

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 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 866

4  
5 By: Senator Steele  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO REQUIRE THAT PERSONS WITH DISABILITIES  
10 SHALL BE ACTIVELY INVOLVED IN ALL STATE ENTITIES  
11 THAT DEAL WITH PERSONS WITH DISABILITIES AND ALL  
12 ENTITIES THAT CONTRACT WITH THE STATE TO PROVIDE  
13 SERVICES TO PERSONS WITH DISABILITIES; AND FOR  
14 OTHER PURPOSES.

## Subtitle

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17 AN ACT TO ALLOW PERSONS WITH  
18 DISABILITIES ACTIVE PARTICIPATION IN THE  
19 STATE OPERATIONS THAT AFFECT THEM.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 25, is amended to add an additional  
25 chapter to read as follows:

26 25-41-101. Title.

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

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30 25-41-102. Legislative findings.

31 The General Assembly recognizes that:

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

35 (2) Support and services are provided to persons with  
36 disabilities or their families, if appropriate, through arrangements with



1 local community-based vendors, organizations, or agencies;

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

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

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

12 (6) Persons with disabilities and their families should be  
 13 provided with meaningful opportunities to contribute their viewpoints through  
 14 their experiences concerning issues relating to services, support, and  
 15 standards that ultimately affect them;

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

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

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 24 25-41-103. Definition.

25 As used in this chapter, "disability" means with respect to an  
 26 individual:

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

29 (2) A record of a physical or mental impairment that  
 30 substantially limits one (1) or more of the major life activities or the  
 31 individual; or

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

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 36 25-41-104. Membership on boards.

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

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

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

14 (B) The department shall promulgate rules to limit  
 15 reimbursements and the assignment of persons with disabilities for services  
 16 by developmental disabilities boards that fail to meet the membership  
 17 requirements of this section;

18 (3) Legislative commissions, boards, and assemblies whose  
 19 purpose is to serve an advisory function concerning services to persons with  
 20 disabilities; and

21 (4) Any developmental disabilities advisory committee, board, or  
 22 commission whose mission or purpose is to establish eligibility criteria for  
 23 services and support for persons with disabilities or to develop standards  
 24 that govern the services and support funded or administered by the  
 25 department.

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 27 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 28 General Assembly of the State of Arkansas that persons with disabilities and  
 29 their families should be provided with meaningful opportunities to contribute  
 30 their perspectives through their experiences concerning issues relating to  
 31 services, support, and standards that ultimately affect them; that they are  
 32 at risk every day that their needs and aspirations go unheard. Therefore, an  
 33 emergency is declared to exist, and this act being immediately necessary for  
 34 the preservation of the public peace, health, and safety shall become  
 35 effective on:

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

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

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

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