

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H3/27/23  
**A Bill**

HOUSE BILL 1296

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 THE USE OF RESPECTFUL LANGUAGE WHEN REFERRING TO INDIVIDUALS WITH DISABILITIES; AND FOR OTHER PURPOSES.

### **Subtitle**

TO MAKE TECHNICAL CORRECTIONS TO THE ARKANSAS CODE CONCERNING THE USE OF RESPECTFUL LANGUAGE WHEN REFERRING TO INDIVIDUALS WITH DISABILITIES.

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

*SECTION 1. Arkansas Code § 11-4-214 is amended to read as follows:*

*11-4-214. Temporary special exemptions – Definition.*

*(a) Any ~~person handicapped~~ individual affected by lack of skill, age, or ~~physical or mental deficiency or injury~~ disability in ~~any a~~ way that his or her earning capacity is impaired shall be granted a temporary special exemption license or permit authorizing the employment of the ~~person~~ individual at wages lower than the minimum prescribed in this subchapter until such time as the Director of the Division of Labor shall hold a hearing and prescribe rules regarding exemption of these ~~persons~~ individuals as authorized in this section.*

*(b)(1) The director may provide by rule, after notice and public hearing at which any person may be heard, for the employment in any occupation of individuals whose earning capacity is impaired by age or*



~~physical or mental deficiency or injury~~ disability at wages lower than the minimum wage rate provided in § 11-4-210 as he or she may find appropriate to prevent curtailment of opportunities for employment, to avoid undue hardship, and to safeguard the minimum wage rate under this subchapter.

(2) In addition, the director, by rule or special order, may provide for the employment of ~~handicapped clients~~ individuals whose earning capacity is impaired by age or disability in work activities centers under special certificates at wages that are less than the minimum prescribed in § 11-4-210 that the director determines constitutes equitable compensation for the clients in work activities centers.

(c) For the purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for ~~handicapped clients~~ clients with disabilities whose physical and mental impairment is so severe as to make their productivity capacities inconsequential.

SECTION 2. Arkansas Code § 17-99-102(3)(B)(iii)(a)(7), concerning respiratory care practitioners, is amended to read as follows:

(7) Exercises designed for the rehabilitation of ~~the cardiopulmonary handicapped~~ individuals with disabilities that are cardiopulmonary in nature;

SECTION 3. Arkansas Code § 17-100-102 is amended to read as follows:  
17-100-102. Public policy.

It is declared to be a policy of the State of Arkansas that, in order to safeguard the public health, safety, and welfare; to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on the part of qualified speech-language pathologists and audiologists; and to help to assure the availability of the highest possible quality speech-language pathology and audiology services to ~~the communicatively handicapped people of this state~~ individuals with disabilities that are communicative in nature who reside in this state, it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

SECTION 4. Arkansas Code § 17-103-107(b), concerning privileged

communications, is amended to read as follows:

(b) This section does not prohibit a licensed social worker, a licensed master social worker, or a licensed certified social worker from voluntarily testifying in court hearings concerning matters of adoption, child abuse, child neglect, or other matters pertaining to children, the elderly, and ~~handicapped and mentally disabled~~ adults with disabilities, except as prohibited under applicable state and federal laws.

SECTION 5. Arkansas Code § 19-5-304(7)(A), concerning the Education Fund, is amended to read as follows:

(7) Rehabilitation Services Fund Account.

(A) The Rehabilitation Services Fund Account shall be used for the maintenance, operation, and improvement required by Arkansas Rehabilitation Services in carrying out the powers, functions, and duties as set out in § 6-52-101 et seq., the Rehabilitation Act of Arkansas, § 20-79-201 et seq., and § 25-30-201 et seq., and for the ~~adult handicapped~~ program for adults with disabilities at the Arkansas Health Center.

SECTION 6. Arkansas Code § 19-5-305(c)(2), concerning the Public School Fund, is amended to read as follows:

(2) This transfer shall be used to provide additional support for the administration of the ~~handicapped children~~ program for children with disabilities and the vocational-technical and adult education program.

SECTION 7. Arkansas Code § 20-79-208(a), concerning the ownership, exchange, and sale of equipment, is amended to read as follows:

(a) Arkansas Rehabilitation Services is authorized to retain title to any property, tools, instruments, training supplies, equipment, or other items of value acquired for use ~~of handicapped persons~~ by individuals with disabilities and to repossess and transfer title for the use of other ~~handicapped persons~~ individuals with disabilities.

SECTION 8. Arkansas Code § 23-17-404(e)(1)(B)(ii), concerning the preservation and promotion of universal service, is amended to read as follows:

(ii) Except in any exchange in which the electing

company is authorized under § 23-17-407(d) to determine the rates for basic local exchange service and switched-access services pursuant to § 23-17-408(c), each ETC shall be subject to all TPRs concerning application for service, refusing service, deposits, notices before disconnect, late payment penalties, ~~elderly and handicapped~~ protection for the elderly and individuals with disabilities, medical need for utility services, delayed payment agreements, and extended due dates.

SECTION 9. Arkansas Code § 25-10-201 is amended to read as follows:  
25-10-201. Public policy.

(a) It is the public policy of the State of Arkansas to furnish ~~blind and visually handicapped persons~~ individuals who are blind or have visual impairments those services which are reasonably necessary to allow them the opportunity to lead full, useful, and productive lives and to expend funds available for that purpose in the most efficient and effective manner possible.

(b) The General Assembly finds that this purpose may be best accomplished by the establishment of a Division of State Services for the Blind within the Department of Commerce with the necessary authority to administer the services and programs for ~~the blind and visually impaired~~ individuals who are blind or have visual impairments.

SECTION 10. Arkansas Code § 25-10-202(2), concerning definitions applicable to the Division of State Services for the Blind, is amended to read as follows:

(2) "~~Visually handicapped~~ Visual impairments", as a term, shall be defined by rules of the board, and the board shall have sole and exclusive authority to define and determine whether any ~~person~~ individual is "blind" or an individual with "visually handicapped visual impairments" for purposes of determining eligibility to participate in government programs under this subchapter.

SECTION 11. Arkansas Code § 25-10-204 is amended to read as follows:  
25-10-204. Powers and duties.

(a)(1) The Division of State Services for the Blind within the

Department of Human Services 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~~ individuals of this state who are blind or have visual impairments, 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.

(2) The division shall be responsible for the administration of all functions and programs relating or pertaining to rehabilitation and social services, and business enterprise services for the blind, including the organized vending facility program as now established, for which the division shall serve as the licensing agency for the blind.

(b) The division is designated as the unit of the state government of Arkansas primarily responsible for assuring that ~~citizens with disabling visual impairments~~ individuals with visual impairments shall receive the full benefit of services for which federal grants-in-aid assistance in any form, under any title, and from any source shall be available from time to time to accomplish the purposes of this subchapter.

(c) The division is authorized to enter into such contracts with the federal government, to submit such plans to the federal government, and to adopt such methods of administration as the federal government may require in order to assure maximum federal financial involvement in those services and functions which the division is authorized to administer directly.

(d)(1) The division may assist all other state agencies, departments, offices, or committees traditionally and legally responsible for the direct administration of services which bear upon the objective of preventing or ameliorating ~~disabling~~ visual impairments throughout the State of Arkansas by providing technical advice and consultation to those state organizations, reviewing plans and program material developed and maintained within those state organizations, making appropriate recommendations, and carrying out the evaluation functions previously assigned to the Office for the Blind and Visually Impaired.

(2) Where it is mutually determined by the division and one (1) or more other state agencies that it would be to the best interest of the taxpayers of the state or to the advantage of individuals with ~~disabling~~ visual impairments for the other agency or agencies directly to provide a particular service which tends to prevent or ameliorate ~~disabling~~ visual impairments, the division and the state agency or agencies involved are authorized to enter into interagency contracts or agreements which might reasonably be necessary to assure that the service is provided effectively and in a manner consistent with maximally efficient use of available resources.

SECTION 12. Arkansas Code § 25-10-208 is amended to read as follows:

25-10-208. State services for the blind – Supplemental insurance.

Staff members who transport ~~blind and visually impaired persons~~ individuals who are blind or have visual impairments on official state business of the Division of State Services for the Blind within the Department of Commerce are entitled to reimbursement for supplemental insurance costs. Costs incurred for supplemental liability automobile insurance above the minimum required by law for the purpose of including coverage for work-related activities shall be reimbursed through standard travel procedures annually, not to exceed fifty dollars (\$50.00) per year.

SECTION 13. Arkansas Code § 25-10-209(b), concerning Information Reading Services for the Blind, is amended to read as follows:

(b) The Information Reading Services for the Blind shall be:

(1) An integral part of the rehabilitation state plan of the division;

(2) A network to:

(A) Provide audible access to statewide public notices, newspaper articles of interest, and other information, particularly at the local level, to ~~persons who are visually handicapped~~ individuals who are blind or have visual impairments; and

(B) Translate existing local, state, and national information into an audible format to make it available for access by ~~visually handicapped persons~~ individuals who are blind or have visual impairments; and

(3) Available to all state agencies as a means of making public notices audibly accessible to ~~visually handicapped persons~~ individuals who are blind or have visual impairments who cannot read print.

SECTION 14. Arkansas Code § 26-26-1206(b)(3), concerning federally funded housing for certain persons, is amended to read as follows:

(3) "Housing" means structures consisting of eight (8) or more residential units for occupancy and use by ~~elderly or handicapped persons~~ an elderly person or a person with a disability, including essential contiguous land and related facilities, as well as all personal property of the corporation or association used in connection with the facilities;

SECTION 15. 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.

/s/Gazaway