

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

As Engrossed: H1/28/03

# A Bill

HOUSE BILL 1039

5 By: Representative Hutchinson  
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7

## For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS "THE BABY SHARON ACT"; TO  
10 CREATE AN INCOME TAX RETURN CHECKOFF FOR THE  
11 ARKANSAS CHILDREN'S CATASTROPHIC ILLNESS GRANT  
12 PROGRAM TRUST FUND; TO CREATE THE ARKANSAS  
13 CHILDREN'S CATASTROPHIC ILLNESS GRANT PROGRAM  
14 TRUST FUND; TO CREATE THE ARKANSAS CHILDREN'S  
15 CATASTROPHIC ILLNESS GRANT PROGRAM; AND FOR OTHER  
16 PURPOSES.

## Subtitle

18 AN ACT TO BE KNOWN AS "THE BABY SHARON  
19 ACT".  
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 26, Chapter 35, is amended to add an  
26 additional subchapter to read as follows:

27 26-35-1201. Title.

28 This subchapter shall be known and may be cited as the "Baby Sharon  
29 Act".

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31 26-35-1202. Creation.

32 The Revenue Division of the Department of Finance and Administration  
33 shall include on the Arkansas individual income tax forms, including those  
34 forms on which a husband and wife file separately on the same form and on all  
35 corporate income tax forms, a designation as follows:

36 (1) If you are entitled to a refund, check if you wish to



1 designate [ ] \$1, [ ] \$5, [ ] \$10, [ ] \$20, [ ] \$ (write in amount), or [ ]  
2 all refund due, of your tax refund for Baby Sharon's Children's Catastrophic  
3 Illness Grant Program Trust Fund. Your refund will be reduced by this  
4 amount.

5 (2) If you owe an additional amount, check if you wish to  
6 contribute an additional [ ] \$1, [ ] \$5, [ ] \$10, [ ] \$20, [ ] \$ (write in  
7 amount) for Baby Sharon's Children's Catastrophic Illness Grant Program Trust  
8 Fund. If you wish to make a contribution to the fund you must enclose a  
9 separate check for the amount of your contribution, payable to Baby Sharon's  
10 Children's Catastrophic Illness Grant Program Trust Fund.

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12 26-35-1203. Administration.

13 (a) The director of the Department of Finance and Administration may:

14 (1) Accept any gifts, grants, bequests, devises, and donations  
15 made to the State of Arkansas for the purposes of funding Baby Sharon's  
16 Children's Catastrophic Illness Grant Program Trust Fund; and

17 (2) Deposit any gifts, grants, bequests, devises, and donations  
18 so received into Baby Sharon's Children's Catastrophic Illness Grant Program  
19 Trust Fund.

20 (b) The Department of Finance and Administration shall quarterly  
21 certify to the State Treasurer the amount contributed to the fund through  
22 this state income tax checkoff during the quarter as authorized by this  
23 subchapter, and the State Treasurer shall deduct from the Income Tax  
24 Withholding Fund the amount so certified.

25 (c) The Director of the Department of Finance and Administration shall  
26 promulgate all rules and regulations and all income tax forms, returns, and  
27 schedules necessary to carry out the revenue producing provisions of this  
28 subchapter.

29 (d) The gifts, grants, bequests, devises, and donations made under  
30 this subchapter shall be used together with any other funds appropriated for  
31 funding Baby Sharon's Children's Catastrophic Illness Grant Program Trust  
32 Fund.

33 (e) The Director of the Department of Human Services shall promulgate  
34 all rules and regulations necessary for implementing the grant program for  
35 the fund.

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1           26-35-1204. Effective dates.

2           (a) Baby Sharon's Children's Catastrophic Illness Grant Program Trust  
3 Fund checkoff on state income tax returns shall be effective for tax years  
4 beginning on or after January 1, 2003.

5           (b) The provisions of this subchapter allowing the Director of the  
6 Department of Finance and Administration to accept gifts, grants, bequests,  
7 devises, and donations shall be effective on August 1, 2003.

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9           26-35-1205. Advisory committee.

10           (a) There is established an advisory committee to be known as the  
11 "Baby Sharon's Children's Catastrophic Illness Grant Program Advisory  
12 Committee".

13           (b) The committee shall consist of five (5) members to be appointed by  
14 the Governor.

15           (c) The committee members shall be:

16                   (1) Individuals who have knowledge of children with catastrophic  
17 illnesses or injuries; and

18                   (2) Residents of the State of Arkansas at the time of  
19 appointment and throughout his or her term.

20           (d)(1) Except for initial appointments, the appointments to the  
21 committee shall be for a term of four (4) years.

22           (2) For initial appointments, the members shall draw lots to  
23 determine the length of their terms as follows:

24                   (A) Two (2) members shall have terms of two (2) years;

25                   (B) Two (2) members shall have terms of three (3) years;

26 and

27                   (C) One (1) member shall have a term of four (4) years.

28           (e) If a vacancy occurs during a term, the Governor shall appoint a  
29 replacement for the unexpired term.

30           (f) The Governor shall designate the chairperson.

31           (g)(1) The committee shall meet at times and places as the chairperson  
32 deems necessary, but no meetings shall be held outside of the State of  
33 Arkansas.

34           (2) A majority of the members of the committee shall constitute a  
35 quorum for the purpose of transacting business.

36           (3) All action of the committee shall be by a majority vote of

1 the full membership of the committee.

2 (h) The committee shall:

3 (1) Consult with the Department of Human Services concerning  
4 grant applications related to Baby Sharon's Children's Catastrophic Illness  
5 Grant Program; and

6 (2) Consult with the Department of Human Services concerning  
7 rules and regulations that the department promulgates for Baby Sharon's  
8 Children's Catastrophic Illness Grant Program.

9 (i)(1) The Department of Human Services shall provide staff and office  
10 space to the committee.

11 (2)(A) Members of the committee shall serve without pay.

12 (B) Members of the committee shall not receive expense  
13 reimbursement under § 25-16-902.

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15 SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 11 is amended  
16 to add an additional section to read as follows:

17 19-5-1123. Arkansas Children's Catastrophic Illness Grant Program  
18 Trust Fund.

19 (a) There is created on the books of the Treasurer of State, Auditor  
20 of State, and Chief Fiscal Officer of the State a trust fund to be known as  
21 "Baby Sharon's Children's Catastrophic Illness Grant Program Trust Fund".

22 (b)(1) All moneys collected under § 26-35-1202 shall be deposited into  
23 the State Treasury to the credit of the fund.

24 (2) The fund shall also consist of any other revenues as may be  
25 authorized by law.

26 (c) The fund shall be used exclusively by the Department of Human  
27 Services to assist with the medical expenses incurred by the families of  
28 children with catastrophic illnesses or injuries by awarding grants to the  
29 families who are liable for the medical expenses.

30 (d) The Treasurer of State shall credit to the fund the amount  
31 certified each quarter in accordance with § 26-35-1203.

32 (e)(1) The moneys credited to the fund shall be held as trust funds in  
33 interest-bearing accounts only.

34 (2) All interest earned shall be credited to the fund and shall  
35 be used only for the purposes of the fund.

36 (f) All moneys deposited into the fund and all interest earned on

1 deposits and the fund balance in the fund may be disbursed as appropriated in  
2 each fiscal year of the biennium for Baby Sharon's Children's Catastrophic  
3 Illness Grant Program.

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5 SECTION 3. (a) The Department of Human Services shall use funds from  
6 "Baby Sharon's Children's Catastrophic Illness Grant Program Trust Fund" to  
7 establish Baby Sharon's Children's Catastrophic Illness Grant Program.

8 (b) The department shall promulgate rules and regulations to create a  
9 grant program that assists families of children with catastrophic illnesses  
10 or injuries with medical expenses for which the families are liable.

11 (c) The department shall consult with Baby Sharon's Children's  
12 Catastrophic Illness Grant Program Advisory Committee concerning:

13 (1) Grant applications related to Baby Sharon's Children's  
14 Catastrophic Illness Grant Program; and

15 (2) Rules and regulations promulgated by the department for Baby  
16 Sharon's Children's Catastrophic Illness Grant Program.

17 /s/ Hutchinson  
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