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

A Bill

HOUSE BILL 2161

5
6 By: Representative Hobbs

7 Filed with: Interim House Committee on State Agencies and Governmental Affairs
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

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18 AN ACT TO CREATE THE DEVELOPMENTAL
19 DISABILITIES COUNCIL.

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

23
24 SECTION 1. Arkansas Code §§ 20-8-111 and 20-8-112 are repealed.

25 ~~20-8-111. Transfer of Developmental Disabilities Planning Council~~
26 ~~attributes to other agency.~~

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31 ~~101-496 [repealed].~~

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33 ~~20-8-112. Additional transfer of Developmental Disabilities Planning~~
34 ~~Council attributes to other agency.~~

35 ~~The Governor may at any time transfer all the powers, duties,~~
36 ~~personnel, appropriations, fund balances, and authorized positions of the~~

1 ~~Developmental Disabilities Planning Council to any other designated agency of~~
2 ~~the state which meets the requirements of Pub. L. No. 103-230.~~

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

6 Chapter 42 – Developmental Disabilities Council

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8 25-42-101. Purpose.

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

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

15 (2) Enhancement of the role of the family in assisting
16 individuals with developmental disabilities.

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18 25-42-102. Definitions.

19 As used in this chapter:

20 (1) "Developmental disability" means:

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

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

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

26 (iii) Is likely to continue indefinitely;

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

29 (a) Self-care;

30 (b) Receptive and expressive language;

31 (c) Learning;

32 (d) Mobility;

33 (e) Self-direction;

34 (f) Capacity for independent living; or

35 (g) Economic sufficiency; and

36 (v) Reflects the individual's need for a combination

1 and sequence of special, interdisciplinary, or generic care, treatment, or
2 other services that are of lifelong or extended duration and are individually
3 planned and coordinated; and

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

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

10 (i) Strengthen the family's role as primary
11 caregivers;

12 (ii) Prevent inappropriate out-of-home placement and
13 maintain family unity; and

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

16 (B) "Family support" includes:

17 (i) Respite care;

18 (ii) Personal care;

19 (iii) Parent training and counseling;

20 (iv) Support for elderly parents; and

21 (v) Other individualized services;

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

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

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

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

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

1 without disabilities;

2 (4) "Independence" means the extent to which an individual with
3 developmental disabilities exerts control and choice over his or her own
4 life;

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

8 (6) "Productivity" means:

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

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

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

17 (A) The ability and opportunity to communicate and make
18 personal decisions;

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

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

24 (D) Opportunities to participate in and contribute to his
25 or her community; and

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

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32 25-42-103. Developmental Disabilities Council – Creation – Membership.

33 (a) The Developmental Disabilities Council is created.

34 (b)(1) Under the Developmental Disabilities Assistance and Bill of
35 Rights Act of 2000, Pub. L. No. 106-402, the council's membership shall
36 consist of not less than sixty percent (60%) of individuals with

1 developmental disabilities, parents or guardians of children with
2 developmental disabilities. or immediate relatives or guardians of adults
3 with mentally impairing developmental disabilities who cannot advocate for
4 themselves.

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

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

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

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

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

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18 25-42-104. Duties.

19 The Developmental Disabilities Council shall:

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

22 (2) Promote the dignity of individuals with developmental
23 disabilities;

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

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

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

35 (6) Assist in the development of state plans to include the
36 establishment of goals and priorities for meeting the needs of individuals

1 with developmental disabilities;

2 (7) Review programs and policies that affect individuals with
3 developmental disabilities, identify gaps and barriers to services, and
4 assist in prevention of duplicative programs and services;

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

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

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

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

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

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

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

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23 25-42-105. Executive director – Staff.

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

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

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

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36 25-42-106. Reports.

1 The Developmental Disabilities Council shall report annually to the
2 Governor and the House Committee on Public Health, Welfare, and Labor and the
3 Senate Committee on Public Health, Welfare, and Labor on the progress of
4 programs for individuals with developmental disabilities.

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6 25-42-107. Rules.

7 The Developmental Disabilities Council may adopt rules to implement
8 this chapter.

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10 Referred by the Arkansas House of Representatives

11 Prepared by: MGF/VJF

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