

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1295

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ARKANSAS
CODE CONCERNING ARKANSAS REHABILITATION SERVICES; AND
FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO THE
ARKANSAS CODE CONCERNING ARKANSAS
REHABILITATION SERVICES.

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

SECTION 1. Arkansas Code § 6-52-105 is amended to correct an entity name to read as follows:

6-52-105. Office facilities.

The Building Authority Division shall ensure that all offices of ~~the~~ Arkansas Rehabilitation Services are exemplary models of accessibility and conform to the ADA Standards for Accessible Design under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

SECTION 2. Arkansas Code § 15-4-3704(b)(5) and (6), concerning the makeup of the Arkansas Workforce Development Board, are amended to correct references to read as follows:

(5) The ~~Director~~ Commissioner of Arkansas Rehabilitation Services;

(6) The Director of the Division of State Services for the Blind ~~of the Department of Human Services~~;



SECTION 3. Arkansas Code § 19-6-482 is amended to correct an entity name and to correct grammar to read as follows:

19-6-482. Telecommunications Equipment Fund.

The Telecommunications Equipment Fund shall consist of those special revenues as specified in § 19-6-301(129). The fund shall be used exclusively by ~~the~~ Arkansas Rehabilitation Services to fund an equipment distribution program for persons certified as deaf, hard of hearing, deaf and blind, or speech-impaired as ~~provided otherwise~~ otherwise provided in § 20-79-401 et seq.

SECTION 4. Arkansas Code § 20-3-104(b), concerning the cotrustees of the Achieving a Better Life Experience Program Trust, is amended to correct a reference to read as follows:

(b) The cotrustees of the trust shall be the Secretary of the Department of Human Services, the ~~Director~~ Commissioner of Arkansas Rehabilitation Services, and the Treasurer of State.

SECTION 5. Arkansas Code § 20-3-105(a)(2), concerning membership on the Achieving a Better Life Experience Program Committee, is amended to correct a reference to read as follows:

(2) The ~~Director~~ Commissioner of Arkansas Rehabilitation Services, or his or her designee; and

SECTION 6. Arkansas Code § 20-14-203(a), concerning ex officio members of the Governor's Commission on People with Disabilities, is amended to correct a reference to read as follows:

(a) The ~~Director~~ Commissioner of Arkansas Rehabilitation Services, the director of the appropriate division as determined by the Secretary of the Department of Commerce, and the Director of the Division of Workforce Services or any director, commissioner, or administrator of successors' agencies shall serve as ex officio members of the Governor's Commission on People with Disabilities.

SECTION 7. Arkansas Code § 20-14-209(a), concerning administrative support for the Governor's Commission on People with Disabilities, is amended

to correct a reference to read as follows:

(a) The appropriate division as determined by the ~~Director~~ Commissioner of Arkansas Rehabilitation Services, the Secretary of the Department of Commerce, or any other agency or division as the Governor shall designate shall provide administrative support to the Governor's Commission on People with Disabilities.

SECTION 8. Arkansas Code § 20-15-603(b), concerning prior-year refunds and contributions related to the State Kidney Disease Escrow Account, is amended to correct an entity reference to read as follows:

(b) Whereas the current Department of Finance and Administration accounting system will accept current-year refunds, credit the current-year appropriation, and allow expenditure of the funds, the commission, administered by the ~~Arkansas Rehabilitation Services~~ Department of Health, may accept prior-year refunds and contributions and deposit the funds into the agency cash fund in an account specifically identified as the State Kidney Disease Escrow Account and disbursed for the purchase of additional services for clients served by the commission.

SECTION 9. Arkansas Code § 20-79-102 is amended to correct references to read as follows:

20-79-102. Caseworkers for the blind.

The ~~deputy director~~ Director of the ~~appropriate division of the Department of Human Services~~ Division of State Services for the Blind is authorized and empowered to employ caseworkers for the blind, prepare rules governing personnel standards, define the duties of the caseworkers for the blind, and make such other rules as may be necessary to carry out the ~~purpose~~ purposes of this section.

SECTION 10. Arkansas Code § 20-79-203(12), concerning definitions under the Rehabilitation Act of Arkansas, is amended to correct an entity name to read as follows:

(12) "Service" means ~~the~~ Arkansas Rehabilitation Services established by this subchapter; and

SECTION 11. Arkansas Code § 20-79-204 is amended to correct references

to read as follows:

20-79-204. ~~Deputy director~~ Commissioner.

(a) Arkansas Rehabilitation Services shall be administered, under the general supervision and direction of the Division of Workforce Services, by a ~~deputy director~~ commissioner, appointed in accordance with established personnel standards and on the basis of education, training, experience, and demonstrated ability in the field of rehabilitation.

(b) In carrying out his or her duties under this subchapter, the ~~deputy director~~ Commissioner of Arkansas Rehabilitation Services:

(1) Shall, with the approval of the Secretary of the Department of Commerce, prepare rules for promulgation by the appropriate division of the ~~department~~ Department of Commerce governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof, for rehabilitation services, procedures for fair hearings, and such other rules as he or she finds necessary to carry out the purposes of this subchapter, including the order to be followed in selecting those to whom rehabilitation services are to be provided in situations where service cannot be provided to all who are eligible for service;

(2) Shall, with the approval of the secretary, establish appropriate subordinate administrative units within Arkansas Rehabilitation Services;

(3) Shall recommend to the secretary for appointment such personnel as he or she deems necessary for the efficient performance of the functions of Arkansas Rehabilitation Services;

(4) Shall prepare and submit to the secretary and the Governor annual reports of activities and expenditures and, before each regular session of the General Assembly, estimates of sums required to carry out this subchapter, as well as estimates of the amounts to be made available for this purpose from all sources;

(5) Shall make certification for disbursement, in accordance with rules, of funds available for carrying out the purposes of this subchapter; and

(6) May, with the approval of the secretary, delegate to any officer or employee of Arkansas Rehabilitation Services such of his or her powers and duties, except the making of rules and the making of

recommendations for appointment of personnel, as he or she finds necessary to carry out the purposes of this subchapter.

SECTION 12. Arkansas Code § 20-79-301(a), concerning membership of the Technology Equipment Revolving Loan Fund Committee, is amended to correct references to read as follows:

(a)(1) There is created the Technology Equipment Revolving Loan Fund Committee, to be composed of nine (9) members, of which at least five (5) members must be individuals with disabilities, to be appointed by the Governor as follows:

- (A) The ~~Director~~ Commissioner of the Arkansas Rehabilitation Services;
- (B) A representative of the banking industry;
- (C) A representative of a disability-related consumer organization;
- (D) A certified public accountant; and
- (E) Five (5) additional members appointed from the state at large.

(2) The ~~director~~ commissioner shall be an ex officio member and shall serve as Chair of the Technology Equipment Revolving Loan Fund Committee, voting only in case of a tie vote.

(3) The committee shall elect from its membership a vice chair and a secretary-treasurer.

SECTION 13. Arkansas Code § 20-79-303(c)(2), concerning required actions on the recommendation of the Technology Equipment Revolving Loan Committee, is amended to correct references to read as follows:

(2) The ~~Director~~ Commissioner of Arkansas Rehabilitation Services must act on the recommendation of the committee within thirty (30) days of the committee's recommendation or the recommendation of the committee shall be final.

SECTION 14. Arkansas Code § 20-79-403 is amended to correct an entity name to read as follows:

20-79-403. Ownership of equipment – Telecommunications Equipment Fund.

(a)(1) Equipment purchased under this subchapter shall remain the

property of the State of Arkansas for two (2) years and then become the property of the recipient of the equipment.

(2) A person who receives the equipment shall be responsible for the maintenance of the equipment and liable to ~~the~~ Arkansas Rehabilitation Services for the loss of or damage to the equipment.

(3) In the event of the death of an individual in possession of the equipment, or should a person in possession of the equipment leave the state, the equipment shall automatically revert to the possession of ~~the~~ Arkansas Rehabilitation Services.

(b) Any money collected by ~~the~~ Arkansas Rehabilitation Services under this section shall be deposited into the Telecommunications Equipment Fund.

SECTION 15. Arkansas Code § 25-10-110(b), concerning charges for institutional services provided to members of the public, is amended to correct references to read as follows:

(b) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, ~~Arkansas Rehabilitation Services~~, the Division of Youth Services, and the Division of Developmental Disabilities Services are permitted to charge for institutional services provided to members of the public on an actual cost basis rather than on a per capita or other basis.

SECTION 16. Arkansas Code § 25-10-204(a)(1), concerning powers and duties of the Division of State Services for the Blind, is amended to correct a reference and clarify language to read as follows:

(a)(1) The Division of State Services for the Blind within the Department of ~~Human Services~~ Commerce is designated as the agency of the State of Arkansas primarily responsible for carrying out state and federal programs for rehabilitative social services or business enterprises for blind and visually handicapped citizens of the state, including, but not limited to, those programs and services established pursuant to the Rehabilitation Act of 1973, as amended, Pub. L. No. 93-112, and any subsequent legislation to Pub. L. No. 93-112. The division, as the designated agency, shall receive the full, complete, effective, and timely cooperation of any ~~and all~~ other agencies, organizations, or offices receiving financial support by or through the State of Arkansas, either directly or indirectly, and in any amount.

SECTION 17. Arkansas Code § 25-30-201(a), concerning the policy and scope of Arkansas Rehabilitation Services, is amended to correct an entity name to read as follows:

(a) The policy and scope of ~~the~~ Arkansas Rehabilitation Services shall be to provide increased employment of individuals with disabilities through the provision of individualized training, independent living services, educational and support services, and meaningful opportunities for employment in integrated work settings to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society.

SECTION 18. Arkansas Code § 25-30-202(a), concerning the scope of authority of Arkansas Rehabilitation Services, is amended to correct a reference to read as follows:

(a) All authorities and responsibilities defined in the Rehabilitation Act of Arkansas, § 20-79-201 et seq., shall be administered by Arkansas Rehabilitation Services under the direction of the ~~Career Education and Workforce Development Board~~ Division of Workforce Services, except those transferred to the Division of State Services for the Blind by § 25-10-201 et seq.

SECTION 19. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fourth General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Fourth General Assembly and this act:

(A) The act of the regular session of the Ninety-Fourth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Fourth General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.