

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: H3/24/97

# A Bill

HOUSE BILL 2193

4  
5 By: Representative Willems  
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7

## For An Act To Be Entitled

8  
9 "AN ACT TO TRANSFER THE PORTIONS OF THE DIVISION OF  
10 DEVELOPMENTAL DISABILITIES SERVICES OF THE DEPARTMENT OF  
11 HUMAN SERVICES WHICH OPERATE, AND PROVIDE SERVICES AND  
12 SUPPORT TO THE HUMAN DEVELOPMENT CENTERS FROM THE  
13 DEPARTMENT OF HUMAN SERVICES AND TO CREATE A DEPARTMENT OF  
14 DEVELOPMENTAL DISABILITIES SERVICES; AND FOR OTHER  
15 PURPOSES."

## Subtitle

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18 "TO CREATE A DEPARTMENT OF DEVELOPMENTAL  
19 DISABILITIES SERVICES."  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Effective July 1, 1997, the portions of the Division of  
24 Developmental Disabilities Services which operate and provide services and  
25 support to the human development centers is transferred from the Department of  
26 Human Services to create the Department of Developmental Disabilities  
27 Services.

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29 SECTION 2. The purpose of the Department of Developmental Disabilities  
30 Services shall be the delivery of State Institutional Programs and services to  
31 residents of the State of Arkansas with developmental disabilities.

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33 SECTION 3. The Executive head of the department shall be the Director  
34 of the Department of Developmental Disabilities Services. The director shall  
35 be appointed by the Governor with the advice of the Board of Developmental  
36 Disabilities Services and consent of the Senate and shall serve at the

1 pleasure of the Governor.

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3         SECTION 4. The state institutions and operation of state institutional  
4 programs under the jurisdiction of the Board of Developmental Disabilities  
5 Services, as provided by law, shall be under the control of the Board of its  
6 Developmental Disabilities Services. The Board shall perform its respective  
7 functions and duties under the general guidelines and standards promulgated by  
8 the director of the department.

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10         SECTION 5. The executive head of the community services division of  
11 DHS shall be an individual with relevant experience in serving individuals  
12 with developmental disabilities.

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14         SECTION 6. Any and all appropriations for the Division of Developmental  
15 Disabilities Services of the Department of Human Services for fiscal year  
16 1997, plus any additional legislative appropriation for the 1997-98 biennium  
17 for the Division of Developmental Disabilities Services that are designated  
18 for the operation of the human development centers, shall be deemed to be  
19 appropriated to and shall be made available for the operation and maintenance  
20 of the Department of Developmental Disabilities Services. The Director of the  
21 Department of Finance and Administration shall transfer to the Department of  
22 Developmental Disabilities Services all appropriations and funds from any  
23 other sources in the custody or control of the Department of Human Services  
24 which are designated for the operation of the human development centers.

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26         SECTION 7. Any and all other powers, positions, duties, functions,  
27 records, property and funds administered or provided by other support  
28 divisions within the Department of Human Services for the operation of the  
29 human development centers shall be transferred to the Department of  
30 Developmental Disabilities Services.

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32         SECTION 8. The Division of Developmental Disabilities services of the  
33 Department of the Human Services as now constituted shall continue in  
34 existence for all purposes, intact, until July 1, 1997, at which time all  
35 functions related to the operation of the human development centers will  
36 become the Department of Developmental Disabilities Services. The Department

1 shall include all powers, duties, licenses, privileges, equipment, vehicles,  
2 furniture, fixtures, supplies, books, records, stock, goods, funds, unexpended  
3 appropriations and facilities relating to the delivery of services for persons  
4 residing at the human development centers.

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6 SECTION 9. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 10. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 11. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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19 SECTION 12. EMERGENCY. It is hereby found and determined by the  
20 General Assembly that the creation of the Department of Developmental  
21 Disabilities Services will promote the improvement of delivery of services to  
22 people with developmental disabilities, that the efficient operation of  
23 government will be promoted by creating the new Department and shall be  
24 effective at the beginning of the next fiscal year. Therefore, an emergency  
25 is declared to exist and this act being immediately necessary for the  
26 preservation of the public peace, health and safety shall be in full force and  
27 effect from and after July 1, 1997.

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29 /s/Rep. Willems

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