

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 2161

5 By: Representative Hobbs  
6

## For An Act To Be Entitled

8 AN ACT TO CREATE THE DEVELOPMENTAL DISABILITIES  
9 COUNCIL; TO COORDINATE, MONITOR, PLAN, AND EVALUATE  
10 SERVICES, ASSISTANCE, AND OPPORTUNITIES NECESSARY TO  
11 ENABLE INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES;  
12 AND FOR OTHER PURPOSES.  
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## Subtitle

15 AN ACT TO CREATE THE DEVELOPMENTAL  
16 DISABILITIES COUNCIL.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code §§ 20-8-111 and 20-8-112 are repealed.

23 ~~20-8-111. Transfer of Developmental Disabilities Planning Council~~  
24 ~~attributes to other agency.~~

25 ~~The Governor may at any time transfer all personnel, appropriations,~~  
26 ~~fund balances, and authorized positions, and the powers, duties, and~~  
27 ~~personnel of the Developmental Disabilities Planning Council to any other~~  
28 ~~designated agency of the state which meets the requirements of Pub. L. No.~~  
29 ~~101-496 [repealed].~~  
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31 ~~20-8-112. Additional transfer of Developmental Disabilities Planning~~  
32 ~~Council attributes to other agency.~~

33 ~~The Governor may at any time transfer all the powers, duties,~~  
34 ~~personnel, appropriations, fund balances, and authorized positions of the~~  
35 ~~Developmental Disabilities Planning Council to any other designated agency of~~  
36 ~~the state which meets the requirements of Pub. L. No. 103-230.~~



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 2 SECTION 2. Arkansas Code Title 25 is amended to add an additional  
 3 chapter to read as follows:

4 Chapter 42 – Developmental Disabilities Council

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 6 25-42-101. Purpose.

7 The purpose of this chapter is to coordinate, monitor, plan, and  
 8 evaluate services, assistance, and opportunities necessary to enable  
 9 individuals with developmental disabilities to achieve their maximum  
 10 potential through:

11 (1) Increased self-determination, independence, productivity,  
 12 and integration and inclusion into the community; and

13 (2) Enhancement of the role of the family in assisting  
 14 individuals with developmental disabilities.

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 16 25-42-102. Definitions.

17 As used in this chapter:

18 (1) "Developmental disability" means:

19 (A) A severe, chronic disability of an individual that:

20 (i) Is attributable to a mental or physical  
 21 impairment or combination of mental and physical impairments;

22 (ii) Is manifested before the individual becomes  
 23 twenty-two (22) years of age;

24 (iii) Is likely to continue indefinitely;

25 (iv) Results in substantial functional limitations  
 26 in three (3) or more of the following areas of major life activity:

27 (a) Self-care;

28 (b) Receptive and expressive language;

29 (c) Learning;

30 (d) Mobility;

31 (e) Self-direction;

32 (f) Capacity for independent living; or

33 (g) Economic sufficiency; and

34 (v) Reflects the individual's need for a combination  
 35 and sequence of special, interdisciplinary, or generic care, treatment, or  
 36 other services that are of lifelong or extended duration and are individually

1 planned and coordinated; and

2 (B) A substantial developmental delay or specific  
 3 congenital or acquired condition in an individual from birth to nine (9)  
 4 years of age that without services and support has a high probability of  
 5 resulting later in life in three (3) or more of the criteria listed in  
 6 subdivision (1)(A) of this section;

7 (2)(A) "Family support" means services designed to:

8 (i) Strengthen the family's role as primary  
 9 caregivers;

10 (ii) Prevent inappropriate out-of-home placement and  
 11 maintain family unity; and

12 (iii) Reunite families with members who have been  
 13 placed out of the home.

14 (B) "Family support" includes:

15 (i) Respite care;

16 (ii) Personal care;

17 (iii) Parent training and counseling;

18 (iv) Support for elderly parents; and

19 (v) Other individualized services;

20 (3) "Inclusion" means the acceptance and encouragement of the  
 21 presence and participation of individuals with developmental disabilities, by  
 22 individuals without disabilities in social, educational, work, and community  
 23 activities, which enable an individual with developmental disabilities to:

24 (A) Have friendships and relationships with individuals  
 25 and families of his or her own choice;

26 (B) Live in a home close to community resources, with  
 27 regular contact with individuals without disabilities in his or her  
 28 community;

29 (C) Enjoy full access to and active participation in the  
 30 same community activities and types of employment as individuals without  
 31 disabilities; and

32 (D) Take full advantage of his or her integration into the  
 33 same community resources as individuals without disabilities by living,  
 34 learning, working, and enjoying life in regular contact with individuals  
 35 without disabilities;

36 (4) "Independence" means the extent to which an individual with

1 developmental disabilities exerts control and choice over his or her own  
 2 life;

3 (5) "Integration" means exercising the equal right of  
 4 individuals with developmental disabilities to access and use the same  
 5 community resources as are used by and available to other individuals;

6 (6) "Productivity" means:

7 (A) Engagement in income-producing work by an individual  
 8 with developmental disabilities that is measured through improvements in  
 9 income level, employment status, or job advancement; and

10 (B) Engagement by an individual with developmental  
 11 disabilities in work that contributes to a household or community;

12 (7) "Self-determination activities" means activities that with  
 13 appropriate assistance result in an individual with developmental  
 14 disabilities having:

15 (A) The ability and opportunity to communicate and make  
 16 personal decisions;

17 (B) The ability and opportunity to communicate choices and  
 18 exercise control over the type and intensity of services, support, and other  
 19 assistance the individual receives;

20 (C) The authority to control resources to obtain needed  
 21 services, support, and other assistance;

22 (D) Opportunities to participate in and contribute to his  
 23 or her community; and

24 (E) Support, including financial support, to advocate for  
 25 himself or herself and others, to develop leadership skills through training  
 26 in self-advocacy, to participate in coalitions, to educate policymakers, and  
 27 to play a role in the development of public policies that affect individuals  
 28 with developmental disabilities.

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 30 25-42-103. Developmental Disabilities Council – Creation – Membership.

31 (a) The Developmental Disabilities Council is created.

32 (b)(1) Under the Developmental Disabilities Assistance and Bill of  
 33 Rights Act of 2000, Pub. L. No. 106-402, the council's membership shall  
 34 consist of not less than sixty percent (60%) of individuals with  
 35 developmental disabilities, parents or guardians of children with  
 36 developmental disabilities, or immediate relatives or guardians of adults

1 with mentally impairing developmental disabilities who cannot advocate for  
2 themselves.

3 (2) Members of the council shall not be employees of a state  
4 agency that receives funds or provides services under the Developmental  
5 Disabilities Assistance and Bill of Rights Act of 2000, Pub. L. No. 106-402.

6 (c)(1) The members of the council shall serve four-year terms, except  
7 that the initial appointees shall serve staggered terms determined by lot so  
8 that five (5) serve a two-year term, five (5) serve a three-year term, and  
9 five (5) serve a four-year term.

10 (2) Members of the council shall not serve more than two (2)  
11 consecutive four-year terms.

12 (d)(1) The members of the council shall serve without compensation.

13 (2) However, the members of the council may receive expense  
14 reimbursement and stipends under § 25-16-902.

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16 25-42-104. Duties.

17 The Developmental Disabilities Council shall:

18 (1) Plan effective coordination of state resources to meet the  
19 needs of individuals with developmental disabilities;

20 (2) Promote the dignity of individuals with developmental  
21 disabilities;

22 (3) Advise the Governor and the General Assembly on programs and  
23 policies pertaining to services for individuals with developmental  
24 disabilities and their families;

25 (4) Promote the provision of a full range of services,  
26 assistance, and opportunities for individuals with developmental  
27 disabilities, including housing, education, rehabilitation, employment,  
28 recreation, family support, and other needed support services, in the least  
29 restrictive environment;

30 (5) Assist public and private entities in creating programs that  
31 increase the potential of an individual with disabilities to expand his or  
32 her inclusion, productivity, and self-determination activities;

33 (6) Assist in the development of state plans to include the  
34 establishment of goals and priorities for meeting the needs of individuals  
35 with developmental disabilities;

36 (7) Review programs and policies that affect individuals with

1 developmental disabilities, identify gaps and barriers to services, and  
2 assist in prevention of duplicative programs and services;

3 (8) Promote public understanding of the needs and contributions  
4 of individuals with developmental disabilities;

5 (9) Develop, maintain, and disseminate information models,  
6 findings, conclusions, and recommendations to enhance assistance and  
7 opportunities for individuals with developmental disabilities;

8 (10) Monitor the provision of services to individuals with  
9 developmental disabilities;

10 (11) Prepare, approve, and implement a budget using amounts paid  
11 to the state under the Developmental Disabilities Assistance and Bill of  
12 Rights Act of 2000, Pub. L. No. 106-402;

13 (12) Fund and implement all programs, projects, and activities  
14 carried out under the Developmental Disabilities Assistance and Bill of  
15 Rights Act of 2000, Pub. L. No. 106-402;

16 (13) Enhance coordination among public and private agencies by  
17 conducting studies and developing model policies and procedures; and

18 (14) Administer the provisions of the Developmental Disabilities  
19 Act, Pub. L. No. 106-402, regarding state councils on disabilities.

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21 25-42-105. Executive director – Staff.

22 (a) The Developmental Disabilities Council shall recruit and hire an  
23 individual consistent with state law to serve as Executive Director of the  
24 Developmental Disabilities Council who shall be the chief operating officer  
25 of the council and whose duties shall be designated by the council.

26 (b) The council may hire and maintain such members and types of staff  
27 qualified by training and experience and obtain the services of such  
28 professional, consulting, technical, and clerical staff consistent with state  
29 law as the council determines to be necessary to carry out the functions of  
30 the council.

31 (c) The executive director and other personnel employed by the council  
32 shall be employees of the State of Arkansas.

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34 25-42-106. Reports.

35 The Developmental Disabilities Council shall report annually to the  
36 Governor and the House Committee on Public Health, Welfare, and Labor and the

1 Senate Committee on Public Health, Welfare, and Labor on the progress of  
2 programs for individuals with developmental disabilities.

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4 25-42-107. Rules.

5 The Developmental Disabilities Council may adopt rules to implement  
6 this chapter.

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