

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.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S3/31/05

# A Bill

SENATE BILL 1121

5 By: Senator Steele  
6  
7

## For An Act To Be Entitled

9 AN ACT TO REQUIRE THAT PERSONS WITH DISABILITIES  
10 SHALL BE ACTIVELY INVOLVED IN ALL STATE ENTITIES  
11 THAT DEAL WITH DISABLED PERSONS AND ALL ENTITIES  
12 THAT CONTRACT WITH THE STATE TO PROVIDE SERVICES  
13 TO DISABLED PERSONS; REQUIRING USE OF RESPECTFUL  
14 LANGUAGE IN THE ARKANSAS CODE REGARDING  
15 INDIVIDUALS WITH DISABILITIES; AND FOR OTHER  
16 PURPOSES.  
17

## Subtitle

18 AN ACT TO ALLOW DISABLED PERSONS ACTIVE  
19 PARTICIPATION IN THE STATE OPERATIONS  
20 THAT AFFECT THEM; AND REQUIRING USE OF  
21 RESPECTFUL LANGUAGE IN THE ARKANSAS CODE  
22 REGARDING INDIVIDUALS WITH DISABILITIES.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code Title 25, is amended to add an additional  
28 chapter to read as follows:

29 25-37-101. Title.

30 This chapter shall be known and may be cited as the "Persons with  
31 Disabilities on State Agency Boards Act".  
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33 25-37-102. Legislative findings.

34 The General Assembly recognizes that:

35 (1) Many persons with disabilities and their families receive  
36 some level of support and services that are funded or administered by the



1 state;

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

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

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

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

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

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

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

26  
27 25-37-103. Definitions.

28 As used in this chapter:

29 (1) "Department" means the Department of Human Services; and

30 (2) "Disability" means a physical or mental characteristic resulting  
31 from disease, injury, congenital condition of birth, or functional disorder,  
32 the history of such a characteristic, or the perception of such a  
33 characteristic, when the characteristic results in substantial functional  
34 limitations in three (3) or more of the following areas of major life  
35 activity:

36 (A) Self care;

- 1                   (B) Fine motor skills;
- 2                   (C) Mobility;
- 3                   (D) Vision;
- 4                   (E) Respiration;
- 5                   (F) Learning;
- 6                   (G) Work;
- 7                   (H) Receptive and expressive language, that is, hearing and
- 8 speaking;
- 9                   (I) Self direction;
- 10                  (J) Capacity for independent living; and
- 11                  (K) Economic sufficiency.

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13                  25-37-104. Membership on boards.

14                  To ensure opportunities for participation by persons with disabilities  
15 and their families in the development of policies, support, and services that  
16 affect them, twenty percent (20%) of the membership of each of the following,  
17 at least one (1) of the twenty percent (20%) being a person with one (1) or  
18 more disabilities, if possible, shall be persons with one (1) or more  
19 disabilities or members of their families who receive the services and  
20 support:

21                  (1) Every advisory board, committee, commission, task force, or  
22 ad hoc committee that deals with disabilities through the Department of Human  
23 Services;

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

27                  (B) The department shall promulgate rules to limit  
28 reimbursements and the assignment of new clients to boards that fail to meet  
29 the membership requirements of this section;

30                  (3) Legislative commissions, boards, and assemblies whose purpose  
31 is to serve an advisory function concerning services to persons with  
32 disabilities; and

33                  (4) Any advisory committee, board, or commission whose mission or  
34 purpose is to establish eligibility criteria for services and support for  
35 persons with disabilities or to develop standards that govern the services  
36 and support funded or administered by the department.

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2           SECTION 2. Arkansas Code Title 1, Chapter 2, Subchapter 1 is amended to  
3 add an additional section to read as follows:

4           1-2-124. Respectful language – Disabilities.

5           (a)(1) The General Assembly recognizes that language used in reference  
6 to individuals with disabilities shapes and reflects society's attitudes  
7 towards people with disabilities. Many of the terms currently used diminish  
8 the humanity and natural condition of having a disability. Certain terms are  
9 demeaning and create an invisible barrier to inclusion as equal community  
10 members.

11           (2) The General Assembly finds it necessary to clarify preferred  
12 language for new and revised laws by requiring the use of terminology that  
13 puts the person before the disability.

14           (b)(1) In any bill or resolution, the Bureau of Legislative Research  
15 shall avoid all references to:

16                   (A) "Disabled";

17                   (B) "Developmentally disabled";

18                   (C) "Mentally disabled";

19                   (D) "Mentally ill";

20                   (E) "Mentally retarded";

21                   (F) "Handicapped";

22                   (G) "Cripple"; and

23                   (H) "Crippled".

24           (2) The Arkansas Code Revision Commission is directed to change  
25 such references in any existing statute or resolution as sections including  
26 these references are otherwise amended by law.

27           (3) The Bureau of Legislative Research and the Arkansas Code  
28 Revision Commission are directed to replace terms referenced in subdivision  
29 (b)(1) of this section as appropriate with the following revised terminology:

30                   (A) "Individuals with disabilities";

31                   (B) "Individuals with developmental disabilities";

32                   (C) "Individuals with mental illness"; and

33                   (D) "Individuals with mental retardation".

34           (c) No statute or resolution is invalid because it does not comply with  
35 this section.

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1           SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General  
2 Assembly of the State of Arkansas that persons with disabilities and their  
3 families should be provided with meaningful opportunities to contribute their  
4 perspectives through their experiences concerning issues relating to  
5 services, support, and standards that ultimately affect them; that serviare  
6 at risk every day that their needs and aspirations go unheard. Therefore, an  
7 emergency is declared to exist and this act being immediately necessary for  
8 the preservation of the public peace, health, and safety shall become  
9 effective on:

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

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

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

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17   */s/ Steele*  
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