

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

A Bill

SENATE BILL 556

4
5 By: Senator T. Smith
6 By: Representative Mathis

For An Act To Be Entitled

10 AN ACT TO RENAME THE DEPARTMENT OF WORKFORCE
11 EDUCATION AND TO CLARIFY THE DEPARTMENT'S
12 RESPONSIBILITIES WITH REGARD TO REHABILITATION
13 SERVICES; AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT TO RENAME THE DEPARTMENT OF
17 WORKFORCE EDUCATION AND TO CLARIFY THE
18 DEPARTMENT'S RESPONSIBILITIES WITH
19 REGARD TO REHABILITATION SERVICES.

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

24 SECTION 1. (a)(1) Effective July 1, 2005, the Department of Workforce
25 Education is renamed the Department of Workforce Education and Rehabilitation
26 Services and merged with the Arkansas Rehabilitation Services.

27 (2)(A) Effective July 1, 2005, the Director of the Department of
28 Workforce Education is the Director of the Department of Workforce Education
29 and Rehabilitation Services.

30 (B) Effective July 1, 2005, the powers, authorities,
31 duties, and functions of the deputy director, director, or commissioner of
32 the Arkansas Rehabilitation Services are transferred to and vested in the
33 Director of the Department of Workforce Education and Rehabilitation
34 Services.

35 (3) Effective July 1, 2005, all of the statutory authority,
36 powers, duties, functions, including rulemaking, regulation, licensing, the



1 rendering of findings, orders and adjudications, records, personnel,
 2 property, unexpended balances of appropriations, allocations, or other funds,
 3 including the functions of budgeting, purchasing and related management
 4 functions, of the Arkansas Rehabilitation Services are transferred to the
 5 Department of Workforce Education and Rehabilitation Services.

6 (b)(1) The Arkansas Code Revision Commission shall correct references
 7 to the "Department of Workforce Education" to the "Department of Workforce
 8 Education and Rehabilitation Services".

9 (2) The Arkansas Code Revision Commission shall correct
 10 references to the "Director of the Department of Workforce Education" to the
 11 "Director of the Department of Workforce Education and Rehabilitation
 12 Services".

13 (3) The Arkansas Code Revision Commission shall correct any
 14 references to deputy director, director, or commissioner of Arkansas
 15 Rehabilitation Services to the "Director of the Department of Workforce
 16 Education and Rehabilitation Services".

17 (c) The Arkansas Code Revision Commission shall correct inaccurate
 18 references to the Department of Workforce Education and Rehabilitation
 19 Services and the Director of the Department of Workforce Education and
 20 Rehabilitation Services throughout the Arkansas Code where the intended
 21 reference is manifest.

22
 23
 24 SECTION 2. Arkansas Code § 6-52-101 is amended to read as follows:

25 6-52-101. ~~Arkansas Rehabilitation Services~~ Department of Workforce
 26 Education and Rehabilitation Services.

27 ~~(a) Effective July 1, 1993, Division of Rehabilitation Services of the~~
 28 ~~Department of Human Services is transferred to the Department of Workforce~~
 29 ~~Education and shall be known as the Arkansas Rehabilitation Services. The~~
 30 ~~State Board of Workforce Education and Career Opportunities shall have the~~
 31 ~~same authority and responsibility with respect to the administration and~~
 32 ~~operation of the Arkansas Rehabilitation Services as it has with respect to~~
 33 ~~the Department of Workforce Education.~~

34 (b)(a) The policy and scope of the Arkansas Rehabilitation Services
 35 Department of Workforce Education and Rehabilitation Services with regard to
 36 rehabilitation services shall be to provide increased employment of

1 individuals with disabilities through the provision of individualized
 2 training, independent living services, educational and support services, and
 3 meaningful opportunities for employment in integrated work settings to
 4 maximize employment, economic self-sufficiency, independence, and inclusion
 5 and integration into society.

6 ~~(e)~~(b) Pursuant to such policy, rehabilitation services shall be
 7 provided to citizens throughout the state, and the rehabilitation plan
 8 adopted pursuant to this subchapter shall be in effect in all political
 9 subdivisions of the state.

10
 11 SECTION 3. Arkansas Code § 6-52-102 is amended to read as follows:
 12 6-52-102. Transfer of authority, property, etc.

13 (a) All authorities and responsibilities defined in § 20-79-201 et
 14 seq. shall be administered by the ~~Arkansas Rehabilitation Services~~ Department
 15 of Workforce Education and Rehabilitation Services under the direction of the
 16 State Board of Workforce Education and Career Opportunities, except those
 17 transferred to the Division of State Services for the Blind by § 25-10-201 et
 18 seq.

19 (b) Any and all statutory authority, powers, duties, functions,
 20 records, authorized positions, property, unexpended balances of
 21 appropriations, allocations or other funds transferred from the Division of
 22 Rehabilitation Services to the Department of Human Services by § 25-10-102 et
 23 seq. ~~are hereby~~ that were transferred to the Arkansas Rehabilitation Services
 24 are transferred to the Department of Workforce Education and Rehabilitation
 25 Services.

26
 27 SECTION 4. Arkansas Code § 15-4-2204(i), pertaining to the members of
 28 the Arkansas Workforce Investment Board, is amended to read as follows:

29 (i) The board shall establish a state level One-Stop Partner Council
 30 that shall include, but not be limited to:

31 (1) One (1) chief elected official nominated by the Arkansas
 32 Municipal League and one (1) chief elected official nominated by the
 33 Association of Arkansas Counties;

34 (2) No fewer than three (3) representatives of labor
 35 organizations who are to be nominated by the Arkansas labor federation;

36 (3) No fewer than two (2) representatives of individuals and

1 organizations who have experience with respect to youth activities and
2 programs;

3 (4) No fewer than three (3) representatives of individuals and
4 organizations who have experience and expertise in the delivery of workforce
5 investment activities of which at least:

6 (A) One (1) member shall be a chief executive officer of a
7 two-year college nominated by the Association of Two-year Colleges;

8 (B) One (1) member shall be a director of an agency
9 responsible to a local work force investment board for administrative
10 workforce investment programs nominated by the Career Development Network
11 Associations; and

12 (C) One (1) member shall represent community-based
13 organizations;

14 (5) One (1) member who is a person with a disability and who is
15 familiar with vocational rehabilitation and:

16 (A) Represents an organization of Arkansans with
17 disabilities; or

18 (B) Complies with subdivision (b)(2) of this section;

19 (6) The Director of the Department of Workforce Education and
20 Rehabilitation Services;

21 (7) The Director of the Arkansas Employment Security Department;

22 (8) The Director of the Department of Human Services;

23 (9) The Director of the Arkansas Economic Development
24 Commission;

25 (10) A representative of employment and training activities
26 carried out by the Department of Housing and Urban Development;

27 (11) The Director of the Department of Higher Education;

28 ~~(12) The Director of the Arkansas Rehabilitation Services of the~~
29 ~~Department of Workforce Education;~~

30 ~~(13)~~(12) The Director of the Arkansas Development Finance
31 Authority;

32 ~~(14)~~(13) The Director of the Arkansas Economic Development
33 Commission;

34 ~~(15)~~(14) The Chair of the State Board of Education;

35 ~~(16)~~(15) The Chair of the State Board of Workforce Education and
36 Career Opportunities;

1 ~~(17)~~(16) The Chair of the Arkansas Higher Education Coordinating
2 Board; and

3 ~~(18)~~(17) The Chair of the Arkansas Transitional Employment
4 Board.

5

6 SECTION 5. Arkansas Code § 19-5-304(7), pertaining to the
7 Rehabilitation Services Fund Account of the Education Fund, is amended to
8 read as follows:

9 (7)(A) Rehabilitation Services Fund Account. The Rehabilitation
10 Services Fund Account shall be used for the maintenance, operation, and
11 improvement required by ~~the Arkansas Rehabilitation Services~~ of the
12 Department of Workforce Education and Rehabilitation Services in carrying out
13 the powers, functions, and duties, as set out in § 6-52-101 et seq., § 20-79-
14 201 et seq., and § 25-6-201 et seq. [repealed], and for the adult handicapped
15 program at the Arkansas Health Center.

16 (B) The fund account shall consist of:

17 (i) Those general revenues as may be provided by
18 law;

19 (ii) Nonrevenue income derived from services
20 provided by rehabilitation programs of the Arkansas Rehabilitation Services
21 of the department; and

22 (iii) Any other nonfederal grant funds provided by
23 law; and

24

25 SECTION 6. Arkansas Code § 19-11-902 is amended to read as follows:
26 19-11-902. Regulations.

27 (a) The Office of State Procurement shall be responsible for
28 developing regulations governing implementation of this subchapter.

29 (b) For purposes of this subchapter:

30 (1) "Commodities" means all property, including, but not limited
31 to, equipment, printing, stationery, supplies, and insurance, but excluding
32 real property, leases on real property, or a permanent interest in real
33 property;

34 (2) "Disabled individuals" means those persons who have a
35 medically or psychiatrically determined physical, mental, or developmental
36 disability constituting a substantial vocational handicap;

1 ~~(3)~~ "~~Arkansas Rehabilitation Services~~" means the Arkansas
2 ~~Rehabilitation Services of the Department of Workforce Education;~~

3 ~~(4)~~(3) "Fiscal year" means July 1 of one (1) year through June
4 30 of the next year;

5 ~~(5)~~(4) "Ordering office" means any state department, independent
6 establishment, board, commission, bureau, service, or division of state
7 government and any wholly owned state corporation;

8 ~~(6)~~(5) "Products", for purposes of this subchapter, means
9 commodities or services wherein the price of the commodities includes at
10 least twenty percent (20%) value added when the work center is awarded a
11 contract using the ten percent (10%) preference, and in the case of services,
12 that they are performed by the disabled;

13 ~~(7)~~(6)(A) "Services" means the furnishing of labor, time, or
14 effort by a contractor, not involving the delivery of a specific end product
15 other than reports which are merely incidental to the required performance.

16 (B) This term shall not include employment agreements,
17 collective bargaining agreements, or architectural or engineering contracts
18 requiring approval of Arkansas State Building Services;

19 ~~(8)~~(7) "Sheltered workshop" means a work center which has:

20 (A) Certification from the United States Department of
21 Labor as a sheltered workshop; and

22 (B) Been licensed by the Division of Developmental
23 Disabilities Services of the Department of Human Services or certification
24 from Arkansas Rehabilitation Services; and

25 ~~(9)~~(8)(A) "Work center" means any facility certified by the
26 ~~Arkansas Rehabilitation Services Department of Workforce Education and~~
27 Rehabilitation Services where any manufacture or handiwork is carried on and
28 which is operated for the primary purpose of providing evaluation, training,
29 and gainful employment to disabled individuals of Arkansas:

30 (i) As an interim step in the rehabilitation process
31 for those who cannot be readily absorbed in the competitive labor market; or

32 (ii) During such time as employment opportunities
33 for them in the competitive labor market do not exist.

34 (B) "Work center" includes a sheltered work center.

35 (c) All state agencies as defined in § 19-11-203 are required to
36 purchase their requirements of needed available and suitable products and

1 purchase suitable services from nonprofit work centers for disabled
 2 individuals, unless such commodities and services are authorized by prior
 3 legislation for production in another state agency, department, or
 4 institution.

5 (d)(1) The Office of State Procurement shall issue to all agency
 6 purchasing agents a schedule of work center-made commodities and services and
 7 the conditions under which they are to be procured from the workshops.

8 (2) The schedule shall include the item or service description.

9 (e) ~~Arkansas Rehabilitation Services~~ Department of Workforce Education
 10 and Rehabilitation Services shall undertake the inspection on a continuing
 11 basis of the workshops certified by ~~Arkansas Rehabilitation Services~~
 12 Department of Workforce Education and Rehabilitation Services to determine
 13 that they operate in accordance with the requirements of the statute and the
 14 regulations of this section.

15 (f)(1)(A) In order to qualify for participation in the program as a
 16 work center, an organization shall submit an application to the Office of
 17 State Procurement.

18 (B) If required for all vendors, there should be included
 19 a list of the commodities and services offered for sale to the state.

20 (2) Work centers shall:

21 (A) Furnish commodities and services in strict accordance
 22 with the allocation and government order;

23 (B) Maintain records of wages paid, hours of employment,
 24 and sales;

25 (C) Make available pertinent books and records of the
 26 agency for inspection at any reasonable time to representatives of the
 27 Arkansas Rehabilitation Services; and

28 (D)(i) Submit to the ~~Arkansas Rehabilitation Services~~
 29 Department of Workforce Education and Rehabilitation Services by September 1
 30 an annual report for the preceding fiscal year.

31 (ii) This report shall include data on disabled
 32 workers, wages and wage supplements, hours of employment, sales, whether the
 33 workshop requires a facilities sheltered workshop certificate from the United
 34 States Department of Labor and special minimum rates authorized where such
 35 certificate is held and such other relevant information as may be required.

36 (g) Where a commodity or service is identified in the schedule of work

1 center-made commodities and services as being available through the Office of
 2 State Procurement, it shall be obtained in accordance with the requisitioning
 3 procedures of the supplying agency.

4 (h) An ordering office may purchase from a nonworkshop source
 5 commodities or services listed in the schedule of work center-made
 6 commodities and services in any of the following circumstances:

7 (1) Necessity requires delivery within the specified period, and
 8 the work center cannot give assurance of positive availability;

9 (2) When commodities listed on the schedule of work center-made
 10 commodities can be purchased from a nonwork center source by the agency for a
 11 price more than ten percent (10%) lower than work center-made commodities
 12 included in the schedule; and

13 (3) Services offered by any work center shall be procured by any
 14 agency in accordance with this section at a price not more than ten percent
 15 (10%) above the lowest price submitted from a nonwork center source.

16 (i) Work center-made product commodities will be delivered in
 17 accordance with the terms of the purchase order.

18 (j) Where a workshop fails to comply with the terms of a government
 19 order, the ordering office shall make reasonable efforts to negotiate an
 20 adjustment before taking action to cancel the order.

21 (k) Any alleged violation of these regulations shall be investigated
 22 by the Office of State Procurement, which shall notify the work center
 23 concerned and afford it an opportunity to submit a statement of facts and
 24 evidence.

25
 26 SECTION 7. Arkansas Code § 20-79-203 is amended to read as follows:

27 20-79-203. Definitions.

28 As used in this subchapter, unless the context otherwise requires:

29 (1) "Blind person" means a person who has:

30 (A) Not more than 20/200 central visual acuity in the
 31 better eye after correction; or

32 (B) An equally disabling loss of the visual field;

33 (2) "Director" means the Director of the ~~Arkansas Rehabilitation~~
 34 ~~Services who may, at the discretion of the appropriate division of the~~
 35 ~~Department of Human Services, be designated Executive Officer for the~~
 36 ~~Arkansas Rehabilitation Services~~ Department of Workforce Education and

1 Rehabilitation Services;

2 (3) "Disabled individual" means any person who, as a result of a
3 physical or mental disability:

4 (A) Has a substantial employment handicap and who may,
5 through receiving vocational rehabilitation services, be qualified for
6 remunerative employment; or

7 (B) May achieve such ability of independent living,
8 through receiving rehabilitation services, which will enable him or her to
9 dispense with or largely dispense with the need for institutional care or
10 attendant care in the household;

11 (4) "Employment handicap" means a physical or mental condition
12 which constitutes, contributes to, or if not corrected will probably result
13 in a substantial impairment of occupational performance;

14 (5) "Establishment of a workshop or rehabilitation facility"
15 means:

16 (A) In the case of a workshop, the expansion, remodeling,
17 or alteration of existing buildings to adapt them to workshop purposes or to
18 increase employment opportunities, and the acquisition of initial equipment;
19 and

20 (B) In the case of a rehabilitation facility, the
21 expansion, remodeling, or alteration of existing buildings, the initial
22 equipment of the buildings, and initial staffing thereof;

23 (6) "Maintenance" means money payment not exceeding the
24 estimated cost of subsistence during the provision of rehabilitation
25 services;

26 (7) "Nonprofit", when used with respect to a rehabilitation
27 facility or workshop, means a rehabilitation facility or a workshop owned and
28 operated by a corporation or association, no part of the net earnings of
29 which inures, or may lawfully inure, to the benefit of any shareholder or
30 individual, and this income is exempt from taxation under § 101 (6) of the
31 Internal Revenue Code;

32 (8) "Physical restoration" means any medical, surgical, or
33 therapeutic treatment necessary to correct or substantially reduce a disabled
34 individual's disability within a reasonable length of time, including the use
35 of prosthetic appliances but excluding curative treatment for acute or
36 transitory conditions, excepting treatment of medical complications and

1 emergencies as may arise during the rendering of rehabilitation services;

2 (9) "Rehabilitation" and "rehabilitation services" and
3 "rehabilitation program" means any service, provided directly or through
4 public or private instrumentalities, found by the director to be necessary to
5 compensate a disabled individual for his or her employment handicap and to
6 enable him or her to engage in a remunerative occupation or to achieve
7 independent living, including, but not limited to, medical and vocational
8 diagnosis, vocational guidance, counseling and placement, training, physical
9 restoration, transportation, occupational and business licenses, equipment,
10 initial stocks and supplies, maintenance, and training books and materials.
11 The term covers the establishment and operation of workshops, rehabilitation
12 centers, home industries, and small business enterprises for the blind and
13 severely disabled;

14 (10) "Rehabilitation facility" is a facility operated for the
15 purpose of assisting in the rehabilitation of disabled persons, which
16 provides one (1) or more of the following types of services:

17 (A) Testing, fitting, or training in the use of prosthetic
18 devices;

19 (B) Prevocational or conditioning therapy;

20 (C) Physical, corrective, or occupational therapy;

21 (D) Adjustment training, or evaluation or control of
22 special impairments; or

23 (E) Services in which a coordinated approach is made to
24 the physical, mental, and vocational evaluation of impaired persons and an
25 integrated program of physical restoration and pre-vocational or vocational
26 training is provided under competent professional supervision and direction;

27 (11) "Rehabilitation training" means all necessary training
28 provided to a disabled individual to compensate for his or her employment
29 handicap, including, but not limited to, prevocational, vocational, and
30 supplementary training and training provided for the purpose of developing
31 occupational skills and capacities;

32 (12) "Remunerative employment" includes employment in the
33 competitive labor market, practice of a profession, self-employment, home-
34 making, farm or family work where payment is in kind rather than cash,
35 sheltered employment, home industry, or other homebound work of a
36 remunerative nature;

1 (13) "Service" means ~~the Arkansas Rehabilitation Services~~
2 rehabilitation services established by this subchapter and provided through
3 the Department of Workforce Education and Rehabilitation Services; and

4 (14) "Workshop" means a place where any manufacture or handwork
5 is carried on and which is operated for the primary purpose of providing
6 remunerative employment to severely disabled persons who cannot be readily
7 absorbed in the competitive labor market.

8
9 SECTION 8. Arkansas Code § 20-79-204 is amended to read as follows:
10 20-79-204. ~~Deputy~~ Director.

11 (a) ~~The Arkansas Rehabilitation Services~~ rehabilitation services for
12 persons in the State of Arkansas shall be administered, ~~under the general~~
13 ~~supervision and direction of the appropriate division of the Department of~~
14 ~~Human Services, by a deputy director, by the Director of the Department of~~
15 Workforce Education and Rehabilitation Services, who shall be appointed in
16 accordance with established personnel standards and on the basis of
17 education, training, experience, and demonstrated ability in the field of
18 rehabilitation.

19 (b) In carrying out his or her duties under this subchapter, the
20 ~~deputy~~ director:

21 (1) Shall, with the approval of the ~~Director of the Department~~
22 ~~of Human Services~~ State Board of Workforce Education and Career
23 Opportunities, prepare regulations for promulgation by the appropriate
24 division of the department governing personnel standards, the protection of
25 records and confidential information, the manner and form of filing
26 applications, eligibility, and investigation and determination thereof, for
27 rehabilitation services, procedures for fair hearings, and such other
28 regulations as he or she finds necessary to carry out the purposes of this
29 subchapter, including the order to be followed in selecting those to whom
30 rehabilitation services are to be provided in situations where service cannot
31 be provided to all who are eligible for service;

32 (2) Shall, with the approval of the ~~director~~ board, establish
33 appropriate subordinate administrative units within the service;

34 (3) Shall recommend to the ~~director~~ board for appointment such
35 personnel as he or she deems necessary for the efficient performance of the
36 functions of the service;

1 (4) Shall prepare and submit to the ~~director~~ board and the
 2 Governor annual reports of activities and expenditures and, prior to each
 3 regular session of the General Assembly, estimates of sums required to carry
 4 out this subchapter, as well as estimates of the amounts to be made available
 5 for this purpose from all sources;

6 (5) Shall make certification for disbursement, in accordance
 7 with regulations, of funds available for carrying out the purposes of this
 8 subchapter; and

9 (6) May, with the approval of the ~~director~~ board, delegate to
 10 any officer or employee of the service such of his or her powers and duties,
 11 except the making of regulations and the making of recommendations for
 12 appointment of personnel, as he or she finds necessary to carry out the
 13 purposes of this subchapter.

14
 15 SECTION 9. Arkansas Code § 20-79-205 is amended to read as follows:
 16 20-79-205. Administration.

17 The ~~deputy director of the appropriate division of the Department of~~
 18 ~~Human Services~~ Director of the Department of Workforce Education and
 19 Rehabilitation Services shall provide the rehabilitation services authorized
 20 by this subchapter to the physically or mentally disabled, including blind
 21 citizens and those who can benefit from independent living services, as
 22 determined by the director to be eligible therefore. In carrying out the
 23 purposes of this subchapter, the ~~Arkansas Rehabilitation Services~~ Department
 24 of Workforce Education and Rehabilitation Services is authorized, among other
 25 things:

26 (1) To be the sole state agency to supervise and administer the
 27 rehabilitation services authorized by this subchapter except such part as may
 28 be administered by a local agency in a political subdivision of the state, in
 29 which case the service shall be the sole agency to supervise the local agency
 30 in the administration of that part;

31 (2) To enter into reciprocal agreements with other states to
 32 provide for the services authorized by this subchapter to residents of the
 33 state concerned;

34 (3) To conduct research and compile statistics relating to the
 35 provision of services or the need of services of disabled individuals;

36 (4) To license blind individuals to operate vending stands under

1 its supervision and control and subject to the terms and conditions in
 2 regulations issued pursuant to § 20-79-204(b)(1) on:

- 3 (A) State property;
- 4 (B) County or municipal property;
- 5 (C) Federal property, pursuant to delegation of authority
 6 under the Randolph-Sheppard Act and any amendment thereto or any act of
 7 Congress relating to this subject;
- 8 (D) Private property; and
- 9 (E) Subject to Acts 1945, No. 142, § 2 [superseded]; and

10 (5) To provide for the establishment, supervision, and control
 11 of suitable business enterprises to be operated by the severely disabled
 12 individual, including the blind, where the operation will be improved through
 13 the management and supervision of the service.

14
 15 SECTION 10. Arkansas Code § 20-79-206 is amended to read as follows:
 16 20-79-206. Operation of rehabilitation facilities.

17 (a) ~~The Arkansas Rehabilitation Services~~ Department of Workforce
 18 Education and Rehabilitation Services is authorized to utilize funds made
 19 available:

- 20 (1) From appropriations by Congress;
- 21 (2) By appropriations by the General Assembly;
- 22 (3) From the disbursement of funds of other state agencies; and
- 23 (4) By gifts, grants, fees for services, sale of products or

24 items of manufacture or handwork, and donations for the purpose of
 25 establishing and operating rehabilitation centers, workshops, business
 26 enterprises, programs, and home industries and other facilities.

27 (b) Gifts, grants, fees for services, income from the sale of products
 28 or items of manufacture or handwork, and donations may be deposited in one
 29 (1) or more banks and expended by the ~~appropriate division of the Department~~
 30 ~~of Human Services~~ Department of Workforce Education and Rehabilitation
 31 Services, in compliance with the rules and regulations of the Director of the
 32 Department of Finance and Administration, in the establishment and operation
 33 of rehabilitation facilities and such other program services as may be
 34 determined by the ~~appropriate division of the Department of Human Services~~
 35 Department of Workforce Education and Rehabilitation Services, which are
 36 consistent with the purposes of this subchapter.

1 (c) ~~The appropriate division of the Department of Human Services~~
 2 Department of Workforce Education and Rehabilitation Services is authorized
 3 and empowered to lease or purchase public or private property, real,
 4 personal, or mixed, for the purpose of establishing and operating
 5 rehabilitation facilities.

6
 7 SECTION 11. Arkansas Code § 20-79-207 is amended to read as follows:
 8 20-79-207. Cooperative agreements.

9 The ~~appropriate division of the Department of Human Services, through~~
 10 ~~the Arkansas Rehabilitation Services, Department of Workforce Education and~~
 11 Rehabilitation Services is empowered and directed to:

12 (1) Cooperate with any other division of the department in an
 13 effort to rehabilitate those disabled individuals who are applicants for or
 14 recipients of public assistance. In this respect, it is the intent of the
 15 General Assembly that the employment and self-maintenance of disabled adults
 16 shall be encouraged to the maximum extent. ~~The Arkansas Rehabilitation~~
 17 ~~Services and any other division of the department~~ Department of Workforce
 18 Education and Rehabilitation Services shall take all necessary steps to
 19 implement the intent of this section, including the joint development of
 20 plans for orderly referral and processing of feasible cases with priority
 21 being given to those for whom rehabilitation is determined most feasible;

22 (2) Cooperate with the federal government, pursuant to
 23 agreements, in carrying out the purposes of any federal statutes pertaining
 24 to the purposes of this subchapter. The board is also authorized to:

25 (A) Adopt such methods of administration as are found to
 26 be necessary for proper and efficient operation of the agreements or plans
 27 for rehabilitation and to comply with such conditions as may be necessary to
 28 secure the full benefits of federal statutes and appropriations;

29 (B) Administer any legislation pursuant thereto enacted by
 30 the State of Arkansas;

31 (C) Direct the disbursement, and administer the use of,
 32 all funds provided by the federal government or the state for the
 33 rehabilitation of disabled persons of Arkansas; and

34 (D) Do all things necessary to ensure the rehabilitation
 35 of disabled persons;

36 (3) Cooperate with other federal, state, and local public

1 agencies and institutions in providing services relating to rehabilitation,
 2 including the Arkansas State Employment Service, and make maximum utilization
 3 of the job placement and employment counseling services and other services
 4 and facilities of the offices in providing the services authorized by this
 5 subchapter in studying the problems involved therein and in establishing,
 6 developing, and providing such programs, facilities, and services as may be
 7 necessary or desirable;

8 (4) Cooperate with political subdivisions and other public and
 9 nonprofit organizations and agencies in the establishment of workshop-
 10 rehabilitation facilities and use such facilities as meet the standards
 11 established by the state board in providing rehabilitation services; and

12 (5) Enter into contractual arrangements with the Social Security
 13 Administration with respect to certifications of disabilities and performance
 14 of other duties and with other authorized public agencies for performance of
 15 services related to rehabilitation.

16
 17 SECTION 12. Arkansas Code § 20-79-208 is amended to read as follows:

18 20-79-208. Ownership, exchange, and sale of equipment.

19 (a) The ~~Rehabilitation Service~~ Department of Workforce Education and
 20 Rehabilitation Services is authorized to retain title to any property, tools,
 21 instruments, training supplies, equipment, or other items of value acquired
 22 for use of handicapped persons and to repossess and transfer title for the
 23 use of other handicapped persons.

24 (b) The ~~appropriate division of the Department of Human Services~~
 25 Department of Workforce Education and Rehabilitation Services is authorized
 26 to offer for sale any surplus items acquired in the operation of the program
 27 when they are no longer necessary or to exchange them for necessary items
 28 which may be used to greater advantage.

29 (c)(1) When any surplus equipment is sold or exchanged, a receipt for
 30 the equipment shall be taken from the purchaser showing the consideration
 31 given for the equipment and forwarded to the Treasurer of State.

32 (2) Any funds received by the appropriate division of the
 33 department pursuant to the transactions shall be deposited in the State
 34 Treasury in the appropriate federal or state rehabilitation fund and shall be
 35 available for expenditures for any purposes consistent with this subchapter.

36

1
2 SECTION 13. Arkansas Code § 20-79-211 is amended to read as follows:

3 20-79-211. Appropriations.

4 (a) Budget estimates of the amount of appropriations needed each
5 fiscal year for rehabilitation services and for the administration of the
6 program shall be submitted by the deputy director to the ~~appropriate division~~
7 ~~of the Department of Human Services~~ Department of Workforce Education and
8 Rehabilitation Services. The amount approved shall be included in the
9 estimates made by the appropriate division to the General Assembly for the
10 operation of the rehabilitation program.

11 (b) In the event federal funds are available to the State of Arkansas
12 for rehabilitation purposes, the ~~Arkansas Rehabilitation Services~~ Department
13 of Workforce Education and Rehabilitation Services is authorized to comply
14 with such requirements as may be necessary to obtain the federal funds in the
15 maximum amount and most advantageous proportion possible insofar as this may
16 be done without violating other provisions of the state law and Constitution.

17 (c) In the event Congress fails in any year to appropriate funds for
18 grants-in-aid to the state for rehabilitation purposes, the appropriate
19 division shall include as a part of the budget a request for adequate state
20 funds for rehabilitation purposes.

21
22 SECTION 14. Arkansas Code § 20-79-213 is amended to read as follows:

23 20-79-213. Eligibility for rehabilitation services.

24 (a) Rehabilitation services shall be provided to any disabled
25 individual:

26 (1) Who is a bona fide resident of the state at the time of
27 filing his or her application therefore and whose rehabilitation the Director
28 of the ~~Rehabilitation Service~~ Department of Workforce Education and
29 Rehabilitation Services determines, after full investigation, can be
30 satisfactorily achieved; or

31 (2) Who is eligible therefore under the terms of an agreement
32 with another state or with the federal government.

33 (b) However, except as otherwise provided by law or as specified in
34 any agreement with the federal government with respect to classes of
35 individuals certified to the ~~appropriate division of the Department of Human~~
36 ~~Services~~ Department of Workforce Education and Rehabilitation Services

1 thereunder, the following rehabilitation services shall be provided at public
 2 cost only to disabled individuals found to require financial assistance with
 3 respect thereto:

4 (1) Physical restoration;

5 (2) Transportation provided for other purposes than to determine
 6 the eligibility of the individual for rehabilitation services and the nature
 7 and extent of the services necessary;

8 (3) Occupational and business licenses;

9 (4) Tools, equipment, initial stock and supplies, including
 10 livestock and capital advances, books, and training materials; and

11 (5) Maintenance.

12
 13 SECTION 15. Arkansas Code § 20-79-215 is amended to read as follows:
 14 20-79-215. Hearings.

15 Any individual applying for or receiving rehabilitation who is
 16 aggrieved by any action or inaction of the ~~Rehabilitation Service Department~~
 17 of Workforce Education and Rehabilitation Services shall be entitled to a
 18 hearing in accordance with the regulations adopted and promulgated by the
 19 ~~appropriate division of the Department of Human Services~~ department on that
 20 subject.

21
 22 SECTION 16. Arkansas Code § 21-5-218 is amended to read as follows:
 23 21-5-218. Reimbursement for interpreter services for deaf.

24 Whereas the ~~Arkansas Rehabilitation Services of the Department of~~
 25 ~~Workforce Education~~ Department of Workforce Education and Rehabilitation
 26 Services currently purchases and sells staff interpreter services for the
 27 deaf with four (4) other agencies, the University of Arkansas at
 28 Fayetteville, the University of Arkansas at Little Rock, the Arkansas School
 29 for the Deaf, and the Administrative Office of the Courts and whereas the
 30 need for interpreters is immediate and often for crisis purposes and cannot
 31 be planned ahead, the Department of Workforce Education and Rehabilitation
 32 Services is authorized to arrange for reimbursement with those agencies,
 33 assuring that the amount paid from both agencies will not exceed the maximum
 34 for the grades they occupy consistent with the intent of § 19-4-1604, with
 35 notification and justification to the Chief Fiscal Officer of the State.

36

1 SECTION 17. Arkansas Code § 25-15-102(d) is amended to read as
2 follows:

3 (d) It shall be the responsibility of the appointing authority to
4 channel requests for qualified interpreters through:

5 (1) The Arkansas Registry of Interpreters for the Deaf;

6 (2) The Office for the Deaf and Hearing Impaired of ~~the Arkansas~~
7 ~~Rehabilitation Services~~ of the Department of Workforce Education and and
8 Rehabilitation Services;

9 (3) The University of Arkansas at Little Rock Interpreter
10 Training Program; or

11 (4) Any community resource wherein the appointing authority or
12 the deaf person is knowledgeable that qualified interpreters can be found.
13

14 SECTION 18. Arkansas Code § 25-30-106 is amended to read as follows:

15 25-30-106. Department of Workforce Education.

16 (a) There is hereby created the Department of Workforce Education and and
17 Rehabilitation Services, hereinafter referred to as "the department".

18 (b) The Vocational and Technical Education Division of the Department
19 of Education created by § 25-6-101, the Governor's Commission on Adult
20 Literacy created by § 6-44-201 [repealed], and the Advisory Council for
21 Vocational-Technical Education created by § 6-50-601 [repealed] are abolished
22 and transferred to the Department of Workforce Education by a type 3 transfer
23 under § 25-2-106.

24 (c) ~~The Arkansas Rehabilitation Services as an agency responsible to~~
25 ~~the State Board of Workforce Education and Career Opportunities and as a part~~
26 ~~of the Department of Workforce Education shall function as an agency in~~
27 ~~accordance with § 6-52-101 et seq. and § 25-30-201 et seq. This subchapter~~
28 ~~shall assure that the Arkansas Rehabilitation Services functions~~
29 ~~organizationally at a level at least equal to that of any division or entity~~
30 ~~of the Department of Workforce Education.~~ The Department of Workforce
31 Education and Rehabilitation Services shall provide rehabilitation services
32 as necessary for the efficient and desirable operation of the department. No
33 person who has served as deputy director, director, or commissioner of the
34 Arkansas Rehabilitation Services shall be eligible to serve in any management
35 capacity that has responsibility for rehabilitation services within the
36 department.

1 (d) The board shall appoint a director of the department who shall:

- 2 (1) Be a member of the Governor's cabinet;
- 3 (2) Be confirmed by the Governor; and
- 4 (3) Serve at the pleasure of the Governor.

5 (e) The director shall devote all of his or her time to the duties of
6 his or her office, shall act as agent of the board, and shall perform such
7 other duties as are designated by the board or by statute.

8 (f) The director shall serve as the ex officio secretary of the board
9 without vote.

10 (g) The person selected as director must be a person of good moral
11 character, recognized as a leader in the field of vocational or workforce
12 education, and qualified technically and by experience to direct the work of
13 the department.

14 (h) No person who is related within the fourth degree of consanguinity
15 or affinity to any member of the board shall be eligible to serve as director
16 of the department.

17
18 SECTION 19. Arkansas Code § 25-30-202 is amended to read as follows:
19 25-30-202. Scope of authority.

20 ~~(a)~~ All authorities and responsibilities defined in § 20-79-201 et
21 seq. shall be administered by the ~~Arkansas Rehabilitation Services~~ Department
22 of Workforce Education and Rehabilitation Services under the direction of the
23 State Board of Workforce Education and Career Opportunities, except those
24 transferred to the Division of State Services for the Blind of the Department
25 of Human Services by § 25-10-201 et seq.

26 ~~(b) Any and all statutory authority, powers, duties, functions,~~
27 ~~records, authorized positions, property, unexpended balances of~~
28 ~~appropriations, allocations, or other funds transferred from the Division of~~
29 ~~Rehabilitation Services to the Department of Human Services by Acts 1985, No.~~
30 ~~348, are hereby transferred to the Arkansas Rehabilitation Services of the~~
31 ~~Department of Workforce Education.~~

32
33 SECTION 20. Arkansas Code § 25-30-203 is amended to read as follows:
34 25-30-203. Powers and duties.

35 (a) The State Board of Workforce Education and Career Opportunities,
36 through ~~the Arkansas Rehabilitation Services~~ of the Department of Workforce

1 Education and Rehabilitation Services, shall provide the rehabilitation
 2 services authorized by this subchapter to eligible physically or mentally
 3 disabled individuals and those who can benefit from vocational rehabilitation
 4 and independent living services, as determined by the agency to be eligible
 5 therefore.

6 (b) In carrying out the purposes of this subchapter, the ~~Arkansas~~
 7 ~~Rehabilitation Services~~ Department of Workforce Education and Rehabilitation
 8 Services is authorized, among other things:

9 (1) To be the sole state agency to supervise and administer the
 10 rehabilitation services authorized by this subchapter except such part or
 11 parts as may be administered by a local agency in a political subdivision of
 12 the state, in which case the ~~Arkansas Rehabilitation Services~~ Department of
 13 Workforce Education and Rehabilitation Services shall be the sole agency to
 14 supervise such a local agency in the administration of such part or parts;
 15 and

16 (2) To conduct research and compile statistics relative to the
 17 provision of services or the need of services of disabled individuals.

18
 19 SECTION 21. Arkansas Code § 25-30-205 is amended to read as follows:
 20 25-30-205. Office facilities.

21 The Arkansas State Building Services shall ensure that all offices of
 22 ~~the Arkansas Rehabilitation Services~~ of the Department of Workforce Education
 23 and Rehabilitation Services are exemplary models of accessibility and conform
 24 to the Americans with Disabilities Act accessibility guidelines.

25
 26 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the
 27 General Assembly of the State of Arkansas that the effectiveness of this act
 28 on July 1, 2005 is essential to the operation of the affected agencies; that
 29 in the event of an extension of the Regular Session, the effective date of
 30 this act could extend beyond July 1, 2005; and that this act is immediately
 31 necessary because any delay in the effective date of this act would work
 32 irreparable harm on the proper administration and provision of essential
 33 government programs with regard to rehabilitation services, thus endangering
 34 the opportunities for individual's with disabilities in need of such
 35 services. Therefore, an emergency is declared to exist and this act being
 36 immediately necessary for the preservation of the public peace, health, and

safety shall be in full force and effect from and after July 1, 2005.

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