AN ACT

Updating the terminology in statutes for persons with disabilities; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1
AN ACT

Updating the terminology in statutes for persons with disabilities; and providing for an effective date.

*Section 1.* AS 14.30.630(b) is amended to read:

(b) The agency shall

(1) provide special education services including

(A) itinerant outreach services to students who are deaf, deaf-blind, mentally retarded, hearing impaired, blind and visually impaired, orthopedically disabled, [HANDICAPPED, OTHER] health-impaired in other ways, and [,] severely emotionally disturbed, and to [MULTI-HANDICAPPED] students with multiple disabilities;

(B) special education instructional support and training of local school district special education personnel; and

(C) other services appropriate to special education needs;
(2) provide for an annual audit of the agency;

(3) provide the department with a two-year plan of operation including a description of the services to be offered by the agency, the method by which the services will be evaluated, information on the number of students and school district personnel to be served, a schedule of funds available to the agency from all sources, and other information that may be required by the department by regulation;

(4) present an annual budget to the department.

* Sec. 2. AS 18.15.210 is amended to read:

Sec. 18.15.210. Testing for certain other heritable diseases. The department shall administer and provide services for testing for other heritable diseases that lead to mental retardation and physical disabilities [HANDICAPS] as screening programs accepted by current medical practice and as developed.

* Sec. 3. AS 18.55.130(b) is amended to read:

(b) Except in the case of leased housing as provided in 42 U.S.C. 1437f, the corporation shall fix the income limits for occupancy of its low-cost housing projects and rents that are approved by the United States Department of Housing and Urban Development after taking into consideration

(1) the family size, composition, age, physical disabilities [HANDICAPS], and other factors that might affect the rent-paying ability of the family; and

(2) the economic factors that affect the financial stability and solvency of the project.

* Sec. 4. AS 23.15.080 is amended to read:

Sec. 23.15.080. Eligibility for vocational rehabilitation service. (a) Vocational rehabilitation service shall be provided directly or through a public or private instrumentality to an [A HANDICAPPED] individual with a disability who

(1) is a resident of the state at the time of application for the service and whose vocational rehabilitation the agency determines after full investigation can be satisfactorily achieved; or

(2) is eligible for the service under an agreement with another state or with the federal government.
(b) In determining the types and extent of vocational rehabilitation services to be provided to an [HANDICAPPED] individual with a disability, the agency shall take into consideration any similar benefits that may be available to the individual under other programs. However, the agency may not take other benefits into consideration when doing so would significantly delay the provision of needed services to the [HANDICAPPED] individual with a disability. The agency need not take other benefits into consideration when they are for

(1) diagnostic and related services, including transportation and subsistence in connection with those services;
(2) counseling, guidance, and referral;
(3) training, including personal and vocational adjustment training, and necessary training materials;
(4) services to members of families of [HANDICAPPED] individuals with disabilities;
(5) job placement; and
(6) services necessary to assist [HANDICAPPED] individuals with disabilities to maintain suitable employment.

* Sec. 5. AS 23.15.090 is amended to read:

Sec. 23.15.090. Priority as to eligibility. If vocational rehabilitation service cannot be provided for all eligible [HANDICAPPED] individuals with disabilities who apply, the agency shall provide by regulation for determining the order to be followed in selecting those to whom the services will be provided.

* Sec. 6. AS 23.15.100 is amended to read:

Sec. 23.15.100. Powers and duties; vending facilities. (a) In carrying out AS 23.15.010 - 23.15.210, the agency shall

(1) take the action it considers necessary or appropriate to carry out the purposes of AS 23.15.010 - 23.15.210[,] and adopt regulations in conformity with these purposes;
(2) determine the eligibility of applicants for vocational rehabilitation service;
(3) submit to the governor annual reports of activities and expenditures
and, before each regular session of the legislature, estimates of sums required for carrying out AS 23.15.010 - 23.15.210 and estimates of the amounts to be made available for this purpose from all sources;

(4) cooperate with public and private departments, agencies, and institutions in providing for the vocational rehabilitation of [HANDICAPPED] individuals with disabilities, studying the problems involved in providing this rehabilitation, and establishing, developing, and providing, in conformity with the purposes of AS 23.15.010 - 23.15.210, the programs, facilities, and services that may be necessary or desirable;

(5) survey the potential for providing vending facilities on public property and, when feasible, establish vending facilities operated by blind persons and [SEVERELY HANDICAPPED] persons with severe disabilities on public property;

(6) license blind persons and [SEVERELY HANDICAPPED] persons with severe disabilities in accordance with AS 23.15.133 for the operation of vending facilities on public property, with blind persons having first priority for operation of the vending facilities;

(7) provide the training and supervision necessary to enable blind persons and [SEVERELY HANDICAPPED] persons with severe disabilities to operate vending facilities;

(8) provide the equipment and initial stock necessary to enable blind persons and [SEVERELY HANDICAPPED] persons with severe disabilities to operate vending facilities.

(b) In carrying out AS 23.15.010 - 23.15.210, the agency may

(1) enter into agreements with other states to provide for the vocational rehabilitation of residents of the states concerned;

(2) establish and operate rehabilitation facilities and workshops and make grants to public and other nonprofit organizations for these purposes;

(3) supervise the operation of vending stands and other small businesses established under AS 23.15.010 - 23.15.210 to be conducted by [SEVERELY HANDICAPPED] individuals with severe disabilities;

(4) make studies, investigations, demonstrations, and reports, and
provide training and instruction, including the establishment and maintenance of the
research fellowships and traineeships with the stipends and allowances that are
considered necessary, in matters relating to vocational rehabilitation; and

(5) adopt regulations necessary for carrying out the provisions of

* Sec. 7. AS 23.15.125(e)(2) is amended to read:

(2) "person with a disability" means [A HANDICAPPED
INDIVIDUAL OR] an individual having a physical or mental disability.

* Sec. 8. AS 23.15.133(a) is amended to read:

(a) The agency shall issue a license for the operation of a vending facility on
public property to a blind person or a [SEVERELY HANDICAPPED] person with a
severe disability who is a resident of the state at the time of application and who
qualifies for a license under

(1) 20 U.S.C. 107 - 107f [107(f)] ([THE] Randolph-Sheppard Act); or

(2) regulations adopted by the agency providing for licensing of blind
persons or [SEVERELY HANDICAPPED] persons with severe disabilities.

* Sec. 9. AS 23.15.134 is amended to read:

Sec. 23.15.134. Active participation by [SEVERELY HANDICAPPED]
licensees with severe disabilities. The agency shall adopt regulations that ensure the
opportunity for active participation by a [SEVERELY HANDICAPPED] licensee
with severe disabilities in the administration of vending facilities operated by
[SEVERELY HANDICAPPED] licensees with severe disabilities. The opportunity
for active participation provided under this section must be at least as extensive as the
opportunity for active participation provided for a blind licensee under AS 23.15.135.

* Sec. 10. AS 23.15.170 is amended to read:

Sec. 23.15.170. Maintenance not assignable. The right of an [A
HANDICAPPED] individual with a disability to maintenance under AS 23.15.010 -
23.15.210 is not transferable or assignable at law or in equity.

* Sec. 11. AS 23.15.180(b) is amended to read:

(b) A blind person or a [SEVERELY HANDICAPPED] person with a severe
disability aggrieved by a decision or action of the agency under AS 23.15.133 -
Sec. 23.15.120. Definitions. In AS 23.15.010 - 23.15.210,

(1) "active participation" means a process through which the Committee of Blind Vendors or a licensee is provided the opportunity to exert a major influence in program policies, standards, and procedures affecting the operation of vending facilities, with the commissioner of education and early development having final responsibility;

(2) "agency" means the division of vocational rehabilitation;

(3) "blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of not greater than 20 degrees; an examination by an ophthalmologist or by an optometrist is necessary before a person is found to be blind;

(4) [REPEALED]

(5) "director" means the director of the division of vocational rehabilitation;

(6) "[HANDICAPPED] individual with a disability" means an individual having a physical or mental condition that materially limits, contributes to limiting, or, if not corrected, will probably result in limiting the individual's activities or functioning;

(7) ["INDIVIDUAL HAVING A PHYSICAL OR MENTAL DISABILITY" MEANS AN INDIVIDUAL WHO HAS A PHYSICAL OR MENTAL
CONDITION THAT MATERIALLY LIMITS, CONTRIBUTES TO LIMITING, OR,
IF NOT CORRECTED, WILL PROBABLY RESULT IN LIMITING THE
INDIVIDUAL'S ACTIVITIES OR FUNCTIONING;

(8) "licensee" means a blind person or a severely handicapped person with a severe disability licensed by the division of vocational rehabilitation under 20 U.S.C. 107 - 107b and 107d - 107f ([THE] Randolph-Sheppard Act), AS 23.15.133, and regulations adopted under federal or state law;

(8) "person with a severe disability" means a person who has one or more physical or mental disabilities that seriously limit the person's functional capacities in terms of regular employment and whose vocational rehabilitation requires multiple vocational rehabilitation services over an extended period of time;

(9) "public property" means real or personal property owned or leased by the state or federal government [.] or an agency of the state or federal government;

(10) ["SEVERELY HANDICAPPED PERSON" MEANS A PERSON WHO HAS ONE OR MORE PHYSICAL OR MENTAL DISABILITIES THAT SERIOUSLY LIMIT THE PERSON'S FUNCTIONAL CAPACITIES IN TERMS OF REGULAR EMPLOYMENT, AND WHOSE VOCATIONAL REHABILITATION REQUIRES MULTIPLE VOCATIONAL REHABILITATION SERVICES OVER AN EXTENDED PERIOD OF TIME;

(11) "vending facility" means a vending machine, cafeteria, snack bar, shelter, cart, or counter where food, tobacco, newspapers, periodicals, and other articles are offered for sale to the general public and dispensed automatically or manually whether prepared on or off the premises; and excludes a facility in a hospital, school, or other institution where food or other articles are offered for sale only to patients, inmates, and persons enrolled in or employed by the institution;

(11) [(12)] "vocational rehabilitation service" means goods and services, including diagnostic and related services, necessary to enable an severely handicapped individual with a disability to engage in gainful employment;

(12) [(13)] "workshop" means a rehabilitation facility engaged in a
production or service operation that is operated for the primary purpose of providing
gainful employment or professional services to **persons with disabilities** [THE
HANDICAPPED] as an interim step in the rehabilitation process for those who cannot
readily be absorbed in the competitive labor market or during times when employment
opportunities for them in the competitive labor market do not exist.

* Sec. 13. AS 29.60.120(f)(1) is amended to read:

(1) "health facility"

(A) means a facility that is licensed or certified by the state or
approved under regulations adopted by the department and that is owned or
operated or both by a municipality or by a nonprofit corporation or other
nonprofit sponsor;

(B) includes a public health center, maternity home,
community mental health center, facility for **persons with mental or physical
disabilities** [THE MENTALLY OR PHYSICALLY HANDICAPPED],
nursing home, convalescent center, domestic violence or sexual assault shelter
qualified to receive a grant or contract under AS 18.66, or alcohol or drug
abuse facility that meets standards established under AS 47.37;

(C) excludes a facility operated or wholly supported by the
state or the federal government;

* Sec. 14. AS 35.10.015(a) is amended to read:

(a) The department shall prepare, adopt, and enforce regulations governing the
construction of public buildings and facilities by or for the state, including the
University of Alaska, and its political subdivisions, whether financed in whole or in
part by federal funds, to ensure that public buildings and facilities are accessible to [.]
and usable by **persons with disabilities and by the** [THE PHYSICALLY
HANDICAPPED,] aged [.] or infirm. The regulations of the department must conform
to a standard comparable to applicable provisions of federal law, regulations, and
standards.

* Sec. 15. AS 35.10.015(c) is amended to read:

(c) All ferries owned or operated by the state shall be equipped with elevators
or other passenger lifting equipment, ramps, or other facilities and devices to ensure
that these vessels are accessible to and usable by persons with disabilities and by

[PHYSICALLY HANDICAPPED,] aged or infirm passengers. In this subsection, "accessible to and usable by" means that a person with a disability or an [A PHYSICALLY HANDICAPPED,] aged or infirm passenger can board, disembark, and move between decks and about the public areas aboard a state ferry with personal comfort and safety [,] and with safety to [,] other passengers and members of the crew.

* Sec. 16. AS 35.10.015(d) is amended to read:

(d) After June 25, 1976, a ferry may not be constructed, lengthened, completely renovated, or purchased for use or entered into service by the division of marine transportation of the department as a part of the Alaska marine highway system that does not include adequate facilities and devices to ensure that the vessel is accessible to and usable by persons with disabilities and by [PHYSICALLY HANDICAPPED,] aged or infirm passengers. Some staterooms and all restrooms, indoor passageways, outdoor weather decks, and other public areas aboard the vessel shall be so designed and constructed as to permit access and use by persons with disabilities and by [PHYSICALLY HANDICAPPED,] aged [,] or infirm passengers, including [BUT NOT LIMITED TO] those persons occupying a wheelchair.

* Sec. 17. AS 35.10.015(e) is amended to read:

(e) After June 25, 1976, a [NO] public building or facility in the state may not be planned, designed, financed, constructed, opened to public use, or otherwise placed in operation unless it meets the standards established under this section. If the standards for a public building or facility are not provided for in federal statute [LAW], regulation, or standards, the department shall determine the extent of, and adopt regulations setting the standards for, access to and use of the public building or facility by persons with disabilities and by the [PHYSICALLY HANDICAPPED,] aged [,] or infirm.

* Sec. 18. AS 36.30.040(b) is amended to read:

(b) The commissioner shall adopt regulations pertaining to

(1) suspension, debarment, and reinstatement of prospective bidders and contractors;

(2) bid protests;
(3) conditions and procedures for the procurement of perishables and items for resale;

(4) conditions and procedures for the use of source selection methods authorized by this chapter, including single source procurements, emergency procurements, and small procurements;

(5) the opening or rejection of bids and offers, and waiver of informalities in bids and offers;

(6) confidentiality of technical data and trade secrets submitted by actual or prospective bidders or offerors;

(7) partial, progressive, and multiple awards;

(8) storerooms and inventories, including determination of appropriate stock levels and the management of agency supplies;

(9) transfer, sale, or other disposal of supplies;

(10) definitions and classes of contractual services and procedures for acquiring them;

(11) providing for conducting price analysis;

(12) use of payment and performance bonds in connection with contracts for supplies, services, and construction;

(13) guidelines for use of cost principles in negotiations, adjustments, and settlements;

(14) conditions under which an agency may use the services of an employment program;

(15) a bidder's or offeror's duties under this chapter; and

(16) the elimination and prevention of discrimination in state contracting because of race, religion, color, national origin, sex, age, marital status, pregnancy, parenthood, disability [HANDICAP], or political affiliation.

* Sec. 19. AS 36.30.990(11) is amended to read:

(11) "employment program" means a nonprofit program to increase employment opportunities for individuals with physical or mental disabilities that constitute substantial barriers [HANDICAPS] to employment;

* Sec. 20. AS 39.25.160(f) is amended to read:
(f) Action affecting the employment status of a state employee or an applicant for state service, including appointment, promotion, demotion, suspension, or removal, may not be taken or withheld on the basis of unlawful discrimination due to race, religion, color, [OR] national origin, age, disability [HANDICAP], sex, marital status, change in marital status, pregnancy, or parenthood. In addition, action affecting the employment status of an employee in the classified service, including appointment, promotion, demotion, suspension, or removal, may not be taken or withheld for a reason not related to merit.

* Sec. 21. AS 41.21.027(b) is amended to read:

(b) The state may not enter into a concession contract under (a) of this section if the proposed contract involves estimated annual gross receipts of more than $100,000, construction of facilities, a term longer than four years, or the provision of services other than those normally provided at similar facilities managed by the state, unless the commissioner finds that the proposed concession contract

(1) will implement the purposes of the park unit and is authorized by the park management plan, if any, that applies to the park unit;

(2) will enhance public use and enjoyment of the park unit while maintaining a high quality environment and the opportunity for high quality recreational experiences;

(3) will provide services or facilities that are not feasible or affordable for the state to provide directly;

(4) will not create unacceptable adverse environmental effects;

(5) is based on a need and desire of the public;

(6) recognizes and accommodates, at no cost, ordinary uses in a park unit;

(7) requires the contractor to hire residents of the state, to the extent available and qualified, when hiring persons to work in the park under the contract;

(8) provides the state with a fair and equitable portion, in money or services, of the contractor's receipts from the provision of the service or the operation of the facility;

(9) provides that the department retains control over the level of fees
and the design and appearance of any facility to be constructed;

(10) encourages the contractor to accommodate visitors with special circumstances, including [HANDICAPPED] persons with disabilities, senior citizens, and school children; and

(11) provides that the contract may be terminated if the contractor fails to fulfill the requirements of this section or the contract.

* Sec. 22. AS 47.14.100(d) is amended to read:

(d) In addition to money paid for the maintenance of foster children under (b) of this section, the department

(1) shall pay the costs of caring for [PHYSICALLY OR MENTALLY HANDICAPPED] foster children with physical or mental disabilities, including the additional costs of medical care, habilitative and rehabilitative treatment, services and equipment, and special clothing, and the indirect costs of medical care, including child care and transportation expenses;

(2) may pay for respite care; in this paragraph, "respite care" means child care for the purpose of providing temporary relief from the stresses of caring for a foster child; and

(3) may pay a subsidized guardianship payment under AS 25.23.210 when a foster child's foster parents or other persons approved by the department become court-appointed legal guardians of the child.

* Sec. 23. AS 47.75.060(2) is amended to read:

(2) "social services" means child care services, protective services for children and adults, services for children and adults in foster care, services related to the management and maintenance of the home, day care services for adults, transportation services, training and related services, employment services, information, referral, and counseling services, the preparation and delivery of meals, health support services, a full range of legal services, and appropriate combinations of services designed to meet the special needs of children, the aged, persons with developmental disabilities, persons who are [THE DEVELOPMENTALLY DISABLED, THE] blind, persons with mental illness, persons with physical disabilities [THE MENTALLY ILL, THE PHYSICALLY HANDICAPPED], and
persons with substance abuse disorders [ALCOHOLIC AND DRUG ADDICTS].

* Sec. 24. AS 47.80.010 is amended to read:

Sec. 47.80.010. Rights of persons with disabilities [HANDICAPS]. Persons with disabilities [HANDICAPS] have the same legal rights and responsibilities guaranteed all other persons by the Constitution of the United States and federal laws and by the constitution and laws of the state. An otherwise qualified person may not be excluded, by reason of having a disability [HANDICAP], from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity that receives public funds. Some persons with disabilities [HANDICAPS] may be unable, due to the severity of their disability [HANDICAP], to exercise for themselves all of their rights in a meaningful way; for others modification of some or all of their rights is appropriate. The procedure used for modification of rights must contain proper legal safeguards against every form of abuse, must be based on an evaluation of the social capability of the person by qualified experts, and must be subject to periodic reviews and to the right of appeal to higher authorities.

* Sec. 25. AS 47.80.020 is amended to read:

Sec. 47.80.020. Protection and advocacy of rights. The department shall establish a system to protect and advocate rights of persons with disabilities [HANDICAPS]. The system (1) has the authority to pursue legal, administrative, and other appropriate remedies to assure the protection of the rights of persons with disabilities [HANDICAPS]; and (2) shall be independent of any state agency that provides treatment, services, or habilitation of persons with disabilities [HANDICAPS].

* Sec. 26. AS 47.80.040(f) is amended to read:

(f) In the appointment of all members other than state agency members, due regard shall be given to geographically balanced representation of areas of the state and to representation of persons with a variety of different mental and physical disabilities [HANDICAPS].

* Sec. 27. AS 47.80.100(a) is amended to read:

(a) The Department of Health and Social Services, the Department of
Education and Early Development, and other departments of the state as appropriate, shall, in coordination, plan, develop, and implement a comprehensive system of services and facilities for persons with disabilities [HANDICAPS.] that is consistent with the state plan adopted under AS 47.80.090(5) and is dispersed geographically within the state.

* Sec. 28. AS 47.80.100(b) is amended to read:

(b) The services required in (a) of this section are specialized services or special adaptations of services available to the general population and shall be directed toward the social, personal, physical, or economic habilitation or rehabilitation of persons with disabilities [HANDICAPS].

* Sec. 29. AS 47.80.110 is amended to read:

Sec. 47.80.110. Program principles. The system of services and facilities required under AS 47.80.100 shall accord with the principles that service providers shall

(1) make services available at times and locations that enable residents of the provider's service area to obtain services readily;

(2) ensure each client's right to confidentiality and treatment with dignity;

(3) establish staffing patterns that reflect the cultural, linguistic, and other social characteristics of the community and that incorporate multidisciplinary professional staff to meet client functional levels and diagnostic and treatment needs;

(4) promote client and family participation in formulating, delivering, and evaluating treatment and rehabilitation;

(5) design treatment and habilitation to maximize individual potential and minimize institutionalization; and

(6) provide services in the least restrictive setting, enabling a person to live as normally as possible within the limitations of the disability [HANDICAP].

* Sec. 30. AS 47.80.120 is amended to read:

Sec. 47.80.120. Habilitation plans. A state agency, contractor, or grantee who is directly responsible for providing services to persons with disabilities [HANDICAPS] shall develop an individual habilitation plan for each person whose
program of services utilizes state funds. The plan shall be completed in writing and furnished to the department within 30 days of admission of a client to the program of services. The plan, its renewals, and any changes of it [.] shall have the written concurrence of the client, or the client's parent or guardian when appropriate, and the agency or contractor responsible for providing services. The development and content of a plan shall conform to requirements established by the department by regulation. Insofar as practicable, the requirements shall conform to those established for individual habilitation plans under P.L. 91-517 or P.L. 94-103, as amended. Each plan shall be time-limited, evaluated, and renewed at least annually.

* Sec. 31. AS 47.80.130(a) is amended to read:

(a) The department shall

(1) develop budgets and receive and distribute appropriations and funds under this section;

(2) adopt regulations regarding standards of services and facilities for persons with disabilities [HANDICAPS] and the quality of services and the process by which services are to be delivered;

(3) adopt any other regulations necessary to implement this chapter;

(4) provide technical assistance to public and private agencies in planning, developing, and implementing programs to serve [HANDICAPPED] persons with disabilities;

(5) operate programs and facilities [,] and enter into agreements, contracts, or grants necessary to provide services required under this chapter;

(6) take the actions and undertake the obligations that are necessary to participate in federal grant-in-aid programs and accept federal or other financial aid for the study, examination, care, and treatment of persons with disabilities [THE HANDICAPPED].

* Sec. 32. AS 47.80.150(a) is amended to read:

(a) A person with a disability [HANDICAP] or the person's legal representative acting in a representative capacity, the person's spouse, or the person's parents if the person is a minor [,] shall pay or contribute to the payment of the charges for the care or treatment in accordance with the fee schedule adopted under

-15- Enrolled HB 357
AS 44.29.022. The order of the department relating to the payment of charges shall be prospective in effect and may relate only to charges to be incurred, except that, if a person intentionally conceals ability to pay, the person shall be ordered to pay to the extent of the person's ability to pay the charges accruing during the period of the concealment. The order of the department relating to the payment of charges by the person with a **disability** [HANDICAP] or the person's legal representative, or the person's spouse or parents, shall be issued within six months of the date on which the charge was incurred. The department may make necessary investigations to determine the ability to pay. The order shall remain in full force and effect unless modified by subsequent court or department orders.

*Sec. 33.* AS 47.80.150(b) is amended to read:

(b) As used in (a) of this section, the term "actual cost of the care and treatment" means the lesser of (1) the rate provided for by a contract entered into under this chapter, (2) the fee established under AS 44.29.022 for services provided under this chapter or, (3) if the person is under the age of 18, the cost of care of a person of the same age who is not a person with a **disability** [HANDICAP] and who resides with a parent or guardian, and includes expenses of transportation incidental to treatment and carrying out the intent of this chapter. In establishing fees for services under this chapter, the commissioner shall consider the income and family size of the responsible party, age of the person receiving the services, and other factors that relate to the ability to pay. Fees may not exceed the actual cost of the care or treatment.

*Sec. 34.* AS 47.80.150(e) is amended to read:

(e) All money paid to the department by the person with a **disability** [HANDICAP] or on the person's behalf, under this section, shall be deposited in the general fund.

*Sec. 35.* AS 47.80.150(f) is amended to read:

(f) If an order of payment is entered by the department under this section and delinquency in the payment of any amount due the state under the order continues for a period of more than 30 days after the notification by the department to the person, the legal representative, parent, or spouse of the person with a **disability** [HANDICAP], the state may proceed to collect the amounts due by appropriate
proceedings. Actions to enforce the collection of payments may only be brought within three years after the date of notification of a delinquent payment.

* Sec. 36. AS 47.80.900(3) is amended to read:

(3) "facilities for persons with disabilities [HANDICAPS]" means publicly or privately operated facilities, or specified portions of facilities, designed primarily for the delivery of services to those persons; the term includes [BUT IS NOT LIMITED TO] residential facilities;

* Sec. 37. AS 47.80.900(4) is amended to read:

(4) "habilitation" means education or training for persons with disabilities [THE HANDICAPPED] to enable them to function better in society;

* Sec. 38. AS 47.80.900(5) is amended to read:

(5) "least restrictive setting" means a residential or other setting for meeting the needs of a person with a disability that [HANDICAPPED PERSON WHICH] requires the least amount of restriction of personal liberty by enabling the person to function in as normal an environment as possible and to live as normally as possible, within the limitations of the disability [HANDICAP];

* Sec. 39. AS 47.80.900(6) is amended to read:

(6) "person with a disability [HANDICAP]" means a person with a developmental disability as defined in (7) of this section or a person who is hard of hearing, deaf, speech impaired, visually impaired [HANDICAPPED], seriously emotionally disturbed, orthopedically or otherwise health impaired, or who has a specific learning disability; the term includes a child with a disability as defined in AS 14.30.350;

* Sec. 40. AS 47.80.900(8) is amended to read:

(8) "residential facility" means a publicly or privately operated facility that provides 24-hour care for four or more persons with disabilities [HANDICAPS], excluding family, foster family, or adoptive homes;

* Sec. 41. AS 47.80.900(9) is amended to read:

(9) "substantial disability [HANDICAP]" means a disability that prevents or substantially impedes the person's participating in and benefiting from the social, economic, educational, recreational, or other opportunities generally available
to peers in the community who are not similarly disabled [HANDICAPPED].

* Sec. 42. The uncodified law of the State of Alaska is amended by adding a new section to read:

CONFORMING INSTRUCTIONS. (a) The revisor of statutes is instructed to change the catch line of AS 47.80.100 from "Programs for persons with handicaps" to "Programs for persons with disabilities."

(b) Throughout the Alaska Administrative Code, the regulations attorney is instructed to change the terms "handicapped," "handicap," and "handicaps," as appropriate, in a manner consistent with the changes made in secs. 1 - 41 of this Act.

* Sec. 43. This Act takes effect immediately under AS 01.10.070(c).