

For An Act To Be Entitled

State of Arkansas

74th General Assembly

Regular Session, 1983

A BILL

By: Representative J. Miller

HOUSE BILL 675

AS ENGROSSED 2 / 21 / 83

Note: Act 481 of 1983 is codified as ACA - 25 - 10 -201 et seq.

1 "AN ACT TO ESTABLISH A DIVISION OF REHABILITATION SERVICES FOR
2 THE BLIND WITHIN THE DEPARTMENT OF HUMAN SERVICES; TO VEST THE
3 DIVISION OF STATE SERVICES FOR THE BLIND WITH AUTHORITY AND
4 RESPONSIBILITY FOR GOVERNMENTAL SERVICES, PROGRAMS, AND FACILI-
5 TIES FOR THE BLIND AND VISUALLY HANDICAPPED PERSONS OF ARKANSAS
6 (EXCEPT THE SCHOOL FOR THE BLIND AND THE LIBRARY FOR THE BLIND);
7 TO TRANSFER TO THE DIVISION OF STATE SERVICES FOR THE BLIND ALL
8 OF THE DUTIES, POWERS, AND FUNCTIONS OF THE OFFICE FOR THE BLIND
9 AND VISUALLY IMPAIRED; AND FOR OTHER PURPOSES."

10

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

12

13 SECTION 1. PUBLIC POLICY. It is the public policy of the state of
14 Arkansas to furnish blind and visually handicapped persons such services
15 as are reasonably necessary to allow such persons the opportunity to lead
16 full, useful, and productive lives, and to expend funds available for
17 such purposes in the most efficient and effective manner possible. The
18 General Assembly of the State of Arkansas finds that these purposes may
19 be best accomplished by the establishment of a Division of State Services
20 for the Blind within the Department of Human Services with the necessary
21 authority to administer the services and programs for the blind and
22 visually impaired.

23

24 SECTION 2. BOARD OF STATE SERVICES FOR THE BLIND - APPOINTMENT
25 - TERM - VACANCIES. There is hereby created a Board to be known as
26 "The Board of the Division of State Services for the Blind," to be
27 constituted as follows:

28 (a) The Board shall be composed of seven (7) members appointed by the
29 Governor of the State of Arkansas, with the advice and consent of the Senate
30 of the General Assembly of the State of Arkansas. One (1) member shall be

1 appointed from each separate list of qualified persons nominated in separate
2 lists furnished by each of the following: The National Federation of the
3 Blind of Arkansas, the American Council of the Blind of Arkansas, the
4 Arkansas Lions Council of Governors, and the same shall be a member of a
5 member club of the International Association of Lions Clubs called multiple
6 District Seven (7) for Arkansas, the American Association for Workers for the
7 Blind, and the Arkansas School for the Blind. The Governor shall appoint two
8 "at large" members. One, or more, of the members of the Board shall be at
9 least 55 years of age. At least four (4) members of the shall be
10 "blind" as hereafter defined.

11 On or before July 10, 1983, the Governor shall appoint the initial mem-
12 bers of the Board. Four (4) members, including the member representing the
13 Lion's Club, the member representing the American Council of the Blind for
14 Arkansas, the member representing the National Federation of the Blind of
15 Arkansas, and the member representing the American Association of Workers for
16 the Blind, shall be appointed for six-year terms expiring June 30, 1989. The
17 remaining three (3) members shall be appointed for four-year terms expiring
18 June 30, 1987. Any Board member whose term has expired shall continue to
19 serve as a member of the Board until the member's successor is appointed and
20 qualified. Thereafter, all Board members shall be appointed for four-year
21 terms, and no person may serve more than two consecutive full terms.

22 All vacancies which occur for any reason shall be filled by appointment
23 of the Governor, and any interim appointments shall be limited to the unex-
24 pired term of the position vacated.

25 (b) Any person appointed to fill a vacancy shall meet with quali-
26 fications for appointment held by his or her predecessor on the Board.
27 The Executive Director of the Arkansas Enterprises for the Blind, the
28 Superintendent of the Arkansas School for the Blind, one representative
29 appointed by the American Association of Workers for the Blind of
30 Arkansas, one representative appointed by the Blinded Veterans of Arkansas,
31 and one representative appointed by the Arkansas Association of Blind
32 Business Mangers shall serve as ex officio, non-voting members of the
33 Board. Additional ex officio, non-voting members may be appointed by
34 the Governor at the request of a majority of the Board.

35 (c) Each member or ex officio member appointed to the Board shall,
36 before entering upon the duties of office, take the oath prescribed by

1 the Constitution of the State of Arkansas for the State officers, and
2 shall file the same in the office of the Secretary of State, who shall
3 thereupon issue to such member a Certificate of Appointment. The Governor
4 may, upon recommendation of a majority of the regular Board members,
5 remove any member serving on the Board, at any time, for misconduct,
6 incompetency, neglect of duty, or any other good cause, as may be
7 determined by the Board.

8

9 SECTION 3. ORGANIZATION, DUTIES, AND AUTHORITY. After the members
10 of the Board have been duly appointed, and are serving, the Board shall

11 choose a Chairman from among the regular members, as presiding officer,
12 who shall serve for a term of two (2) years. The Board shall also elect
13 from among its regular members a Vice Chairman and Secretary, who shall
14 serve for a term of one (1) year. The Board shall meet at least quarterly,
15 at such times and places as it may determine from time to time. The
16 Board members shall not receive compensation for performance of their
17 duties; however, they shall be reimbursed for the reasonable and necessary
18 expenditures for meals, lodging, and mileage at the rate authorized for
19 travel by State employees, incurred in the performance of their official
20 duties and functions within State reimbursement guidelines.

21 The Board shall employ a Commissioner, subject to the approval of the
22 Governor, qualified by experience, to administer and implement the poli-
23 cies and directives of the Board, and the Board may employ or appoint such
24 additional personnel as are necessary to carry out the functions, duties,
25 and responsibilities entrusted to the Division, in accordance with the
26 requirements of law and within the limits of available appropriations.

27

28 SECTION 4. DEFINITIONS. (a) For the purposes of qualification for
29 appointment as a member of the Board, the term "blind" means a person hav-
30 ing not more than 20 / 200 visual acuity in the better eye with corrective
31 lenses, or visual acuity greater than 240 / 200 but with a limitation in the
32 field of vision such that the widest diameter of the visual field subtends
33 an angle of no greater than 20 degrees.

34 (b) "Visually handicapped" as a term shall be defined by regulations
35 of the Board, and the Board shall have sole and exclusive authority to
36 define and determine whether any person is "blind" or "visually handicapped"

1 for purposes of determining eligibility to participate in government
2 programs under this Act.

3 The Administrator of the Office for the Blind and Visually Impaired
4 shall serve as the chief administrative officer of the Division until
5 the Board shall appoint a Commissioner for the Division

6

7 SECTION 5. TRANSFER. The Office for the Blind and Visually Impaired,
8 as now constituted in the Arkansas Department of Human Services under
9 Sec. 5-912(7) (B) (a), Ark. Stats., shall continue in existence, for all
10 purposes, intact, until July 1, 1983, at which time said Office shall be
11 transferred to the Division of State Services for the Blind within the
12 Department of Human Services. The transfer shall include all of the
13 staff employees and other personnel, powers, duties, licenses, privileges,
14 equipment, furniture, fixtures, supplies, books, records, reports, stock,
15 goods, funds, unexpended appropriations, and facilities relating to social
16 and rehabilitative services and training, and business enterprise services
17 and training. The said Division shall thereafter be responsible for the
18 administration of all functions and programs relating or pertaining to
19 rehabilitation and social services, and business enterprise services for
20 the blind, including the organized vending facility program as now estab-
21 lished, for which the Division shall serve as the Licensing Agency for
22 the Blind.

23 The Director of the Department of Finance and Administration shall
24 transfer to the Division of Rehabilitation Services for the Blind all

25 appropriations and funds from any other sources in the custody or
26 control of the Department of Human Services which are designated for the
27 Office for the Blind and Visually Impaired.

28

29 SECTION 6. DESIGNATED AGENCY. (a) The Division of State Services
30 for the Blind is hereby designated as the agency of the State of Arkansas
31 primarily responsible for carrying out State and federal programs for
32 rehabilitative social service or business enterprises for blind and
33 visually handicapped citizens of the State including, but not limited to,
34 those programs and services established pursuant to Public Law 93-112,
35 on the Rehabilitation Act of 1973, as amended, and any subsequent legislation
36 to Public Law 93-112. The Division, as such designated agency, shall

Page 5

H.B. 675

1 receive the full, complete, effective, and timely cooperation of any and
2 all other agencies, organizations or offices receiving financial support
3 by or through the State of Arkansas, either directly or indirectly, and
4 in any amount.

5 (b) The Division of State Services for the Blind is designated as
6 the unit of the State government of Arkansas primarily responsible for
7 assuring that Citizens with disabling visual impairments shall receive
8 the full benefit of services for which federal grants-in-aid assistance,
9 in any form, under any title, and from any source shall be available,
10 from time to time, and to accomplish the purposes of this Act.

11 The Division is authorized to enter into such contracts with the
12 federal government, to submit such plans to the federal government, and
13 to adopt such methods of administration as the federal government may
14 require, to assure maximum federal financial involvement in those
15 services and functions which the Division is authorized to administer
16 directly.

17 (c) The Division may assist all other State agencies, departments,
18 offices, or committees traditionally and legally responsible for the
19 direct administration of services which bear upon the objective of
20 preventing or ameliorating disabling visual impairments throughout the
21 State of Arkansas, by providing technical advice and consultation to such
22 other State organizations, reviewing plans and gram materials developed
23 and maintained within such other State organizations, making appropriate
24 recommendations, and carrying out the evaluation functions previously
25 assigned to the Office for the Blind and Visually Impaired. Where it is
26 mutually determined by the Division and one or more other State agencies
27 that it would be to the best interests of the taxpayers of the State, or
28 to the advantage of individuals with disabling visual impairments for
29 such other agency or agencies directly to provide a particular service
30 which tends to prevent or ameliorate disabling visual impairments, the
31 Division and the State agency or agencies involved are authorized to enter
32 into such inter-agency contracts or agreements as might reasonably be
33 necessary to assure that the service is provided effectively and in a
34 manner consistent with maximally efficient use of available resources.

35

36 SECTION 7. EXEMPTION. No provision of this Act shall apply to

1 any program or service currently operated or administered by the
2 Arkansas School for the Blind or the Arkansas State Library Commission, and
3 this Act shall not amend or repeal any statutory provision governing the
4 operation of the School for the Blind or the Arkansas State Library
5 Commission.

6

7 SECTION 8. FUND ESTABLISHED. Any sums provided by the General
8 Assembly of the State of Arkansas for the purposes of this Act shall be
9 kept by the State Treasurer in a fund to be designated as "The Division of
10 State Services for the Blind Fund," and shall be used to carry out the
11 particular purposes assigned to it herein.

12

13 SECTION 9. LEGAL COUNSEL. The Division, or any employees or committee
14 thereof, shall be entitled to the services of the Attorney General in
15 connection with the operation of the affairs of the Division.

16

17 SECTION 10. SEVERABILITY. The General Assembly of the State of
18 Arkansas hereby declares each of the Sections and provisions of this Act
19 to be severable, and in the event that any one or more of such Sections
20 or provisions are declared unconstitutional or invalid, the remaining
21 Sections and provisions of this Act shall be valid and unaffected by
22 the unconstitutionality or invalidity, it being the intent of the General
23 Assembly that such remaining valid Sections and provisions shall remain
24 in full force and effect.

25

26 SECTION 11. REPEALER. All laws or parts of laws in conflict herewith
27 are hereby repealed.

28

29 SECTION 12. EMERGENCY. The General Assembly hereby finds and deter-
30 mines that an immediate need exists to improve the delivery of services to
31 blind and visually impaired citizens of Arkansas; that the establishment
32 of the Division of State Services for the Blind will improve the delivery
33 of services to blind and visually impaired persons and that the efficient
34 operation of State government will be promoted by establishing the Division
35 at the beginning of the next fiscal year. Therefore, an emergency is de-
36 clared to exist and this Act, being necessary for preservation of the
36a public peace health, and safety, shall be in full force and effect on
36b July 1, 1983.