

**Title 20. Public Health and Welfare**

**Chapter XXIV. Arkansas Rehabilitation Services, Division of Workforce Services, Department of Commerce**

**Subchapter A. Generally**

**Part 836. Technology Equipment Revolving Loan Fund Committee Bylaws**

**Subpart 1. Preamble**

**20 CAR § 836-101. Preamble.**

(a)(1) The Technology Equipment Revolving Loan Fund, commonly referred to as the Arkansas Assistive Technology Alternative Financing Program (AFP), was created by the General Assembly through Acts 1993, No. 384, as amended (the act).

(2) As provided in the Acts 1993, No. 384, the AFP is governed by the Technology Equipment Revolving Loan Fund Committee (committee).

(3) This part is adopted by the committee pursuant to the powers conferred upon it in Arkansas Code § 20-79-301 et seq.

(4) In case of any conflict with the provisions of this part and the provisions of the committee's enabling legislation, as either may be amended from time to time, the provisions of the enabling legislation shall take precedence over the provisions of this part.

(b) The purpose of the AFP is 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.

(c)(1) Expenditures from the AFP may be used by qualified applicants to purchase and/or finance:

- (A) Communications devices;
- (B) Prostheses;
- (C) Wheelchairs;
- (D) Wheelchair car lifts, ramps, and roll-in showers;

(E) Telecommunications devices for persons who are deaf or hearing impaired; and

(F) Devices that allow persons who are blind or visually impaired to discern printed material.

(2) This list is not exhaustive.

(d) The AFP shall be used only when, in the discretion of the committee:

(1) Loan applicants have met eligibility criteria; and

(2) The release of money is deemed appropriate.

**Authority.** Arkansas Code § 20-79-302.

## **Subpart 2. Membership, Offices, Fiscal Year, Annual Report, and Auditing**

### **20 CAR § 836-201. Membership.**

The powers of the AFP are vested in the Technology Equipment Revolving Loan Fund Committee, the members of which are appointed and hold office as provided in Acts 1993, No. 384.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

### **20 CAR § 836-202. Offices.**

The office of the AFP shall be located in the state of Arkansas as the Technology Equipment Revolving Loan Fund Committee may determine from time to time.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**20 CAR § 836-203. Fiscal year.**

The fiscal year of the AFP shall:

- (1) Begin on the first day of October in each calendar year; and
- (2) End at the close of business on the thirtieth day of September of the following calendar year.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**20 CAR § 836-204. Annual report.**

(a) The Technology Equipment Revolving Loan Fund Committee shall submit an annual statement of the receipts, disbursements, and current investments of the fund for the preceding year to the:

- (1) Governor; and
- (2) Commissioner of Arkansas Rehabilitation Services.

(b) The report shall set forth a complete operating and financial statement covering the operation of the AFP during the year.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**Subpart 3. Officers and Chairpersons**

**20 CAR § 836-301. Officers.**

- (a) The officers of the AFP shall be a chairperson and a vice-chairperson.
- (b) The vice-chairperson shall be elected by the Technology Equipment Revolving Loan Fund Committee and must be a member of the committee.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**20 CAR § 836-302. Chairperson.**

(a) The chairperson will be the Director of Arkansas Rehabilitation Services and shall serve as an ex-officio member of the Technology Equipment Revolving Loan Fund Committee, voting only in the case of a tie vote.

(b) The chairperson shall perform:

- (1) All the duties commonly involved with his or her office; and
- (2) Such other duties and have such other powers as the committee may from time to time designate.

(c) Unless some other person is specifically authorized by the committee, the chairperson shall sign all contracts and other instruments executed on behalf of the Arkansas Assistive Technology Alternative Financing Program.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-303. Vice-chairperson.**

The vice-chairperson shall serve as the acting chairperson in the absence of the chairperson and assume all responsibilities included in 20 CAR § 836-302, as stated.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-304. Appointment of committee members.**

(a) The appointments of members of the Technology Equipment Revolving Loan Fund Committee are made by the Governor.

(b)(1) The committee shall consist of nine (9) members as follows:

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

(2) At least five (5) persons on the committee must be individuals with disabilities.

(3) The citizen members shall be appointed by the Governor.

(c) The director shall:

- (1) Be an ex-officio member; and
- (2) Serve as chairperson of the committee, voting only in the case of a tie.

(d)(1) All members shall be appointed for a term of three (3) years, each term to begin July 1.

(2) Any vacancies that occur on the committee due to death, resignations, or otherwise shall be filled by appointment of the Governor to fill the unexpired term that had been created.

(e)(1) Any member of the committee who is absent from three (3) successive regular meetings for any reason other than illness of the member, verified by a written sworn statement by his or her attending physician and entered into the minutes of the committee, shall thereby forfeit and vacate his or her membership on the committee.

(2) This forfeiture shall be certified to the Governor by the committee.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-305. Elections.**

(a) Elections of the vice-chairperson shall be made annually.

(b) Officers shall serve until their respective successors are elected and duly qualified.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-306. Acting chairperson.**

Whenever the chairperson and vice-chairperson are unable to attend a meeting of the Technology Equipment Revolving Loan Fund Committee and a quorum of the committee is present, the members present at such meeting may designate a temporary chairperson from among the members present who shall preside at such meeting as acting chairperson.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-307. Compensation.**

(a) Technology Equipment Revolving Loan Fund Committee members receive no salaries, but shall be paid travel and any other expenses incurred to attend meetings or while otherwise engaged in the discharge of their duties, all as may be deemed appropriate:

- (1) By resolution of the committee; and
- (2) Within the policy limits of state employee travel reimbursement.

(b) This reimbursement cost will be provided by Arkansas Rehabilitation Services or other appropriate entities.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-308. Bonding.**

Members of the AFP shall be included as named insured in bonding insurance provided by the State of Arkansas or otherwise.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**20 CAR § 836-309. Indemnification.**

(a) Each member of the Technology Equipment Revolving Loan Fund Committee and any person employed by the committee pursuant to 20 CAR § 836-308 shall be indemnified by the AFP against all expenses, as hereinafter defined, which shall necessarily or reasonably be incurred by member in connection with any action, suit, or proceeding to which member is or shall be a party, or with which that member may be threatened by reason of being or having been a member of the committee and any person employed by the committee pursuant to 20 CAR § 836-308 at the time of incurring such expenses.

(b)(1) "Expenses", as used herein, shall include but not be limited to amounts of judgments against, or amounts paid in settlement by, such member of the committee, and any person employed by the committee pursuant to 20 CAR § 836-308, other than amounts payable or paid to the committee or the AFP, but shall not include any expenses incurred in connection with:

(A) Any matters as to which member of the committee and any person employed by the committee pursuant to 20 CAR § 836-308 shall be adjudged in such action, suit, or proceeding, without such judgment being reversed, to be liable by reason of member's negligence or willful misconduct in the performance of duties as such member or officer; or

(B) Any matters which shall be the subject of such action, suit, or proceeding disposed of otherwise than by adjudication on the merits, unless in relation to such matters such member or officer shall not have been liable for negligence or willful misconduct in the performance of his or her duties as a member or officer.

(2) In determining whether a member or officer was liable for negligence or willful misconduct in the performance of duties as such member or officer and is for

that reason not entitled to reimbursement pursuant to the foregoing provisions, the committee may conclusively rely upon an opinion of legal counsel.

(c) The right of indemnification herein above provided shall not be deemed exclusive of any other right to which such member may now or hereafter be otherwise entitled and specifically, without limiting the generality of the foregoing, shall not be deemed exclusive of any rights, pursuant to the statute or otherwise, of any such member of the committee and any person employed by the committee pursuant to 20 CAR § 836-308 in any such action, suit, or proceeding to have assessed or allowed in member's favor, against the corporation or any other corporation or otherwise, costs and expenses incurred therein or in connection therewith or any part thereof.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**20 CAR § 836-310. Interest of members in certain transactions.**

Members who have a pecuniary interest in any transaction shall not vote on the particular transaction.

**Authority.** Arkansas Code § 20-79-302.

**Subpart 4. Meeting**

**20 CAR § 836-401. Annual meeting.**

(a) The annual meeting of Technology Equipment Revolving Loan Fund Committee shall be held during the month of July of each year or on such earlier or later date in each calendar year as the committee may determine.

(b) The committee, at its discretion, may also choose to establish meeting dates for the remainder of the year.

- (c) The annual meeting shall be held at:
  - (1) The principal office of the AFP; or
  - (2) Such other place within the State of Arkansas as shall be designated in the notice of meeting.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**20 CAR § 836-402. Regular and special meetings.**

- (a) The Technology Equipment Revolving Loan Fund Committee:
  - (1) Shall meet at least once annually; and
  - (2) May meet more often as necessary if:
    - (A) Meetings are called by the chairperson or by a majority of the committee; and
    - (B) All members of the committee are notified of the time, date, and place of the meeting in advance.
- (b) The committee shall meet to:
  - (1) Review individual loan applications over eight thousand dollars (\$8,000); and
  - (2) Approve or deny such applications based upon information provided to or obtained by the committee.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-403. Notice of meeting.**

- (a) Notice of the time and place of each meeting of the Technology Equipment Revolving Loan Fund Committee shall be given by the chairperson or their designee to each member:

- (1) By mail at least five (5) calendar days before each such meeting; or
- (2) In person or by telephone, facsimile, telegram, cable, courier service, or hand delivery at least five (5) days before such meeting.

(b)(1) Except as otherwise provided in 20 CAR § 836-601 et seq., relating to the amendment of bylaws, such notice need not specify the matters to be considered at the meeting.

(2) Notices by mail shall be deemed to have been given when mailed to each member at his or her address appearing in the records of the AFP.

(3) Notices delivered by courier service or by hand at such address shall be deemed to have been given and received.

(4) Notices by facsimile shall be deemed to have been given when transmitted to each member at his or her facsimile number appearing in the records of the AFP.

(c) Notice to the media will be given in accordance with the Arkansas Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**20 CAR § 836-404. Waiver of notice.**

(a) A waiver of notice of any Technology Equipment Revolving Loan Fund Committee meeting in writing signed by a member, whether before or after a meeting, shall be equivalent to the giving of notice of such meeting.

(b) A member who attends a meeting shall be deemed to have had timely and proper notice of the meeting unless he or she attends for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

(c) Notice of an adjourned or a continued meeting may be deemed given to any member present at the time of adjournment or continuance.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-405. Quorum and voting.**

(a) A quorum consists of a simple majority of the members of the Technology Equipment Revolving Loan Fund Committee.

(b) A quorum is required for the transaction of all business or the exercise of any power or function of the committee.

(c) Any act taken by a vote of the majority of the members present at any meeting at which a quorum is present shall be the act of the committee.

(d) If one (1) or more members are disqualified from voting on any matter due to conflict of interest, the remaining members shall act for the committee by majority vote.

(e) No vacancy in the membership in the committee shall impair the right of a quorum to exercise all the rights and perform all the duties of the committee.

(f) A majority of the members present at any meeting, whether or not constituting a quorum, may continue or adjourn the meeting to another time and place.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-406. Manner of voting.**

(a) The "ayes" and "nays" of every vote by the Technology Equipment Revolving Loan Fund Committee shall be entered upon the minutes of such meeting.

(b) Voting on all questions shall be by voice vote.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-407. Resolutions and effective date.**

(a) All resolutions shall be:

(1) In writing;

(2) Contained in the minutes section of the Arkansas Assistive Technology Alternative Financing Program Manual; and

(3) Maintained by the vice-chairperson or their designee.

(b) Resolutions shall be effective on the date of passage, upon adjournment of the meeting, unless otherwise stated in the resolution.

**Authority.** Arkansas Code § 20-79-302.

## **Subpart 5. Executive Committee — Standing and Other Committees**

### **20 CAR § 836-501. Designation.**

(a) The chairperson may appoint an Executive Committee consisting of:

(1) A chairperson;

(2) A vice-chairperson; and

(3) Such other members of the Technology Equipment Revolving Loan Fund Committee as the chairperson may determine.

(b) The Executive Committee shall have the power to:

(1) Submit recommendations for action by the Technology Equipment Revolving Loan Fund Committee; and

(2) Perform such duties as may be delegated to it from time to time by vote of the Technology Equipment Revolving Loan Fund Committee.

**Authority.** Arkansas Code § 20-79-302.

### **20 CAR § 836-502. Meetings of the Executive Committee.**

Meetings of the Executive Committee may be at any time and place upon reasonable notice by mail, telephone, or facsimile sufficient to enable attendance by all members of the Executive Committee.

**Authority.** Arkansas Code § 20-79-302.

**20 CAR § 836-503. Standing and other committees.**

(a) The chair may appoint, from time to time, standing committees and such other committees as may be deemed necessary and expedient to promote the purposes of the AFP.

(b) If any standing committee is appointed by the chairperson, with the concurrence of a majority of the Technology Equipment Revolving Loan Fund Committee, such committee may make such decisions regarding the business of the AFP as is delegated to them, and the performance of which is supervised, by the Technology Equipment Revolving Loan Fund Committee.

(c) Any other working committees may be composed of members and shall be:

(1) Advisory only; and

(2) Not be empowered to act by or on behalf of the AFP.

(d) For any committee, a quorum shall consist of a simple majority.

**Authority.** Arkansas Code § 20-79-302.

**Codification Notes.** "AFP" means Arkansas Assistive Technology Alternative Financing Program.

**Subpart 6. Amendments**

**20 CAR § 836-601. Amendments.**

This part may be amended, supplemented, or repealed by majority vote of the Technology Equipment Revolving Loan Fund Committee at any meeting of the committee, provided that notice of the proposed amendment, supplement, or repeal shall have been included in the notice of such meeting, unless notice shall have been waived by any and all of the members.

**Authority.** Arkansas Code § 20-79-302.

## **Subpart 7. Rules**

### **20 CAR § 836-701. Rules of order.**

Robert's Rules of Order Newly Revised shall govern all matters of procedure not specifically set forth in this part or Acts 1993, No. 384.

**Authority.** Arkansas Code § 20-79-302.

### **20 CAR § 836-702. Rules.**

(a) The Technology Equipment Revolving Loan Fund Committee may adopt, amend, and alter from time to time such rules or forms that:

(1) It may deem necessary or expedient for the management of the affairs of the Arkansas Assistive Technology Alternative Financing Program; and

(2) That shall not be inconsistent with the committee's enabling legislation.

(b) The secretary of the AFP shall maintain current copies of all rules and forms adopted by the AFP, which shall be available for public inspection at all times at the office of the AFP.

**Authority.** Arkansas Code § 20-79-302.