

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: H3/25/03 H4/1/03 S4/10/03*

# A Bill

Act 1816 of 2003  
HOUSE BILL 2893

5 By: Representatives J. Johnson, Mahony, C. Johnson, White, Bradford, Dangeau, Pickett, Elliott  
6 By: Senator Gullett  
7

## For An Act To Be Entitled

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9  
10 AN ACT TO CREATE A HEALTH ADVISORY COMMITTEE; TO  
11 COORDINATE EFFORTS TO COMBAT THE EFFECTS OF  
12 INADEQUATE HEALTH CARE ON THE EDUCATIONAL  
13 PERFORMANCE OF CHILDREN IN ARKANSAS SCHOOL  
14 SYSTEMS; AND FOR OTHER PURPOSES.  
15

## Subtitle

16  
17 AN ACT TO CREATE A HEALTH ADVISORY  
18 COMMITTEE; TO COORDINATE EFFORTS TO  
19 COMBAT INADEQUATE HEALTH CARE ON THE  
20 EDUCATIONAL PERFORMANCE OF CHILDREN.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. *Arkansas Code Title 20, Chapter 36, is amended to add an*  
26 *additional subchapter to read as follows:*

27 20-36-101. Findings - Purpose.

28 (a) The General Assembly finds that:

29 (1) Adequate health care for school age children is an important  
30 component in maximizing their educational opportunities and classroom  
31 performance so that children may obtain an adequate education; and

32 (2) There is a need for a study to be conducted to evaluate  
33 health care for school age children and to develop a strategic statewide plan  
34 regarding the needs and solutions to health problems of school age children.

35 (b) The purposes of this subchapter are to:

36 (1) Create a committee to conduct a study to evaluate health



1 care for school age children; and

2 (2) Develop findings and make recommendations to the Joint  
3 Committee on Educational Adequacy, the House and Senate Interim Committees on  
4 Public Health, Welfare, and Labor, the General Assembly, and the Governor.

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6 20-36-102. Health Adequacy Advisory Committee.

7 (a)(1) There is established the Legislative Health Adequacy Committee  
8 consisting of twenty-two (22) members.

9 (2) The following members shall be appointed by the Joint  
10 Committee on Educational Adequacy by a majority of a quorum:

11 (A) One (1) member who is a pediatrician;

12 (B) One (1) member who is a school nurse who is currently  
13 working in a public elementary school in this state;

14 (C) One (1) school nurse who is currently working in a  
15 public junior or high school in this state;

16 (D) One (1) member currently practicing dentistry in this  
17 state;

18 (E) One (1) member currently working as a classroom  
19 teacher in a public elementary school in this state who is a member of the  
20 Arkansas Education Association;

21 (F) One (1) member to represent the Arkansas Minority  
22 Health Commission; and

23 (G) One (1) member to represent the community health  
24 agencies.

25 (3) The Speaker of the House of Representatives shall appoint  
26 one (1) member currently working as a principal of a public elementary  
27 school.

28 (4) The Present Pro Tempore of the Senate shall appoint one (1)  
29 member currently working as a teacher in a public elementary school.

30 (5) The chairperson of the House Interim Committee on Public  
31 Health, Welfare, and Labor shall appoint one (1) member who has a child in a  
32 public school in this state.

33 (6) The chairperson of the Senate Interim Committee on Public  
34 Health, Welfare, and Labor shall appoint one (1) member who has a child in a  
35 public school in this state.

36 (7) The Director of the Department of Health shall nominate to

1 the Joint Committee on Educational Adequacy:

2 (A) One (1) member to represent the Department of Health;

3 (B) One (1) member to represent the Arkansas Academy of

4 Pediatrics;

5 (C) One (1) member to represent the Arkansas Academy of

6 Family Practice;

7 (D) One (1) member to represent the Arkansas School of

8 Public Health of the University of Arkansas for Medical Sciences;

9 (E) One (1) member to represent the Arkansas Center for  
10 Health Improvement; and

11 (F) One (1) member to represent the Arkansas Advocates for  
12 Children and Families.

13 (8) The Director of the Department of Education shall nominate  
14 to the Joint Committee on Educational Adequacy:

15 (A) One (1) member to represent the Department of  
16 Education;

17 (B) One (1) member to represent the Arkansas School Nurses  
18 Association;

19 (C) One (1) member to represent the Arkansas Association  
20 of Education Administrators; and

21 (D) One (1) member to represent the Arkansas Parent  
22 Teacher Association.

23 (9) The Department of Human Services shall nominate to the Joint  
24 Committee on Educational Adequacy one (1) member to represent the ARKids  
25 First program.

26 (b)(1) The nominations under subdivisions (a)(7), (8), and (9) of this  
27 section shall be subject to confirmation by the Joint Committee on  
28 Educational Adequacy.

29 (2)(A) If the Joint Committee on Educational Adequacy does not  
30 confirm a nominee, the recommending agency shall nominate, within five (5)  
31 business days, another individual with the same qualifications.

32 (B) If the second recommendation is not confirmed, the  
33 Joint Committee on Educational Adequacy shall appoint an individual to  
34 represent the recommending agency by vote of a majority of a quorum of the  
35 Joint Committee on Educational Adequacy.

36 (c)(1) The Joint Committee on Educational Adequacy shall appoint a

1 chairperson for the Health Adequacy Advisory Committee.

2 (2) The chairperson shall call the first meeting within thirty  
3 (30) days of the appointments by the Joint Committee on Educational Adequacy.

4 (3) The committee shall select from their membership a secretary  
5 and treasurer.

6 (d)(1) Any position on the Health Adequacy Committee for which no  
7 nomination or appointment has been made by May 15, 2003, or within fifteen  
8 (15) business days of the effective date of this section, shall be filled by  
9 appointment by the Joint Committee on Educational Adequacy.

10 (2) A majority vote of those members present shall be required  
11 for any action of the commission.

12 (e) Vacancies shall be filled for the unexpired portion of the term in  
13 the same manner as is provided in this section for initial appointments.

14 (f) The committee shall meet at least monthly.

15 (g)(1) The Bureau of Legislative Research shall furnish reasonable  
16 staff assistance to the committee.

17 (2) The Arkansas Center for Health Improvement, the Department  
18 of Health, and the State Board of Education and any other state agencies  
19 shall upon request assist the committee and provide the committee with  
20 necessary resources and information to carry out the purposes of this  
21 subchapter.

22 (h) Members of the committee shall serve without pay, but may receive  
23 expense reimbursement in accordance with section § 25-16-902, if funds are  
24 available for that purpose.

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26 20-36-103. Duties.

27 (a) The Health Adequacy Committee shall:

28 (1) Study and evaluate the health care needs of the school age  
29 children of Arkansas to obtain an adequate education;

30 (2) Study and evaluate health programs in the schools and their  
31 effectiveness in allowing students to obtain an adequate education including,  
32 but not limited to, school nurse programs;

33 (3) Study and evaluate whether children are receiving adequate  
34 health care and correction of health problems while in school;

35 (4) Study and evaluate the effects of inadequate health on the  
36 performance of children in the classroom in obtaining an adequate education,

1 equal educational opportunity, or both;

2 (5) Develop a strategic statewide plan to ensure adequate health  
3 care of school age children while in the classroom to obtain an adequate  
4 education; and

5 (6) Develop a strategic statewide plan so school age children  
6 can become more responsible in making preventative decisions regarding their  
7 health and thus increase educational opportunity.

8 (b) By September 1, 2003, the committee shall report its initial  
9 findings and strategic plan for meeting the health needs of school age  
10 children to the Joint Committee on Educational Adequacy, the House and Senate  
11 Interim Committees on Public Health, Welfare, and Labor, and the Governor.

12 (c) If the Joint Committee on Educational Adequacy ceases to exist  
13 before the expiration of the Health Adequacy Committee, the committee shall  
14 report further findings to the House and Senate Interim Committees on Public  
15 Health, Welfare, and Labor, and the Governor.

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17 20-36-104. Funding.

18 (a)(1) The Health Adequacy Committee's funding shall be from grants,  
19 donations, and any other funds that may be made available through  
20 appropriations by the General Assembly.

21 (2) Moneys received by the committee shall be used solely for  
22 the support of the functions of the committee.

23 (b)(1) Grants and donations received by the committee shall be cash  
24 funds and shall be administered by the Arkansas Department of Health, but  
25 shall be subject to appropriation by the General Assembly.

26 (2) The Department of Health shall disburse moneys from the  
27 Health Adequacy Committee Fund, § 19-6-487, at the direction of the  
28 committee.

29 (3) Any moneys received from grantors and donors that are not  
30 expended by the committee shall be returned to the grantors and donors in  
31 proportion that each bears to the total of all grants and donations received  
32 by the commission.

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34 20-36-105. The committee shall expire on December 31, 2005.

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36 SECTION 2. Arkansas Code Title 9, Chapter 6, Subchapter 4 is amended

1 to add a new section to read as follows:

2 19-6-487. Health Adequacy Committee Fund.

3 (a) There is created on the books of the Treasurer of State, Auditor  
4 of State, and Chief Fiscal Officer of the State a special revenue fund to be  
5 known as the "Health Adequacy Committee Fund".

6 (b)(1) All moneys collected under § 20-36-104 shall be deposited into  
7 the State Treasury to the credit of the fund as special revenues.

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

10 (c) The fund shall be used by the Health Adequacy Committee for the  
11 purposes set out in § 20-36-104.

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13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly of the State of Arkansas that the Joint Committee on  
15 Educational Adequacy must report its findings by September 1, 2003; that  
16 health care adequacy among school age children in Arkansas is an essential  
17 component of any definition of educational adequacy; that the initial reports  
18 of the Health Adequacy Committee created by this act must be available to the  
19 Joint Committee on Educational Adequacy before the formulation of the final  
20 report. Therefore, an emergency is declared to exist and this act being  
21 immediately necessary for the preservation of the public peace, health, and  
22 safety shall become effective on:

23 (1) The date of its approval by the Governor;

24 (2) If the bill is neither approved nor vetoed by the Governor,  
25 the expiration of the period of time during which the Governor may veto the  
26 bill; or

27 (3) If the bill is vetoed by the Governor and the veto is  
28 overridden, the date the last house overrides the veto.

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30 /s/ J. Johnson

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33 **APPROVED: BECAME LAW ON 5/6/2003, THIS BILL HAVING REMAINED WITH THE**  
34 **GOVERNOR 20 DAYS AFTER ADJOURNMENT HAS BECOME LAW.**

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