a cap of two million dollars (\$2,000,000)
 17 annually is transferred to the Fire Protection Premium Tax Fund. Thereafter,
 18 the annual transfer shall be set at two million dollars (\$2,000,000).

19 (C) Funds shall be distributed by the Chief Fiscal Officer
 20 of the State to the Arkansas Fire and Police Pension Guarantee Fund upon the
 21 recommendation of the Arkansas Fire and Police Pension Review Board in an
 22 amount necessary to fund the priority categories defined by § 24-11-
 23 209(e)(3)(A)-(D).

24 (D) Funds may be distributed by the Chief Fiscal Officer
 25 of the State to the Arkansas Fire and Police Pension Guarantee Fund upon the
 26 recommendation of the Arkansas Fire and Police Pension Review Board for plans
 27 in the priority category defined by § 24-11-209(e)(3)(E).

28 ~~(4)~~(2) The payment for the administrative and actuarial expenses
 29 of the Arkansas Fire and Police Pension Review Board shall be made prior to
 30 the disbursements to the eligible political subdivisions.

31
 32 SECTION 63. Arkansas Code § 25-1-302(a) is amended to read as follows
 33 to remove from the section references to boards, commissions, and other
 34 entities that have been repealed or abolished:

35 (a) As soon as possible after April 13, 1999, the appointing
 36 authorities shall replace members of the General Assembly serving on

1 executive branch boards and commissions identified below with persons who are
 2 not members of the General Assembly:

- 3 ~~(1) Advisory Committee on Accountability, § 6-15-804 [repealed];~~
- 4 ~~(2)(1) Arkansas Alcohol and Drug Abuse Coordinating Council, §~~
 5 20-64-1002;
- 6 ~~(3)(2) Arkansas Alternative Dispute Resolution Commission, § 16-~~
 7 7-102;
- 8 ~~(4)(3) Arkansas Aviation and Aerospace Commission, § 15-4-1501;~~
- 9 ~~(5) Commission to Assist Persons Who Have Suffered Catastrophic~~
 10 ~~Financial Loss, § 12-81-101 [repealed];~~
- 11 ~~(6)(4) Capitol Arts and Grounds Commission, § 22-3-502;~~
- 12 ~~(7) Catastrophic Financial Loss Commission, § 12-81-101~~
 13 ~~[repealed];~~
- 14 ~~(8)(5) Arkansas Child Abuse/Rape/Domestic Violence Commission, §~~
 15 20-82-201;
- 16 ~~(9)(6) Supervisory Board for the Arkansas Crime Information~~
 17 ~~Center, § 12-12-202;~~
- 18 ~~(10) Community Work, Recreation, and Youth Opportunities~~
 19 ~~Commission, § 9-31-302 [repealed];~~
- 20 ~~(11)(7) Arkansas Early Childhood Commission, § 20-78-501;~~
- 21 ~~(12)(8) State Interagency Council, § 20-14-508;~~
- 22 ~~(13)(9) Arkansas Entertainers Hall of Fame Board, § 13-9-101;~~
- 23 ~~(14)(10) Trauma Advisory Council, § 20-13-807;~~
- 24 ~~(15) Arkansas Health Resources Commission, § 20-77-202~~
 25 ~~[repealed];~~
- 26 ~~(16)(11) Martin Luther King, Jr. Commission, § 25-24-101;~~
- 27 ~~(17)(12) Mansion Advisory Council, § 22-3-806;~~
- 28 ~~(18)(13) Arkansas Minority Health Commission, § 20-2-102;~~
- 29 ~~(19)(14) Arkansas Natural and Cultural Resources Council, § 15-~~
 30 12-101;
- 31 ~~(20)(15) Arkansas Natural Heritage Commission, § 15-20-304;~~
- 32 ~~(21) Commission on Improving Public Schools' Basic Skills~~
 33 ~~Opportunities Through Technology, § 6-16-402 [abolished];~~
- 34 ~~(22)(16) Arkansas Pygmalion Commission on Nontraditional~~
 35 ~~Education, uncodified Act 1288 of 1993, as amended;~~
- 36 ~~(23) Quality Management Board, § 25-23-103 [repealed];~~

- 1 ~~(24)~~(17) Arkansas Rural Development Commission, § 15-6-104;
- 2 ~~(25)~~(18) School Self-Insurance Advisory Committee, § 6-20-1504;
- 3 ~~(26)~~(19) School Motor Vehicle Self-Insurance Advisory Committee,
- 4 § 6-21-711;
- 5 ~~(27)~~ ~~School Transportation Funding Commission, Acts 1997, No.~~
- 6 ~~1133, § 4;~~
- 7 ~~(28)~~(20) Arkansas Science and Technology Authority, § 15-3-103;
- 8 ~~(29)~~(21) Arkansas Sentencing Commission, § 16-90-802;
- 9 ~~(30)~~(22) State Building Services Council, § 22-2-106;
- 10 ~~(31)~~(23) State and Public School Life and Health Insurance
- 11 Board, § 21-5-402;
- 12 ~~(32)~~(24) Compliance Advisory Panel of the Small Business
- 13 Stationary Source Technical and Environmental Compliance Assistance Program,
- 14 § 8-4-314;
- 15 ~~(33)~~ ~~Trauma Advisory Council, § 20-13-807;~~
- 16 ~~(34)~~(25) Arkansas Transitional Employment Board, § 20-76-105;
- 17 ~~(35)~~(26) Arkansas Public Transportation Coordination Council, §
- 18 27-3-103;
- 19 ~~(36)~~ ~~Arkansas Tuition Trust Authority, § 6-62-903 [repealed];~~
- 20 ~~(37)~~(27) Board of Visitors for the University of Arkansas at
- 21 Pine Bluff, § 6-64-304;
- 22 ~~(38)~~ ~~Arkansas Women's Commission, § 20-84-102 [repealed];~~
- 23 ~~(39)~~(28) Workers' Compensation Commission, § 11-9-201; and
- 24 ~~(40)~~(29) State Board of Workforce Education and Career
- 25 Opportunities, § 25-30-101.

26

27 SECTION 64. In order to transfer the section to more appropriate

28 locations in the Arkansas Code, § 26-3-307 is transferred to read as follows:

29 ~~26-3-307. Adaptive medical equipment and disposable medical supplies.~~

30 ~~(a) Gross receipts or gross proceeds derived from the rental, sale, or~~

31 ~~repair of adaptive medical equipment prescribed by a physician and disposable~~

32 ~~medical supplies prescribed by a physician shall be exempt from all state and~~

33 ~~local sales and use taxes.~~

34 ~~(1) This exemption shall only apply to adaptive medical~~

35 ~~equipment and disposable medical supplies prescribed for a specific patient~~

36 ~~prior to the sale.~~

1 ~~(2) This exemption shall not apply to items purchased by~~
 2 ~~physicians, hospitals, nursing homes, or long-term care facilities for use by~~
 3 ~~their patients or residents.~~

4 ~~(b) For the purpose of this section, “adaptive medical equipment and~~
 5 ~~disposable medical supplies” shall include, but not be limited to, the~~
 6 ~~following:~~

- 7 ~~(1) Wheelchairs;~~
- 8 ~~(2) Leg braces;~~
- 9 ~~(3) Wheelchair lifts;~~
- 10 ~~(4) Ostomy, urostomy, and colostomy supplies;~~
- 11 ~~(5) Raised toilet seats;~~
- 12 ~~(6) Catheters;~~
- 13 ~~(7) Wheelchair batteries, tires, cushions, and supplies;~~
- 14 ~~(8) Enemas, suppositories, and laxatives used in routine bowel~~
 15 ~~care;~~
- 16 ~~(9) Flexor wrist splints;~~
- 17 ~~(10) Trapeze bars;~~
- 18 ~~(11) Grab bars and hand rails;~~
- 19 ~~(12) Wheelchair adaptive devices;~~
- 20 ~~(13) Hospital beds and adaptive devices;~~
- 21 ~~(14) Patient lifts;~~
- 22 ~~(15) Orthopedic shoes and devices such as shoe lifts and~~
 23 ~~inserts;~~
- 24 ~~(16) Walkers;~~
- 25 ~~(17) Crutches;~~
- 26 ~~(18) Automobile hand controls;~~
- 27 ~~(19) Shower benches and chairs;~~
- 28 ~~(20) Disposable undergarments and linen savers;~~
- 29 ~~(21) Prosthetics;~~
- 30 ~~(22) Braille writers, large print aids, visual and communication~~
 31 ~~aids for those who are legally blind;~~
- 32 ~~(23) Hearing aids;~~
- 33 ~~(24) Telecommunications devices and other communication devices~~
 34 ~~for the deaf, hearing impaired, and others with communicative disorders; and~~
- 35 ~~(25) Speech devices for those with laryngectomies.~~

36 ~~(c) For the purpose of this section, “physician” means a person~~

1 ~~licensed under § 17-95-401 et seq.~~

2
3 26-52-433. Adaptive medical equipment and disposable medical supplies.

4 (a) Gross receipts or gross proceeds derived from the rental, sale, or
5 repair of adaptive medical equipment prescribed by a physician and disposable
6 medical supplies prescribed by a physician shall be exempt from all state and
7 local sales and use taxes.

8 (1) This exemption shall only apply to adaptive medical
9 equipment and disposable medical supplies prescribed for a specific patient
10 prior to the sale.

11 (2) This exemption shall not apply to items purchased by
12 physicians, hospitals, nursing homes, or long-term care facilities for use by
13 their patients or residents.

14 (b) For the purpose of this section, “adaptive medical equipment and
15 disposable medical supplies” shall include, but not be limited to, the
16 following:

17 (1) Wheelchairs;

18 (2) Leg braces;

19 (3) Wheelchair lifts;

20 (4) Ostomy, urostomy, and colostomy supplies;

21 (5) Raised toilet seats;

22 (6) Catheters;

23 (7) Wheelchair batteries, tires, cushions, and supplies;

24 (8) Enemas, suppositories, and laxatives used in routine bowel
25 care;

26 (9) Flexor wrist splints;

27 (10) Trapeze bars;

28 (11) Grab bars and hand rails;

29 (12) Wheelchair adaptive devices;

30 (13) Hospital beds and adaptive devices;

31 (14) Patient lifts;

32 (15) Orthopedic shoes and devices such as shoe lifts and
33 inserts;

34 (16) Walkers;

35 (17) Crutches;

36 (18) Automobile hand controls;

1 (19) Shower benches and chairs;

2 (20) Disposable undergarments and linen savers;

3 (21) Prosthetics;

4 (22) Braille writers, large print aids, and visual and
5 communication aids for those who are legally blind;

6 (23) Hearing aids;

7 (24) Telecommunications devices and other communication devices
8 for the deaf, hearing impaired, and others with communicative disorders; and

9 (25) Speech devices for those with laryngectomies.

10 (c) For the purpose of this section, "physician" means a person
11 licensed under § 17-95-401 et seq.

12
13 26-53-141. Adaptive medical equipment and disposable medical supplies.

14 (a) Gross receipts or gross proceeds derived from the rental, sale, or
15 repair of adaptive medical equipment prescribed by a physician and disposable
16 medical supplies prescribed by a physician shall be exempt from all state and
17 local sales and use taxes.

18 (1) This exemption shall only apply to adaptive medical
19 equipment and disposable medical supplies prescribed for a specific patient
20 prior to the sale.

21 (2) This exemption shall not apply to items purchased by
22 physicians, hospitals, nursing homes, or long-term care facilities for use by
23 their patients or residents.

24 (b) For the purpose of this section, "adaptive medical equipment and
25 disposable medical supplies" shall include, but not be limited to, the
26 following:

27 (1) Wheelchairs;

28 (2) Leg braces;

29 (3) Wheelchair lifts;

30 (4) Ostomy, urostomy, and colostomy supplies;

31 (5) Raised toilet seats;

32 (6) Catheters;

33 (7) Wheelchair batteries, tires, cushions, and supplies;

34 (8) Enemas, suppositories, and laxatives used in routine bowel
35 care;

36 (9) Flexor wrist splints;

- 1 (10) Trapeze bars;
- 2 (11) Grab bars and hand rails;
- 3 (12) Wheelchair adaptive devices;
- 4 (13) Hospital beds and adaptive devices;
- 5 (14) Patient lifts;
- 6 (15) Orthopedic shoes and devices such as shoe lifts and
- 7 inserts;
- 8 (16) Walkers;
- 9 (17) Crutches;
- 10 (18) Automobile hand controls;
- 11 (19) Shower benches and chairs;
- 12 (20) Disposable undergarments and linen savers;
- 13 (21) Prosthetics;
- 14 (22) Braille writers, large print aids, and visual and
- 15 communication aids for those who are legally blind;
- 16 (23) Hearing aids;
- 17 (24) Telecommunications devices and other communication devices
- 18 for the deaf, hearing impaired, and others with communicative disorders; and
- 19 (25) Speech devices for those with laryngectomies.
- 20 (c) For the purpose of this section, "physician" means a person
- 21 licensed under § 17-95-401 et seq.

22

23 SECTION 65. In order to transfer the section to more appropriate

24 locations in the Arkansas Code, § 26-3-309 is transferred to read as follows:

- 25 ~~26-3-309. Fire protection equipment and emergency equipment.~~
- 26 ~~(a) The gross receipts or gross proceeds derived from purchases of or~~
- 27 ~~repairs to fire protection equipment and emergency equipment to be owned by~~
- 28 ~~and exclusively used by volunteer fire departments are hereafter exempt from~~
- 29 ~~the taxes levied under the Arkansas Gross Receipts Act of 1941, § 26-52-101~~
- 30 ~~et seq., the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and~~
- 31 ~~all other state, local, and county sales and use taxes.~~
- 32 ~~(b) The gross receipts or gross proceeds derived from purchases of~~
- 33 ~~supplies and materials to be used in the construction and maintenance of~~
- 34 ~~volunteer fire departments; including improvements and fixtures thereon, and~~
- 35 ~~property of any nature appurtenant thereto or used in connection therewith~~
- 36 ~~are exempt from the taxes levied under the Arkansas Gross Receipts Act of~~

1 ~~1941, § 26-52-101 et seq., the Arkansas Compensating Tax Act of 1949, § 26-~~
 2 ~~53-101 et seq., and all other state, local, and county sales and use taxes.~~

3
 4 26-52-434. Fire protection equipment and emergency equipment.

5 (a) The gross receipts or gross proceeds derived from purchases of or
 6 repairs to fire protection equipment and emergency equipment to be owned by
 7 and exclusively used by volunteer fire departments are hereafter exempt from
 8 the taxes levied under the Arkansas Gross Receipts Act of 1941, § 26-52-101
 9 et seq., the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and
 10 all other state, local, and county sales and use taxes.

11 (b) The gross receipts or gross proceeds derived from purchases of
 12 supplies and materials to be used in the construction and maintenance of
 13 volunteer fire departments; including improvements and fixtures thereon, and
 14 property of any nature appurtenant thereto or used in connection therewith
 15 are exempt from the taxes levied under the Arkansas Gross Receipts Act of
 16 1941, § 26-52-101 et seq., the Arkansas Compensating Tax Act of 1949, § 26-
 17 53-101 et seq., and all other state, local, and county sales and use taxes.

18
 19 26-53-142. Fire protection equipment and emergency equipment.

20 (a) The gross receipts or gross proceeds derived from purchases of or
 21 repairs to fire protection equipment and emergency equipment to be owned by
 22 and exclusively used by volunteer fire departments are hereafter exempt from
 23 the taxes levied under the Arkansas Gross Receipts Act of 1941, § 26-52-101
 24 et seq., the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and
 25 all other state, local, and county sales and use taxes.

26 (b) The gross receipts or gross proceeds derived from purchases of
 27 supplies and materials to be used in the construction and maintenance of
 28 volunteer fire departments; including improvements and fixtures thereon, and
 29 property of any nature appurtenant thereto or used in connection therewith
 30 are exempt from the taxes levied under the Arkansas Gross Receipts Act of
 31 1941, § 26-52-101 et seq., the Arkansas Compensating Tax Act of 1949, § 26-
 32 53-101 et seq., and all other state, local, and county sales and use taxes.

33
 34 SECTION 66. In order to transfer the section to more appropriate
 35 locations in the Arkansas Code, § 26-3-310 is transferred to read as follows:
 36 ~~26-3-310. Wall and floor tile manufacturers. [Effective July 1, 2003.]~~

~~The gross receipts or gross proceeds derived from sales of electricity and natural gas used in the process of manufacturing wall and floor tile by manufacturers of tile classified in Standard Industrial Classification 3253 are exempt from the Arkansas gross receipts tax levied by §§ 26-52-301, 26-52-302, and 26-52-1002, the Arkansas compensating use tax levied by §§ 26-53-106 and 26-53-107, and all city and county sales and use taxes. A manufacturer of wall or floor tile classified in Standard Industrial Classification 3253 must have begun construction of a manufacturing facility in the state prior to January 1, 2003, in order to claim this exemption.~~

26-52-435. Wall and floor tile manufacturers. [Effective July 1, 2003.]

The gross receipts or gross proceeds derived from sales of electricity and natural gas used in the process of manufacturing wall and floor tile by manufacturers of tile classified in Standard Industrial Classification 3253 are exempt from the Arkansas gross receipts tax levied by §§ 26-52-301, 26-52-302, and 26-52-1002, the Arkansas compensating use tax levied by §§ 26-53-106 and 26-53-107, and all city and county sales and use taxes. A manufacturer of wall or floor tile classified in Standard Industrial Classification 3253 must have begun construction of a manufacturing facility in the state prior to January 1, 2003, in order to claim this exemption.

26-53-143. Wall and floor tile manufacturers. [Effective July 1, 2003.]

The gross receipts or gross proceeds derived from sales of electricity and natural gas used in the process of manufacturing wall and floor tile by manufacturers of tile classified in Standard Industrial Classification 3253 are exempt from the Arkansas gross receipts tax levied by §§ 26-52-301, 26-52-302, and 26-52-1002, the Arkansas compensating use tax levied by §§ 26-53-106 and 26-53-107, and all city and county sales and use taxes. A manufacturer of wall or floor tile classified in Standard Industrial Classification 3253 must have begun construction of a manufacturing facility in the state prior to January 1, 2003, in order to claim this exemption.

SECTION 67. The following language is added at the beginning of Arkansas Code § 27-14-207 to supply omitted introductory language:

1 27-14-207. Definitions.

2 As used in this subchapter:

3 (a) "Vehicle" means every device in, upon, or by which any person or
 4 property is, or may be, transported or drawn upon a highway, excepting
 5 devices moved by human power or used exclusively upon stationary rails or
 6 tracks.

7 (b) "Motor vehicle" means every vehicle which is self-propelled and
 8 every vehicle which is propelled by electric power obtained from overhead
 9 trolley wires, but not operated upon rails.

10 (c) "Motorcycle" means every motor vehicle having a saddle for the use
 11 of the rider and designed to travel on not more than three (3) wheels in
 12 contact with the ground, excluding a tractor.

13 (d) "School bus" means every motor vehicle owned by a public or
 14 governmental agency and operated for the transportation of children to or
 15 from school or privately owned and operated for compensation for the
 16 transportation of children to or from school.

17 (e) "Bus" means every motor vehicle designed for carrying more than
 18 ten (10) passengers and used for the transportation of persons and every
 19 motor vehicle, other than a taxicab, designed and used for the transportation
 20 of persons for compensation.

21 (f) "Mobile home" means every house trailer or other vehicle, with or
 22 without wheels, designed for use as living quarters, either permanent or
 23 temporary, and, at the time of manufacture, capable of being towed or
 24 otherwise transported or drawn upon a highway.

25 (g) "Motor home" means a motor vehicle designed to provide temporary
 26 living quarters, built onto an integral part of, or permanently attached to,
 27 a self-propelled motor vehicle chassis. The vehicle must contain permanently
 28 installed independent life-support systems.

29
 30 SECTION 68. Arkansas Code § 27-15-3502(a)(2) is amended to read as
 31 follows to clarify the subdivision:

32 (2) The Department of Education may periodically conduct a contest and
 33 submit the winning design as a newly designed license plate for approval and
 34 issue by the Director of the Department of Finance and Administration, with
 35 not more than one (1) license plate design issued per calendar year.

36

1 SECTION 69. The following Arkansas Code sections are removed from the
2 Arkansas Code. This removal does not constitute the repeal of the underlying
3 original acts or other sections of the Arkansas Code. It is the intent of
4 the General Assembly that by this section Title 29 of the Arkansas Code of
5 1987 Annotated shall no longer be considered a current title within the
6 Arkansas Code and Title 29 may now be used for other purposes:

7 29-1-101, 29-2-101 – 29-2-106, 29-3-101 – 29-3-106, 29-20-101 – 29-20-
8 139, 29-30-101 – 29-30-104, 29-30-113 – 29-30-189, 29-30-191, and 29-31-101 –
9 29-31-120.

10
11 SECTION 70. Arkansas Code § 14-60-104(b)(4)(B)(iii) is amended to read
12 as follows to insert necessary language that should have been added to the
13 section by Acts 1999, No. 583 in order to make the language of the section
14 consistent with Arkansas Code § 14-26-104:

15 (iii) Purchase of reinsurance from the National
16 League of Cities’ Reinsurance Company or County Reinsurance, Limited, a
17 national reinsurance facility for county governments.

18
19 SECTION 71. The enactment and adoption of this act shall not repeal,
20 expressly or impliedly, the acts passed at the regular session of the 84th
21 General Assembly. All such acts shall have full effect and, so far as those
22 acts intentionally vary from or conflict with any provision contained in this
23 Act, those acts shall have the effect of subsequent acts and as amending or
24 repealing the appropriate parts of the Arkansas Code of 1987.