CS FOR SENATE BILL NO. 117(HES) am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Amended: 5/6/95
Offered: 3/21/95

Sponsor(s): SENATOR HALFORD

A BILL

FOR AN ACT ENTITLED

"An Act establishing a statewide independent living council and clarifying its relationship with existing agencies; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 47.80.030 is amended to read:

Sec. 47.80.030. GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION. There is established the Governor's Council on Disabilities and Special Education. For budgetary purposes, the council is located within the Department of Health and Social Services but is the interdepartmental planning and coordinating agency of the Department of Health and Social Services, the Department of Education, and other departments that deliver services to persons who are gifted or experiencing a disability. In addition, except as provided in AS 47.80.300 - 47.80.330, the council is the state planning council and interagency coordinating council for purposes of federal laws relating to persons who are gifted or experiencing a disability.
* Sec. 2. AS 47.80 is amended by adding new sections to read:

ARTICLE 4A. STATEWIDE INDEPENDENT LIVING COUNCIL.

Sec. 47.80.300. STATEWIDE INDEPENDENT LIVING COUNCIL. There is established the Statewide Independent Living Council. For budgetary purposes, the council is located in the Department of Education. The Department of Education shall provide reasonable and necessary professional and technical assistance when requested by the council.

Sec. 47.80.310. COMPOSITION; TERMS; COMPENSATION. (a) The governor shall appoint members to the council who meet the applicable requirements of 29 U.S.C. 796d after soliciting personal applications and after soliciting recommendations from the public, from organizations representing a broad range of individuals experiencing disabilities, and from organizations interested in individuals experiencing disabilities. The council shall select a chairperson from among its voting members.

(b) The members shall be appointed to staggered terms of three years, except that a person appointed to fill a vacancy shall be appointed for the remaining years of the prior member's term. A member may not serve more than two consecutive full terms. Notwithstanding their terms of office, the members serve at the pleasure of the governor.

(c) Members of the council who are not state employees are entitled to per diem and travel expenses as authorized for members of boards and commissions under AS 39.20.180. In addition, if required by federal law, a member is entitled to

(1) reimbursement of the necessary expenses of attending council meetings and performing council duties, including expenses for child care and personal assistance services;

(2) compensation of up to $150 for each day of performing council duties and each day spent traveling to attend a council meeting if the member is not employed or must forfeit wages from other employment in order to perform council duties or travel to a council meeting.

Sec. 47.80.320. POWERS AND DUTIES. (a) The council shall perform the duties set out in 29 U.S.C. 796d in a manner that will maximize the state's receipt of
federal financial assistance for independent living services and centers of independent living for residents with severe disabilities, including the following duties:

1. joint development of the state plan required under 29 U.S.C. 796c and evaluation of the implementation of the plan;
2. development of a plan for the provision of resources, including staff and personnel, that may be necessary to carry out the council's functions with funds from the federal government and other public and private sources; and
3. coordination of the council's activities with other state agencies that address the needs of specific disability populations and issues under federal law.

(b) The council may

1. hold hearings and forums as determined by the council to be necessary to carry out its duties;
2. solicit and accept money or other resources on behalf of the state from any public or private source.

Sec. 47.80.330. DEFINITION. Notwithstanding AS 47.80.900, in AS 47.80.300 - 47.80.320, "council" means the Statewide Independent Living Council established under AS 47.80.300.

* Sec. 3. Notwithstanding AS 47.80.310, enacted by sec. 2 of this Act, the governor shall appoint the initial members of the Statewide Independent Living Council so that approximately equal numbers of the members have terms of one, two, and three years in order to achieve staggered three-year terms thereafter.

* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).