

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-142

1
2 State of Arkansas
3 86th General Assembly
4 Regular Session, 2007

A Bill

SENATE BILL 866

5
6 By: Senator Steele

7 Referred to
8 Public Health, Welfare And Labor Committee - Senate
9 by the Arkansas Senate
10 on 03/29/2007

For An Act To Be Entitled

11
12
13 AN ACT TO REQUIRE THAT PERSONS WITH DISABILITIES
14 SHALL BE ACTIVELY INVOLVED IN ALL STATE ENTITIES
15 THAT DEAL WITH PERSONS WITH DISABILITIES AND ALL
16 ENTITIES THAT CONTRACT WITH THE STATE TO PROVIDE
17 SERVICES TO PERSONS WITH DISABILITIES; AND FOR
18 OTHER PURPOSES.
19

Subtitle

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21 AN ACT TO ALLOW PERSONS WITH
22 DISABILITIES ACTIVE PARTICIPATION IN THE
23 STATE OPERATIONS THAT AFFECT THEM.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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29 SECTION 1. Arkansas Code Title 25, is amended to add an additional
30 chapter to read as follows:

31 25-41-101. Title.

32 This chapter shall be known and may be cited as the "Persons with
33 Disabilities on Developmental Disabilities Boards Act".

34
35 25-41-102. Legislative findings.

36 The General Assembly recognizes that:

1 (1) Many persons with disabilities and their families receive
 2 some level of support and services that are funded or administered by the
 3 state;

4 (2) Support and services are provided to persons with
 5 disabilities or their families, if appropriate, through arrangements with
 6 local community-based vendors, organizations, or agencies;

7 (3) Persons with disabilities who receive the services and
 8 support, directly or indirectly, are often not consulted for their
 9 perspectives, nor are their viewpoints sought regarding the efficiency,
 10 strengths, or weaknesses of the services and support;

11 (4) Seldom are persons with disabilities or their families
 12 involved in the development of standards that directly affect the quality of
 13 the services and support that they receive;

14 (5) Persons with disabilities and their families have a
 15 significant contribution to make in the decision-making processes that shape
 16 the support and services they receive through state government;

17 (6) Persons with disabilities and their families should be
 18 provided with meaningful opportunities to contribute their viewpoints through
 19 their experiences concerning issues relating to services, support, and
 20 standards that ultimately affect them;

21 (7) Services and support should be responsive and sensitive to
 22 the cultural, racial, age, language, and gender characteristics of persons
 23 with disabilities and their families; and

24 (8) It is meaningful for persons with disabilities and their
 25 families to have the opportunity to contribute their opinions, and they
 26 should be provided adequate information in a manner that facilitates and
 27 allows participation.

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 29 25-41-103. Definition.

30 As used in this chapter, "disability" means with respect to an
 31 individual :

32 (1) A physical or mental impairment that substantially limits
 33 one (1) or more of the major life activities or the individual ;

34 (2) A record of a physical or mental impairment that
 35 substantially limits one (1) or more of the major life activities or the
 36 individual ; or

1 (3) Begin regarded as having a physical or mental impairment
2 that substantially limits one (1) or more of the major life activities or the
3 individual.

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5 25-41-104. Membership on boards.

6 To ensure opportunities for participation by persons with disabilities
7 and their families in the development of policies, support, and services that
8 affect them, twenty percent (20%) of the membership of each of the following
9 entities, at least one (1) of the twenty percent (20%) being a person with
10 one (1) or more disabilities, shall be persons with one (1) or more
11 disabilities or members of their families, or both who receive the services
12 and support:

13 (1) Every developmental disabilities advisory board, committee,
14 commission, task force, or ad hoc committee that supports persons with
15 disabilities through the Department of Health and Human Services;

16 (2)(A) Local community-based agency developmental disabilities
17 governing boards that receive funds from the department to provide services
18 and support to persons with disabilities and their families.

19 (B) The department shall promulgate rules to limit
20 reimbursements and the assignment of persons with disabilities for services
21 by developmental disabilities boards that fail to meet the membership
22 requirements of this section;

23 (3) Legislative commissions, boards, and assemblies whose
24 purpose is to serve an advisory function concerning services to persons with
25 disabilities; and

26 (4) Any developmental disabilities advisory committee, board, or
27 commission whose mission or purpose is to establish eligibility criteria for
28 services and support for persons with disabilities or to develop standards
29 that govern the services and support funded or administered by the
30 department.

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32 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that persons with disabilities and
34 their families should be provided with meaningful opportunities to contribute
35 their perspectives through their experiences concerning issues relating to
36 services, support, and standards that ultimately affect them; that they are

1 at risk every day that their needs and aspirations go unheard. Therefore, an
2 emergency is declared to exist, and this act being immediately necessary for
3 the preservation of the public peace, health, and safety shall become
4 effective on:

5 (1) The date of its approval by the Governor;

6 (2) If the bill is neither approved nor vetoed by the Governor,
7 the expiration of the period of time during which the Governor may veto the
8 bill; or

9 (3) If the bill is vetoed by the Governor and the veto is
10 overridden, the date the last house overrides the veto.

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