

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
4

A Bill

SENATE BILL 167

5 By: Senator Faris
6 By: Representative Roebuck
7

For An Act To Be Entitled

10 AN ACT TO PROVIDE FOR ORGAN DONOR EDUCATION
11 THROUGH THE ESTABLISHMENT OF THE ORGAN DONOR
12 EDUCATION TRUST FUND, THE ISSUANCE OF ORGAN DONOR
13 AWARENESS SPECIAL LICENSE PLATES, AND THE
14 REQUIREMENT OF CERTAIN ORGAN DONOR EDUCATION; TO
15 PROVIDE FOR VOLUNTARY CONTRIBUTIONS; TO PROVIDE
16 LEAVE TO CERTAIN LIVING DONORS; AND FOR OTHER
17 PURPOSES.
18

Subtitle

19 AN ACT TO PROVIDE FOR ORGAN DONOR
20 EDUCATION.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

SECTION 1. Organ Donor Awareness Education Trust Fund.

27 (a) There is created on the books of the Treasurer of State, the
28 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
29 be known as the "Organ Donor Awareness Education Trust Fund".

30 (b) The Organ Donor Awareness Education Trust Fund shall consist of
31 all moneys donated or collected for the purpose of educating or informing the
32 public of the need for organ donations, all interest earned from the
33 investment of fund balances, and any remaining fund balances carried forward
34 from year to year.

35 (c) The Director of the Department of Finance and Administration is
36 authorized to accept any gifts, grants, bequests, devises, and donations made



1 to the State of Arkansas for the purposes of organ donor awareness education.
 2 Funds received for the purposes stated in this section shall be deposited in
 3 the Organ Donor Awareness Education Trust Fund.

4 (d) The Department of Finance and Administration shall administer the
 5 fund.

6 (e) The Director of the Department of Finance and Administration shall
 7 grant funds available and appropriated from the Organ Donor Awareness
 8 Education Trust Fund to the Arkansas Regional Organ Recovery Agency, or it's
 9 successor agency, to be used for educational or informational materials and
 10 other related costs associated with informing or educating the public about
 11 organ donations and organ donation awareness.

12 (f) The Arkansas Regional Organ Recovery Agency, or it's successor
 13 agency, shall annually provide to the Chief Fiscal Officer of the State
 14 documentation evidencing that granted funds have been used in accordance with
 15 the purposes of this act.

16
 17 SECTION 2. Organ Donor Awareness Education.

18 (a) All driver education courses and high school health class
 19 curriculum shall include a teaching unit regarding organ and tissue donation.

20 (b) The organ donor educational or informational materials shall be
 21 provided to the various educational entities through the grant program
 22 established under section 1 of this act, after approval of the materials by
 23 both the Department of Education and the Department of Health.

24 (c) Inclusion of an organ donor educational teaching unit is mandated
 25 beginning with the 2004-2005 school year.

26 (d) The Department of Education and the Department of Health may
 27 jointly approve organ donor educational or informational materials which may
 28 be provided to all elementary or secondary schools in the state through the
 29 grant program established under section 1 of this act.

30
 31 SECTION 3. Driver's Instruction Manual.

32 (a) The driver's instruction manual issued by the Department of
 33 Arkansas State Police shall include information related to organ and tissue
 34 donation education.

35 (b) The Department of the Arkansas State Police shall coordinate with
 36 the Department of Health in developing information to include in the driver's

1 instruction manual.

2 (c) Information regarding organ donation education shall be included
3 in the driver's instruction manual in the first and subsequent reprinting of
4 the manual following passage of this act.

5
6 SECTION 4. Organ Donor Awareness License Plate.

7 (a) The Director of the Department of Finance and Administration
8 shall issue special "Organ Donor Awareness" motor vehicle license plates in
9 the manner and subject to the conditions prescribed in this section.

10 (b)(1) The Arkansas Regional Organ Recovery Agency may submit a design
11 for the special Organ Donor Awareness motor vehicle license plates. The
12 design must be submitted to the director of the Department of Finance and
13 Administration for design approval.

14 (2) The Arkansas Regional Organ Recovery Agency may periodically
15 submit newly designed license plates for approval and issuance by the
16 director, but not more than one (1) license plate design shall be issued per
17 calendar year.

18 (c)(1) Upon approval of the design by the director, there shall be
19 remitted to the Department of Finance and Administration a fee in the amount
20 of six thousand dollars (\$6,000) to cover the cost of the initial order of
21 each newly designed license plate.

22 (2) The fee for the cost of initial orders shall be deposited to
23 the State Central Services Fund for the benefit of the Revenue Division, and
24 shall be credited as supplemental and in addition to all other funds as may
25 be deposited for the benefit of the Revenue Division.

26 (3) The fee for the cost of initial orders shall not be
27 considered or credited to the Revenue Division as "direct revenues".

28 (d)(1) Upon payment of the fee required by law for the registration of
29 the vehicle, payment of twenty-five dollars (\$25.00) to cover the design use
30 contribution, and payment of an additional ten dollars (\$10.00) handling and
31 administrative fee for the issuance of the special Organ Donor Awareness
32 plate, the Department of Finance and Administration shall issue to the
33 vehicle owner an Organ Donor Awareness license plate which shall bear the
34 approved design.

35 (2) The handling and administrative fee of ten dollars (\$10.00)
36 shall be deposited to the State Central Services Fund for the benefit of the

1 Revenue Division and shall not be considered or credited to the Revenue
 2 Division as "direct revenues".

3 (3) The design use contribution of twenty-five dollars (\$25.00)
 4 shall be deposited in the Organ Donor Awareness Education Trust Fund to be
 5 used as provided in section 1 of this act.

6 (e)(1) Organ Donor Awareness license plates issued under this act may
 7 be renewed annually in accordance with the procedures set out in this section
 8 and pursuant to Arkansas Code §§ 27-14-1012 and 27-14-1013.

9 (2) Registration may continue from year to year as long as it is
 10 renewed each year within the time and manner required by law.

11 (3) A motor vehicle owner who was previously issued a plate with
 12 the Organ Donor Awareness design authorized by this act and who does not pay
 13 a design use contribution of twenty-five dollars (\$25.00) to the subsequent
 14 time of registration shall be issued a new plate which does not bear the
 15 Organ Donor Awareness design.

16 (4) Upon expiration, or if the special Organ Donor Awareness
 17 license plate is lost, it may be replaced with a regular license plate at the
 18 fee specified in § 27-14-602(b)(6).

19 (5) If the special Organ Donor Awareness license plate is
 20 replaced with a new Organ Donor Awareness license plate, the owner shall be
 21 required to additionally pay the administrative cost and design use
 22 contribution as set forth in this section.

23 (f) Organ Donor Awareness license plates issued under this act may be
 24 transferred from one vehicle to another pursuant to Arkansas Code § 27-14-
 25 914.

26 (g) The Organ Donor Awareness license plates shall comply with all
 27 other state motor vehicle laws relating to registration and licensing of
 28 motor vehicles, unless specifically provided otherwise in this act.

29 (h) The director of the Department of Finance and Administration shall
 30 promulgate such reasonable rules and regulations, and prescribe such forms as
 31 he determines to be necessary for effectively and efficiently carrying out
 32 the intent and purposes of this act.

33
 34 SECTION 5. Voluntary Contributions.

35 (a) The Revenue Division of the Department of Finance and
 36 Administration shall give an applicant for an original or replacement driver

1 license or identification card the opportunity to make a voluntary
 2 contribution of one dollar (\$1.00) to be credited to the Organ Donor
 3 Awareness Education Trust Fund.

4 (b) The Revenue Division of the Department of Finance and
 5 Administration shall give an applicant registering a vehicle, the opportunity
 6 to make a voluntary contribution of one dollar (\$1.00) to be credited to the
 7 Organ Donor Awareness Education Trust Fund.

8 (c) The Revenue Division of the Department of Finance and
 9 Administration shall include on the Arkansas individual income tax forms,
 10 including those forms on which a husband and wife file separately on the same
 11 form and on all corporate income tax forms, the opportunity to allow
 12 taxpayers to voluntarily apply one dollar (\$1.00) of their tax refund for
 13 Organ Donor Awareness Education. Funds collected pursuant to this provision
 14 shall be credited to the Organ Donor Education Awareness Trust Fund.

15 (d) The Director of the Department of Finance and Administration shall
 16 promulgate all rules and regulations and all income tax forms, returns,
 17 schedules, or other materials necessary to carry out the provisions of this
 18 section.

19
 20 SECTION 6. Informational or Educational Booklets.

21 (a) If booklets or other information sources on the importance of
 22 organ donations are provided through the grant program established under
 23 section 1 of this act, the Revenue Division of the Department of Finance and
 24 Administration shall make the materials available to the public through the
 25 various offices of the Revenue Division.

26 (b) The booklets or other information sources shall be approved by the
 27 Department of Health.

28
 29 SECTION 7. Leave For Bone Marrow or Organ Donation.

30 (a) Definitions. As used in this section:

31 (1) "Bone marrow donor" means a person from whose body bone
 32 marrow is taken to be transferred to the body of another person;

33 (2) "Organ" means a human organ that is capable of being
 34 transferred from the body of a person to the body of another person,
 35 including eyes;

36 (3) "Organ donor" means a person from whose body an organ is

1 taken to be transferred to the body of another person;

2 (4) "Public school employee" means a fulltime employee of a
3 public school or educational cooperative;

4 (5) "Public school" means any public school or educational
5 cooperative located in the State of Arkansas;

6 (6) "State employee" means a full time employee of the State of
7 Arkansas or any branch, department, board, bureau, commission, or state
8 supported institution of higher education; and

9 (7) "State agency" means an agency, bureau, board, or commission
10 of any branch of state government, and all state supported institutions of
11 higher education.

12 (b) In any calendar year, a state employee or public school employee
13 is entitled to the following leave in order to serve as an organ donor or a
14 bone marrow donor:

15 (1) No more than seven (7) days of leave to serve as a bone
16 marrow donor; and

17 (2) No more than thirty (30) days of leave to serve as an organ
18 donor.

19 (c) In order to qualify for the leave, the state employee or public
20 school employee must:

21 (1) Request the leave in writing;

22 (2) Provide the employing agency written verification by the
23 physician to perform the transplantation that the employee is to serve as a
24 human organ or bone marrow donor; and

25 (3) Provide the employing agency written verification by the
26 physician performing the transplantation that the employee did serve as a
27 human organ or bone marrow donor.

28 (d) A state employee or school employee may use the leave as provided
29 in this section without loss or reduction in pay, leave, or credit for time
30 of service.

31 (e) This section shall only apply if the employee is a volunteer
32 donor, and any compensation received by the employee is limited to costs and
33 expenses associated with organ or bone marrow donations.

34 (f) A state agency or public school shall not penalize an employee for
35 requesting or obtaining leave pursuant to this section.

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