

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1295

5 By: Representatives Gazaway, M. Shepherd  
6 By: Senators C. Tucker, J. Bryant  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ARKANSAS  
10 CODE CONCERNING ARKANSAS REHABILITATION SERVICES; AND  
11 FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO THE  
16 ARKANSAS CODE CONCERNING ARKANSAS  
17 REHABILITATION SERVICES.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 6-52-105 is amended to correct an entity  
23 name to read as follows:

24 6-52-105. Office facilities.

25 The Building Authority Division shall ensure that all offices of ~~the~~  
26 Arkansas Rehabilitation Services are exemplary models of accessibility and  
27 conform to the ADA Standards for Accessible Design under the Americans with  
28 Disabilities Act, 42 U.S.C. § 12101 et seq.  
29

30 SECTION 2. Arkansas Code § 15-4-3704(b)(5) and (6), concerning the  
31 makeup of the Arkansas Workforce Development Board, are amended to correct  
32 references to read as follows:

33 (5) The ~~Director~~ Commissioner of Arkansas Rehabilitation  
34 Services;

35 (6) The Director of the Division of State Services for the Blind  
36 ~~of the Department of Human Services;~~



1  
 2 SECTION 3. Arkansas Code § 19-6-482 is amended to correct an entity  
 3 name and to correct grammar to read as follows:

4 19-6-482. Telecommunications Equipment Fund.

5 The Telecommunications Equipment Fund shall consist of those special  
 6 revenues as specified in § 19-6-301(129). The fund shall be used exclusively  
 7 by ~~the~~ Arkansas Rehabilitation Services to fund an equipment distribution  
 8 program for persons certified as deaf, hard of hearing, deaf and blind, or  
 9 speech-impaired as ~~provided otherwise~~ otherwise provided in § 20-79-401 et  
 10 seq.

11  
 12 SECTION 4. Arkansas Code § 20-3-104(b), concerning the cotrustees of  
 13 the Achieving a Better Life Experience Program Trust, is amended to correct a  
 14 reference to read as follows:

15 (b) The cotrustees of the trust shall be the Secretary of the  
 16 Department of Human Services, the ~~Director~~ Commissioner of Arkansas  
 17 Rehabilitation Services, and the Treasurer of State.

18  
 19 SECTION 5. Arkansas Code § 20-3-105(a)(2), concerning membership on  
 20 the Achieving a Better Life Experience Program Committee, is amended to  
 21 correct a reference to read as follows:

22 (2) The ~~Director~~ Commissioner of Arkansas Rehabilitation  
 23 Services, or his or her designee; and

24  
 25 SECTION 6. Arkansas Code § 20-14-203(a), concerning ex officio members  
 26 of the Governor’s Commission on People with Disabilities, is amended to  
 27 correct a reference to read as follows:

28 (a) The ~~Director~~ Commissioner of Arkansas Rehabilitation Services, the  
 29 director of the appropriate division as determined by the Secretary of the  
 30 Department of Commerce, and the Director of the Division of Workforce  
 31 Services or any director, commissioner, or administrator of successors’  
 32 agencies shall serve as ex officio members of the Governor’s Commission on  
 33 People with Disabilities.

34  
 35 SECTION 7. Arkansas Code § 20-14-209(a), concerning administrative  
 36 support for the Governor’s Commission on People with Disabilities, is amended

1 to correct a reference to read as follows:

2 (a) The appropriate division as determined by the ~~Director~~  
3 Commissioner of Arkansas Rehabilitation Services, the Secretary of the  
4 Department of Commerce, or any other agency or division as the Governor shall  
5 designate shall provide administrative support to the Governor's Commission  
6 on People with Disabilities.

7  
8 SECTION 8. Arkansas Code § 20-15-603(b), concerning prior-year refunds  
9 and contributions related to the State Kidney Disease Escrow Account, is  
10 amended to correct an entity reference to read as follows:

11 (b) Whereas the current Department of Finance and Administration  
12 accounting system will accept current-year refunds, credit the current-year  
13 appropriation, and allow expenditure of the funds, the commission,  
14 administered by the ~~Arkansas Rehabilitation Services~~ Department of Health,  
15 may accept prior-year refunds and contributions and deposit the funds into  
16 the agency cash fund in an account specifically identified as the State  
17 Kidney Disease Escrow Account and disbursed for the purchase of additional  
18 services for clients served by the commission.

19  
20 SECTION 9. Arkansas Code § 20-79-102 is amended to correct references  
21 to read as follows:

22 20-79-102. Caseworkers for the blind.

23 The ~~deputy director~~ Director of the ~~appropriate division of the~~  
24 ~~Department of Human Services~~ Division of State Services for the Blind is  
25 authorized and empowered to employ caseworkers for the blind, prepare rules  
26 governing personnel standards, define the duties of the caseworkers for the  
27 blind, and make such other rules as may be necessary to carry out the ~~purpose~~  
28 purposes of this section.

29  
30 SECTION 10. Arkansas Code § 20-79-203(12), concerning definitions  
31 under the Rehabilitation Act of Arkansas, is amended to correct an entity  
32 name to read as follows:

33 (12) "Service" means ~~the~~ Arkansas Rehabilitation Services  
34 established by this subchapter; and

35  
36 SECTION 11. Arkansas Code § 20-79-204 is amended to correct references

1 to read as follows:

2 20-79-204. ~~Deputy director~~ Commissioner.

3 (a) Arkansas Rehabilitation Services shall be administered, under the  
4 general supervision and direction of the Division of Workforce Services, by a  
5 ~~deputy director~~ commissioner, appointed in accordance with established  
6 personnel standards and on the basis of education, training, experience, and  
7 demonstrated ability in the field of rehabilitation.

8 (b) In carrying out his or her duties under this subchapter, the  
9 ~~deputy director~~ Commissioner of Arkansas Rehabilitation Services:

10 (1) Shall, with the approval of the Secretary of the Department  
11 of Commerce, prepare rules for promulgation by the appropriate division of  
12 the ~~department~~ Department of Commerce governing personnel standards, the  
13 protection of records and confidential information, the manner and form of  
14 filing applications, eligibility, and investigation and determination  
15 thereof, for rehabilitation services, procedures for fair hearings, and such  
16 other rules as he or she finds necessary to carry out the purposes of this  
17 subchapter, including the order to be followed in selecting those to whom  
18 rehabilitation services are to be provided in situations where service cannot  
19 be provided to all who are eligible for service;

20 (2) Shall, with the approval of the secretary, establish  
21 appropriate subordinate administrative units within Arkansas Rehabilitation  
22 Services;

23 (3) Shall recommend to the secretary for appointment such  
24 personnel as he or she deems necessary for the efficient performance of the  
25 functions of Arkansas Rehabilitation Services;

26 (4) Shall prepare and submit to the secretary and the Governor  
27 annual reports of activities and expenditures and, before each regular  
28 session of the General Assembly, estimates of sums required to carry out this  
29 subchapter, as well as estimates of the amounts to be made available for this  
30 purpose from all sources;

31 (5) Shall make certification for disbursement, in accordance  
32 with rules, of funds available for carrying out the purposes of this  
33 subchapter; and

34 (6) May, with the approval of the secretary, delegate to any  
35 officer or employee of Arkansas Rehabilitation Services such of his or her  
36 powers and duties, except the making of rules and the making of

1 recommendations for appointment of personnel, as he or she finds necessary to  
 2 carry out the purposes of this subchapter.

3  
 4 SECTION 12. Arkansas Code § 20-79-301(a), concerning membership of the  
 5 Technology Equipment Revolving Loan Fund Committee, is amended to correct  
 6 references to read as follows:

7 (a)(1) There is created the Technology Equipment Revolving Loan Fund  
 8 Committee, to be composed of nine (9) members, of which at least five (5)  
 9 members must be individuals with disabilities, to be appointed by the  
 10 Governor as follows:

11 (A) The ~~Director~~ Commissioner of the Arkansas  
 12 Rehabilitation Services;

13 (B) A representative of the banking industry;

14 (C) A representative of a disability-related consumer  
 15 organization;

16 (D) A certified public accountant; and

17 (E) Five (5) additional members appointed from the state  
 18 at large.

19 (2) The ~~director~~ commissioner shall be an ex officio member and  
 20 shall serve as Chair of the Technology Equipment Revolving Loan Fund  
 21 Committee, voting only in case of a tie vote.

22 (3) The committee shall elect from its membership a vice chair  
 23 and a secretary-treasurer.

24  
 25 SECTION 13. Arkansas Code § 20-79-303(c)(2), concerning required  
 26 actions on the recommendation of the Technology Equipment Revolving Loan  
 27 Committee, is amended to correct references to read as follows:

28 (2) The ~~Director~~ Commissioner of Arkansas Rehabilitation  
 29 Services must act on the recommendation of the committee within thirty (30)  
 30 days of the committee's recommendation or the recommendation of the committee  
 31 shall be final.

32  
 33 SECTION 14. Arkansas Code § 20-79-403 is amended to correct an entity  
 34 name to read as follows:

35 20-79-403. Ownership of equipment – Telecommunications Equipment Fund.

36 (a)(1) Equipment purchased under this subchapter shall remain the

1 property of the State of Arkansas for two (2) years and then become the  
2 property of the recipient of the equipment.

3 (2) A person who receives the equipment shall be responsible for  
4 the maintenance of the equipment and liable to ~~the~~ Arkansas Rehabilitation  
5 Services for the loss of or damage to the equipment.

6 (3) In the event of the death of an individual in possession of  
7 the equipment, or should a person in possession of the equipment leave the  
8 state, the equipment shall automatically revert to the possession of ~~the~~  
9 Arkansas Rehabilitation Services.

10 (b) Any money collected by ~~the~~ Arkansas Rehabilitation Services under  
11 this section shall be deposited into the Telecommunications Equipment Fund.  
12

13 SECTION 15. Arkansas Code § 25-10-110(b), concerning charges for  
14 institutional services provided to members of the public, is amended to  
15 correct references to read as follows:

16 (b) The Division of Aging, Adult, and Behavioral Health Services of  
17 the Department of Human Services, ~~Arkansas Rehabilitation Services~~, the  
18 Division of Youth Services, and the Division of Developmental Disabilities  
19 Services are permitted to charge for institutional services provided to  
20 members of the public on an actual cost basis rather than on a per capita or  
21 other basis.  
22

23 SECTION 16. Arkansas Code § 25-10-204(a)(1), concerning powers and  
24 duties of the Division of State Services for the Blind, is amended to correct  
25 a reference and clarify language to read as follows:

26 (a)(1) The Division of State Services for the Blind within the  
27 Department of ~~Human Services~~ Commerce is designated as the agency of the  
28 State of Arkansas primarily responsible for carrying out state and federal  
29 programs for rehabilitative social services or business enterprises for blind  
30 and visually handicapped citizens of the state, including, but not limited  
31 to, those programs and services established pursuant to the Rehabilitation  
32 Act of 1973, as amended, Pub. L. No. 93-112, and any subsequent legislation  
33 to Pub. L. No. 93-112. The division, as the designated agency, shall receive  
34 the full, complete, effective, and timely cooperation of any ~~and all~~ other  
35 agencies, organizations, or offices receiving financial support by or through  
36 the State of Arkansas, either directly or indirectly, and in any amount.

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 2 SECTION 17. Arkansas Code § 25-30-201(a), concerning the policy and  
 3 scope of Arkansas Rehabilitation Services, is amended to correct an entity  
 4 name to read as follows:

5 (a) The policy and scope of ~~the~~ Arkansas Rehabilitation Services shall  
 6 be to provide increased employment of individuals with disabilities through  
 7 the provision of individualized training, independent living services,  
 8 educational and support services, and meaningful opportunities for employment  
 9 in integrated work settings to maximize employment, economic self-  
 10 sufficiency, independence, and inclusion and integration into society.

11  
 12 SECTION 18. Arkansas Code § 25-30-202(a), concerning the scope of  
 13 authority of Arkansas Rehabilitation Services, is amended to correct a  
 14 reference to read as follows:

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

21  
 22 SECTION 19. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

23 It is the intent of the General Assembly that:

24 (1) The enactment and adoption of this act shall not expressly  
 25 or impliedly repeal an act passed during the regular session of the Ninety-  
 26 Fourth General Assembly;

27 (2) To the extent that a conflict exists between an act of the  
 28 regular session of the Ninety-Fourth General Assembly and this act:

29 (A) The act of the regular session of the Ninety-Fourth  
 30 General Assembly shall be treated as a subsequent act passed by the General  
 31 Assembly for the purposes of:

32 (i) Giving the act of the regular session of the  
 33 Ninety-Fourth General Assembly its full force and effect; and

34 (ii) Amending or repealing the appropriate parts of  
 35 the Arkansas Code of 1987; and

36 (B) Section 1-2-107 shall not apply; and

1                   (3) This act shall make only technical, not substantive, changes  
2 to the Arkansas Code of 1987.

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