

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H1/21/21
A Bill

HOUSE BILL 1003

By: Representatives C. Fite, *Ladyman*
By: Senator B. Davis

For An Act To Be Entitled

AN ACT TO AMEND AND UPDATE THE LAWS REGARDING INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; TO ENSURE RESPECTFUL LANGUAGE IS USED WITHIN THE ARKANSAS CODE REGARDING INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; TO REMOVE FROM THE ARKANSAS CODE THE TERM "HEARING IMPAIRED"; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND AND UPDATE THE LAWS REGARDING INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; TO ENSURE RESPECTFUL LANGUAGE IS USED REGARDING INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; AND TO REMOVE THE TERM "HEARING IMPAIRED".

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

SECTION 1. Arkansas Code § 1-5-108(b), concerning the White Cane Safety Day proclamation, is amended to read as follows:

(b) The Governor shall annually prior to October 15 issue a proclamation proclaiming October 15 as "White Cane Safety Day" and in the proclamation shall:

- (1) Comment upon the significance of the white cane;
- (2) Call upon the citizens of the state to observe the provisions of § 20-14-301 et seq. and to take precautions necessary to the safety of the visually impaired, ~~hearing-impaired~~ Deaf, deaf, Hard of



Hearing, and other persons with physical disabilities;

(3) Remind the citizens of the state of the policies of the state with respect to the visually impaired, ~~hearing-impaired~~ Deaf, deaf, Hard of Hearing, and other persons with physical disabilities, as prescribed by § 20-14-301 et seq., and urge the citizens to cooperate in carrying out those policies; and

(4) Emphasize the need for the citizens of this state to:

(A) Be aware of the presence of the visually impaired, ~~hearing-impaired~~ Deaf, deaf, Hard of Hearing, and other persons with physical disabilities in the community;

(B) Keep safe and functional for the visually impaired, ~~hearing-impaired~~ Deaf, deaf, Hard of Hearing, and other persons with physical disabilities the:

- (i) Streets;
- (ii) Highways;
- (iii) Sidewalks;
- (iv) Walkways;
- (v) Public buildings;
- (vi) Public facilities;
- (vii) Other public places;
- (viii) Places of public accommodation, amusement,

and resort; and

- (ix) Other places to which the public is invited;

and

(C) Offer assistance to the visually impaired, ~~hearing-impaired~~ Deaf, deaf, Hard of Hearing, and other persons with physical disabilities upon appropriate occasions.

SECTION 2. Arkansas Code § 6-17-810 is amended to read as follows:

6-17-810. Teachers for the ~~hearing-impaired~~ Deaf, deaf, or Hard of Hearing entering state service.

Upon the superintendent's certification to the state personnel administrator of prior service at an educational institution and of the most recent contractual salary, the salary of teachers holding licensure in teaching the ~~hearing-impaired~~ Deaf, deaf, or Hard of Hearing and entering state service as teachers for the sensory impaired may be adjusted to a rate

of pay closest to but not less than their most recent annual salary.

SECTION 3. Arkansas Code § 6-43-107 is amended to read as follows:

6-43-107. Application for admission – Certificate of residence.

Whenever application is made for the admission of any blind or ~~hearing impaired~~ Deaf, deaf, or Hard of Hearing person into the Arkansas School for the Blind or the Arkansas School for the Deaf, as a beneficiary of the privileges thereof, the application shall be accompanied by the certificate of the county judge that the person is a legal resident of the county of the State of Arkansas in which it is claimed that he or she resides.

SECTION 4. Arkansas Code § 6-43-213(b), concerning salaries for teachers at the Arkansas School for the Blind, is amended to read as follows:

(b) Teachers for the sensory impaired shall be eligible for an additional step increase after being certified in teaching the vision ~~impaired, or hearing impaired~~ Deaf, deaf, or Hard of Hearing by the Department of Education.

SECTION 5. Arkansas Code § 6-43-301 is amended to read as follows:

6-43-301. Establishment.

An institute of learning is established in the State of Arkansas for the education of ~~hearing impaired~~ Deaf, deaf, or Hard of Hearing persons of the state, by and under the name and title of the Arkansas School for the Deaf.

SECTION 6. Arkansas Code § 6-43-305(b), concerning teachers for the sensory impaired at the Arkansas School for the Deaf, is amended to read as follows:

(b) Teachers for the sensory impaired shall be eligible for an additional step increase after being certified in teaching the vision ~~impaired, or hearing impaired~~ Deaf, deaf, or Hard of Hearing by the Division of Elementary and Secondary Education.

SECTION 7. Arkansas Code § 6-43-316(a), concerning the length of time a student may remain in the Arkansas School for the Deaf, is amended to read as follows:

(a) Any ~~hearing-impaired~~ Deaf, deaf, or Hard of Hearing person who may be admitted into the school and supported as a beneficiary at the expense of the state shall be permitted to remain in the school for thirteen (13) years unless, in the judgment of the Board of Trustees of the Arkansas School for the Deaf, he or she shall be sooner discharged.

SECTION 8. Arkansas Code § 6-43-317(a), concerning boarding and lodging at the Arkansas School for the Deaf, is amended to read as follows:

(a)(1) It shall be the duty of the Superintendent of the Arkansas School for the Deaf to furnish, or cause to be furnished, suitable and proper boarding and lodging, as well as suitable instruction, for all ~~hearing-impaired~~ Deaf, deaf, or Hard of Hearing persons received as beneficiaries.

(2) He or she shall receive into the school other ~~hearing-impaired~~ Deaf, deaf, or Hard of Hearing persons according to such rules as the Board of Trustees of the Arkansas School for the Deaf may prescribe.

SECTION 9. Arkansas Code § 16-10-1103(b)(2)(C), concerning court interpreters for persons with limited English proficiency, is amended to read as follows:

(C) Establishing and adopting recognized standards for interpreters for the Deaf, deaf, and hearing-impaired Hard of Hearing, including without limitation certification by the Registry of Interpreters for the Deaf, Inc., or similar registries;

SECTION 10. Arkansas Code § 16-31-108 is amended to read as follows:

16-31-108. Interpreters for visually ~~impaired, or hearing-impaired~~ Deaf, deaf, or Hard of Hearing jurors.

(a)(1)(A) The state, through the Administrative Office of the Courts, shall provide and pay the cost of reasonable accommodations for the ~~hearing-impaired~~ Deaf, deaf, Hard of Hearing, and visually impaired when necessary to enable a person with those disabilities to act as a venireperson or juror.

(B) Such accommodations may include a qualified sign language interpreter, real-time captioning, or other reasonable auxiliary aid for the ~~hearing-impaired~~ Deaf, deaf, or Hard of Hearing or a reader for the visually impaired.

(C) In the event the juror indicates that he or she can be

accommodated by several means, the Administrative Office of the Courts may consider the cost and availability of each accommodation when deciding which to provide.

(2) The interpreter, the person writing real-time captioning, and the reader, when necessary, shall be present throughout jury service, the trial, and when the jury assembles for deliberation.

(b)(1) Whenever a sign language interpreter, real-time captioning, or a reader is utilized in judicial proceedings or in jury deliberations, the court will administer an oath to the interpreter, the person writing the real-time captioning, and the reader, to ensure objective and unbiased translation and complete confidentiality of the proceedings.

(2) The court shall also instruct the interpreter, the person writing the real-time captioning, and the reader to make a true and complete translation of all testimony and other relevant colloquy to the best of his ability.

(3) The court shall further instruct the interpreter, the person writing the real-time captioning, and the reader to refrain from participating in any manner in the deliberations of the jury, except for the complete translations of jurors' remarks made during deliberations.

(c) The verdict of the jury shall be valid notwithstanding the presence of the interpreter during deliberations.

SECTION 11. Arkansas Code § 19-5-1059(c), concerning the purpose of the Technology Equipment Revolving Loan Fund, is amended to read as follows:

(c) The purpose of the fund shall be to provide qualified individuals with disabilities and their family members with the financial opportunity to purchase or modify equipment, facilities, and related services used by one (1) or more persons with a disability to enhance independence, productivity, and full participation in the community. Expenditures from the fund may include, but are not limited to, communication devices, prostheses, wheelchairs, wheelchair car-lifts, ramps and roll-in showers and telecommunication devices for persons who are Deaf, deaf, or ~~hearing-impaired~~ Hard of Hearing, and devices which allow persons who are blind or visually impaired to discern printed materials.

SECTION 12. Arkansas Code § 20-15-1106 is amended to read as follows:

20-15-1106. Coordination of services.

The Department of Health, the Division of Elementary and Secondary Education, and the Department of Human Services shall work cooperatively and develop a plan to coordinate early educational and rehabilitative services for newborn infants identified as ~~hearing-impaired~~ Deaf, deaf, or Hard of Hearing.

SECTION 13. Arkansas Code § 20-15-1503(h)(3), concerning the annual report of the Universal Newborn Hearing Screening, Tracking, and Intervention Advisory Board, is amended to read as follows:

(3) The board shall complete an annual report for the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor which provides information such as, but not limited to, the number of hospitals in compliance with this subchapter, the number of ~~hearing-impaired~~ Deaf, deaf, or Hard of Hearing infants identified, and the availability of follow-up services.

SECTION 14. Arkansas Code § 23-16-405(d), concerning the assessment on eligible telecommunications carriers, is amended to read as follows:

(d)(1) The assessment may be collected by an eligible telecommunications carrier from its customers and transmitted monthly to the board, and the board shall deposit the assessment into a financial institution authorized to accept public funds.

(2) The assessment shall appear on the bills of customers as a combined total with the assessment by the Arkansas Deaf and ~~Hearing-Impaired~~ Hard of Hearing Telecommunications Services Corporation under § 25-29-103. The item on the bill shall identify both assessments by name.

SECTION 15. Arkansas Code § 23-17-119 is amended to read as follows:

23-17-119. Surcharges to provide telecommunications for Deaf, deaf, and ~~hearing-impaired~~ Hard of Hearing – Definitions.

(a) As used in this section:

(1) “Commercial mobile radio service” means the same as defined at § 12-10-303; and

(2) “Prepaid wireless telephone service” means the same as defined at § 12-10-303.

(b)(1) To fund the equipment distribution program established by § 20-79-401 et seq., the Arkansas Public Service Commission may impose a surcharge of up to:

(A) Two-hundredths of a dollar (\$0.02) per subject access line per month; and

(B) Two-hundredths of a dollar (\$0.02) per working subject telephone number per month.

(2) Surcharges imposed by the commission under subdivisions (b)(1)(A) and (B) of this section shall:

(A) Be identical; and

(B) Not apply to prepaid wireless telephone service.

(c) The surcharges levied under this section shall be collected by the local exchange carriers and commercial mobile radio service providers from their customers and remitted to the Department of Finance and Administration for deposit as special revenues into the State Treasury to the credit of the Telecommunications Equipment Fund for the equipment distribution program under § 20-79-401 et seq.

(d) If revenues collected under this section exceed the costs of operating the program established by § 20-79-401 et seq., and if the excess at any time equals a three-year average of expenditures under this section and § 20-79-401 et seq., then the collection of the surcharge shall cease until one-half ($\frac{1}{2}$) of the surplus has been exhausted.

SECTION 16. Arkansas Code § 25-29-101(a)-(c), concerning the Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation, are amended to read as follows:

(a) There is hereby created the Arkansas Deaf and ~~Hearing Impaired~~ Hard of Hearing Telecommunications Services Corporation.

(b) The corporation shall be governed by a seven-member board of directors appointed by the Governor as follows:

(1) Three (3) shall be representatives of the Deaf, deaf, and ~~hearing-impaired~~ Hard of Hearing community; and

(2) Four (4) shall be representatives of Arkansas local exchange carriers.

(c)(1) The Governor shall appoint one (1) member after consulting representatives of the Deaf, deaf, and ~~hearing-impaired~~ Hard of Hearing

community and one (1) member after consulting representatives of Arkansas local exchange carriers.

(2) Members appointed by the Governor under subdivision (c)(1) of this section shall be subject to confirmation of the Senate.

SECTION 17. Arkansas Code § 25-29-102(a), concerning attendance of Board of Directors members at the Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation meetings, is amended to read as follows:

(a) In order to ensure broad representation and a quorum, all members of the Board of Directors of the Arkansas Deaf and ~~Hearing Impaired~~ Hard of Hearing Telecommunications Services Corporation have a responsibility to attend all regular or special meetings of the board.

SECTION 18. Arkansas Code § 25-29-103(a), concerning the assessment on local exchange providers levied by the Board of Directors of the Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation, is amended to read as follows:

(a) In order to fund the services provided by the Arkansas Deaf and ~~Hearing Impaired~~ Hard of Hearing Telecommunications Services Corporation, the Board of Directors of the Arkansas Deaf and ~~Hearing Impaired~~ Hard of Hearing Telecommunications Services Corporation shall levy assessments on all providers of:

(1) Local l exchange service not to exceed ten cents (10¢) per subject access line per month in order to fund the services provided by the corporation; and

(2)(A) Commercial mobile radio service not to exceed ten cents (10¢) per customer account or number.

(B) As used in this section, "commercial mobile radio service" means the same as defined in § 12-10-303.

SECTION 19. Arkansas Code § 25-29-104 is amended to read as follows:
25-29-104. Powers and duties.

The Arkansas Deaf and ~~Hearing Impaired~~ Hard of Hearing Telecommunications Services Corporation shall:

(1) Provide telecommunications relay services, including, but

not limited to, services that enable two-way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device, for persons who are Deaf, deaf, ~~hearing impaired~~ Hard of Hearing, deaf and blind, or severely speech impaired;

(2) Take other actions necessary and proper to provide telecommunications services to persons who are Deaf, deaf, ~~hearing-impaired~~ Hard of Hearing, deaf and blind, or severely speech impaired;

(3) Have perpetual succession as a body politic and corporate, adopt bylaws for the regulation of the affairs and the conduct of its business, and prescribe rules and policies in connection with the performance of its functions and duties;

(4) Adopt an official seal and alter it at pleasure;

(5) Sue and be sued in its own name and plead and be impleaded;

(6) Make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with persons, firms, corporations, and others;

(7) Purchase insurance; and

(8) Do any and all other acts and things necessary, convenient, or desirable to carry out the purposes of this chapter and to exercise the powers granted to it by this chapter.

SECTION 20. Arkansas Code § 25-29-105(a), concerning staff of the Arkansas Deaf and Hearing Impaired Telecommunications Corporation, is amended to read as follows:

(a) The Arkansas Deaf and ~~Hearing Impaired~~ Hard of Hearing Telecommunications Services Corporation shall not employ any person as a salaried employee but shall rely upon volunteers and professional services obtained by contract.

SECTION 21. Arkansas Code §§ 25-29-106 through 25-29-110 are amended to read as follows:

25-29-106. Corporate offices.

The Arkansas Deaf and ~~Hearing Impaired~~ Hard of Hearing Telecommunications Services Corporation may maintain an office at such location as it deems suitable.

25-29-107. Annual audit.

The Arkansas Deaf and ~~Hearing-Impaired~~ Hard of Hearing Telecommunications Services Corporation shall be audited annually in accordance with generally accepted accounting procedures and file a copy of the audit with the Legislative Joint Auditing Committee and the Arkansas Public Service Commission.

25-29-108. Articles of incorporation.

Within thirty (30) days after the first meeting of the Board of Directors of the Arkansas Deaf and ~~Hearing-Impaired~~ Hard of Hearing Telecommunications Services Corporation, it shall cause articles of incorporation be filed with the Secretary of State.

25-29-109. Purchase of telecommunications services.

The purchase of telecommunications services by the Arkansas Deaf and ~~Hearing-Impaired~~ Hard of Hearing Telecommunications Services Corporation shall be by competitive bid using procedures substantially similar to the Arkansas Procurement Law, § 19-11-201 et seq.

25-29-110. Annual report.

The Board of Directors of the Arkansas Deaf and ~~Hearing-Impaired~~ Hard of Hearing Telecommunications Services Corporation shall transmit to the Legislative Council, the Secretary of the Department of Commerce, and the Arkansas Public Service Commission an annual report of its activities. The annual report shall be filed by March 31 of each year.

SECTION 22. Arkansas Code § 25-43-302(a)(2), concerning state entities transferred to the Department of Commerce, is amended to read as follows:

(2) The Arkansas Deaf and ~~Hearing-Impaired~~ Hard of Hearing Telecommunications Services Corporation, created under § 25-29-101;

SECTION 23. DO NOT CODIFY. The Arkansas Code Revision Commission shall make all changes in the Arkansas Code necessary to effectuate the intent of this act.

/s/C. Fite