

**Attachment A**

**Business Enterprise Program Vendors, State of Alaska, Business Enterprise Program,  
October 12, 2009**

**BUSINESS ENTERPRISE PROGRAM VENDORS**  
**STATE OF ALASKA**  
**BUSINESS ENTERPRISE PROGRAM**

Effective 10/13/2009

<b>FEDERAL FACILITIES:</b>		<b>RANDOLPH-SHEPPARD (6 sites)</b>		
<b>BUILDING &amp; LOCATION</b>	<b>BUSINESS NAME</b>	<b>NAME</b>	<b>BUSINESS PHONE #</b>	<b>TYPE OF BUSINESS</b>
FORT RICHARDSON, ANCHORAGE Gold Rush Inn Wilderness Inn		CLELAND, BOBBIE with teaming partner Blackstone Consulting	(907) 240-4516	Military Dining Facility
U.S. POST OFFICE AIRPORT FACILITY ANCHORAGE	DEBBIE'S FOOD CACHE	GRACE, DEBBIE	(907) 563-0368	Vending Machines
U.S. FISH & WILDLIFE ANCHORAGE	RUFOUS CAFÉ	BENNETT, ANDREW	(907) 244-2210	Snack Bar
FT. WAINWRIGHT, FAIRBANKS 5 Dining Facilities Hospital		LAFAEVER, HARVEY with teaming partner Blackstone Consulting	(907) 356-7814	Military Dining Facility
FEDERAL BUILDING ANCHORAGE	BILL'S MINI CACHE	MISNER, BILL	(907) 279-9730	Dry Stand
ALASKA NATIVE MEDICAL CENTER ANCHORAGE	JIMES	SWARTZ, JAMES	(907) 250-6471	Snack Bar
<b>ALASKA STATE FACILITIES: CHANCE ACT</b>		<b>(6 sites)</b>		
STATE COURTHOUSE ANCHORAGE	PENTAGON NORTH FOOD SERVICES	RENAUD, RICK	(907) 250-1684	Snack Bar
STATE OFFICE BUILDING JUNEAU	CLAUDIA'S CACHE	CRISS, CLAUDIA	(907) 586-3200	Snack Bar
FOURTH AVENUE JAIL ANCHORAGE	JOE'S FOOD SERVICE	LEGNER, JOE	(907) 398-0911	Snack Bar
STATE COURTHOUSE FAIRBANKS	BELLE' ROSE ESPRESSO	LUKE, HARRY	(907) 452-9249	Snack Bar
NATIONAL GUARD ARMORY FT. RICHARDSON, ANCHORAGE	THE CANTEEN	UNDER 1-YEAR CONTACT 11/01/09-10/31/10	(907) 428-0519	Cafeteria
ATWOOD BUILDING ANCHORAGE	JOE'S FOOD SERVICE	JOE LEGNER	(907) 748-0160	Vending Machines
BEP Coordinator contact information: Pamela Geary pamela.geary@alaska.gov		(907) 269-3568 1251 Muldoon Rd. Suite 103, Anchorage, AK 99504	1-888-274-5614	

**Article**

2. State Vocational Rehabilitation Committee (§§ 23.15.220 — 23.15.320)
3. Employment Agencies (§§ 23.15.330 — 23.15.520)
4. Alaska Workforce Investment Board (§§ 23.15.550 — 23.15.585)
5. State Training and Employment Program (§§ 23.15.620 — 23.15.660)
6. Alaska Technical and Vocational Education (§§ 23.15.820 — 23.15.850)

**Article 1. Vocational Rehabilitation.****Section**

10. Administration of vocational rehabilitation
20. Powers and duties of commissioner
30. Appointment of administrative officers
40. Division of vocational rehabilitation established
50. Director of vocational rehabilitation
60. Agreements under Social Security Act
80. Eligibility for vocational rehabilitation service
90. Priority as to eligibility
100. Powers and duties; vending facilities
110. Extension of services outside state
120. Cooperation with federal government
125. Assistive technology loan guarantee and interest subsidy program
130. Vocational rehabilitation small business enterprise revolving fund

**Section**

132. Vending facilities
133. Vendors' licenses
134. Active participation by licensees with severe disabilities
135. Committee of blind vendors
136. Group insurance for certain licensees
150. Custodian of funds
160. Gifts
170. Maintenance not assignable
180. Hearings
190. Misuse of lists and records
200. Limitation on political activity
210. Definitions

**Administrative Code.** — For vocational rehabilitation, see 8 AAC 98.

**Collateral references.** — 79 Am. Jur. 2d, Welfare Laws, §§ 32-37.

51B C.J.S., Labor Relations, § 1044; 81 C.J.S., Social Security and Public Welfare, §§ 102-106.

**Sec. 23.15.010. Administration of vocational rehabilitation.** The commissioner shall administer the vocational rehabilitation program. (§ 37-9-6 ACLA 1949; am § 2 ch 169 SLA 1955; am § 2 ch 144 SLA 1957; am § 1 ch 79 SLA 1960; am § 16 ch 58 SLA 1999)

**Sec. 23.15.020. Powers and duties of commissioner.** (a) The commissioner may cooperate with a federal agency, as provided and required by federal law for vocational rehabilitation.

(b) The commissioner shall comply with the federal laws and the conditions necessary to secure the full benefit of the federal vocational rehabilitation laws, and shall do all things necessary to entitle the state to receive the benefits of the federal laws.

(c) The commissioner may do all the things and adopt the regulations that are necessary to carry out the federal laws and the purposes of AS 23.15.010 — 23.15.210. (§ 37-9-6 ACLA 1949; am § 2 ch 169 SLA 1955; am § 2 ch 144 SLA 1957; am § 1 ch 79 SLA 1960; am § 17 ch 58 SLA 1999)

**Sec. 23.15.030. Appointment of administrative officers.** The commissioner may appoint administrative officers and delegate to them the authority necessary to carry out AS 23.15.010 — 23.15.210. (§ 37-9-6 ACLA 1949; am § 2 ch 169 SLA 1955; am § 2 ch 144 SLA 1957; am § 1 ch 79 SLA 1960; am § 18 ch 58 SLA 1999)

**Sec. 23.15.040. Division of vocational rehabilitation established.** The division of vocational rehabilitation is established under the commissioner to carry out AS 23.15.010 — 23.15.210. (§ 37-9-6 ACLA 1949; am § 2 ch 169 SLA 1955; am § 2 ch 144 SLA 1957; am § 18 ch 208 SLA 1975; am § 19 ch 58 SLA 1999)

**Sec. 23.15.050. Director of vocational rehabilitation.** The commissioner shall appoint a director of the division of vocational rehabilitation. The director has the

administrative authority delegated by the commissioner and necessary to carry out AS 23.15.010 — 23.15.210 and the regulations and policies adopted by the commissioner. (§ 37-9-6 ACLA 1949; am § 2 ch 144 SLA 1957; am §§ 2, 3 ch 79 SLA 1960; am § 9 ch 96 SLA 1967; am § 19 ch 208 SLA 1975; am § 20 ch 58 SLA 1999)

**Sec. 23.15.060. Agreements under Social Security Act.** (a) The commissioner may enter into necessary agreements on behalf of the state with the Secretary of Health and Human Services to carry out the provisions of the federal Social Security Act, as amended, and as it is subsequently amended, relating to the making of determinations of disability under Title II and Title XVI of that Act.

(b) The Department of Revenue shall act as the custodian of funds paid by the federal government to the state, shall comply with agreements entered into under the Social Security Act, and shall disburse the funds in accordance with instructions from the director of the division of vocational rehabilitation. (§ 37-9-6 ACLA 1949; am § 2 ch 169 SLA 1955; am § 2 ch 144 SLA 1957; am § 20 ch 208 SLA 1975; am § 1 ch 5 SLA 1978; am § 21 ch 58 SLA 1999)

**Cross references.** — For federal law relating to eligibility under Titles II and XVI of the Social Security Act, see 42 U.S.C. 422 and 1382.

*Sec. 23.15.070. Personnel policies [Repealed, § 84 ch 58 SLA 1999.]*

**Sec. 23.15.080. Eligibility for vocational rehabilitation service.** (a) Vocational rehabilitation service shall be provided directly or through a public or private institution to an 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 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 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 individuals with disabilities;

(5) job placement; and

(6) services necessary to assist individuals with disabilities to maintain suitable employment. (§ 37-9-7(1) ACLA 1949; am § 3 ch 144 SLA 1957; am § 2 ch 5 SLA 1978; am § 4 ch 25 SLA 2006)

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, substituted "an individual with a disability" for "a handicapped individual" in the introductory language of subsection (a) and twice in

the introductory language of subsection (b), and substituted "individuals with disabilities" for "handicapped individuals" in paragraphs (b)(4) and (b)(6).

**Sec. 23.15.090. Priority as to eligibility.** If vocational rehabilitation service cannot be provided for all eligible individuals with disabilities who apply, the agency shall

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provide by regulation for determining the order to be followed in selecting those to whom the services will be provided. (§ 37-9-7(2) ACLA 1949; am § 3 ch 144 SLA 1957; am § 5 ch 25 SLA 2006)

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, substituted "individuals with disabilities" for "handicapped individuals."

**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 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 persons with severe disabilities on public property;

(6) license blind persons and 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 persons with severe disabilities to operate vending facilities;

(8) provide the equipment and initial stock necessary to enable blind persons and 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 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 AS 23.15.010 — 23.15.210. (§ 37-9-8(1) (2) ACLA 1949; am § 4 ch 144 SLA 1957; am § 1 ch 75 SLA 1976; am §§ 1, 10 ch 69 SLA 1982; am § 6 ch 25 SLA 2006)

**Cross references.** — For present law covering the subject matter of former (b)(5) of this section, see AS 23.15.133.

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, substituted "individuals with disabilities" for "handicapped individuals" in para-

graph (a)(4) and substituted "persons with severe disabilities" for "severely handicapped persons" in paragraphs (a)(5), (a)(6), (a)(7), (a)(8), and substituted "persons with severe disabilities" for "severely handicapped individuals" in (b)(3).

**Sec. 23.15.110. Extension of services outside state.** Vocational rehabilitation service may be extended to the continental United States to all individuals eligible under

AS 23.15.010 — 23.15.210. The director may place professional or clerical personnel or both inside the continental United States to carry out the purposes of AS 23.15.010 — 23.15.210. (§ 37-9-8(3) ACLA 1949; am § 4 ch 144 SLA 1957; am § 22 ch 208 SLA 1975.)

**Sec. 23.15.120. Cooperation with federal government.** (a) The agency shall cooperate with the federal government in carrying out the purposes of federal laws pertaining to vocational rehabilitation, including the licensing of blind persons to operate vending stands on federal property, and may adopt the methods of administration that are found by the federal government to be necessary for the proper and efficient operation of agreements or plans for vocational rehabilitation. The agency may comply with the conditions that are necessary to obtain the full benefits of the federal laws for the state and its residents.

(b) Upon designation by the governor, the agency may perform functions and services for the federal government relating to individuals under a physical or mental disability, in addition to those provided in (a) of this section. (§ 37-9-9 ACLA 1949; am § 5 ch 144 SLA 1957)

**Sec. 23.15.125. Assistive technology loan guarantee and interest subsidy program.** (a) An assistive technology loan guarantee fund is established in the agency. The fund consists of money appropriated to it. The agency may solicit and accept available public and private money for distribution from the fund.

(b) Subject to (c) and (d) of this section, the agency may use money in the fund established under this section to guarantee 90 percent of the principal amount of a loan or to subsidize the interest rate of a loan guaranteed by the agency for appropriate assistive technology that is best suited for enabling a person with a disability to

- (1) obtain or maintain employment; or
- (2) live more independently.

(c) The agency may guarantee a loan or subsidize the interest rate of a loan guaranteed under this section if

(1) the loan is made to a person with a disability or a member of the person's family to obtain assistive technology for the person with a disability within the limitations of (b) of this section;

(2) the loan is originated and serviced by a state or federally chartered financial institution located in the state;

(3) before a loan guarantee or subsidy is requested from a lending institution, the agency determines that the person requesting the loan guarantee or subsidy is not able to obtain the needed assistive technology from a less costly source;

(4) the lending institution determines that the person or the family of a child reasonably can be expected to repay the loan given their expected income or other resources; and

(5) for a loan to modify a vehicle to provide transportation for a person with a disability, the applicant has been steadily employed for the 90 days immediately preceding the date of the loan application.

(d) The director shall establish an assistive technology loan committee within the agency. The committee shall consist of the director, or the director's designee, a representative of a financial institution who is experienced with consumer loans, and at least one but not more than three persons with disabilities. The committee shall

(1) establish guidelines for providing loans under this section, including guidelines relating to the maximum amounts and duration of loans and guidelines to ensure that persons with disabilities who live in rural or remote areas of the state have adequate access to loans under this section;

(2) annually establish the percentage of money in the fund that may be used for subsidizing the interest rates on loans guaranteed under this section; and

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(3) make reports and recommendations to the legislature on the operation of the loan program.

(e) In this section,

(1) "assistive technology" means durable equipment, adaptive aids, and assistive devices;

(2) "person with a disability" means an individual having a physical or mental disability. (§ 1 ch 65 SLA 1995; am § 7 ch 25 SLA 2006)

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, deleted "a handicapped indi-  
vidual or" preceding "an individual" in paragraph (e)(2).

**Sec. 23.15.130. Vocational rehabilitation small business enterprise revolving fund.** (a) There is created in the state treasury a revolving fund designated as the vocational rehabilitation small business enterprise revolving fund. The fund shall be administered by the director.

(b) Receipts from the net proceeds of vending facilities on public property, other than vending facilities operated by a licensee, shall be paid into the fund.

(c) The commissioner of administration shall separately account for receipts under (b) of this section that are paid into the vocational rehabilitation small business enterprise revolving fund. The annual estimated receipts of the fund may be used by the legislature to make appropriations to the department to aid licensees in operating vending machine facilities.

(d) In this section "net proceeds" means the gross receipts from operating a vending facility less the costs of operation and a fair return to the operator, to be determined by the agency. (ACLA 1949, § 37-9-10, as enacted by § 6 ch 144 SLA 1957; am § 3 ch 75 SLA 1976; am § 2 ch 69 SLA 1982; am § 45 ch 138 SLA 1986)

**Sec. 23.15.132. Vending facilities.** (a) A vending facility may not be established on public property that is under the jurisdiction of the state except as authorized by the commissioner.

(b) A vending facility authorized by the commissioner shall be selected and located after consulting with the persons responsible for the maintenance and operation of the property to be served by the vending facility. A contract for the operation of the vending facility by a licensee shall be executed by the agency and must contain provisions ensuring that the licensee shall charge reasonable prices and that the vending facility shall provide high quality merchandise. (§ 3 ch 69 SLA 1982; am § 32 ch 40 SLA 2008)

**Effect of amendments.** — The 2008 amendment, effective May 23, 2008, deleted "of education and early development" following "commissioner" at the end of subsection (a) and in the first sentence of subsection (b).

**Opinions of attorney general.** — A coffee/pop fund operated by state employees to purchase coffee and soda pop for themselves is not a "vending facility" within the meaning of this section. April 12, 1988 Op. Att'y Gen.

**Sec. 23.15.133. Vendors' licenses.** (a) The agency shall issue a license for the operation of a vending facility on public property to a blind person or a 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 (Randolph-Sheppard Act); or

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

(b) A license issued under this section does not expire. However, a license may be revoked if the agency finds that the licensee is not operating the facility in accordance with regulations adopted by the agency. (§ 3 ch 69 SLA 1982; am § 8 ch 25 SLA 2006)

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, substituted "a person with a  
severe disability" for "severely handicapped person" in the introductory language of subsection (a), corrected



a statutory reference in paragraph (a)(1), and substituted "persons with severe disabilities" for "severely handicapped persons" in paragraph (a)(2).

**Sec. 23.15.134. Active participation by licensees with severe disabilities.** The agency shall adopt regulations that ensure the opportunity for active participation by a licensee with severe disabilities in the administration of vending facilities operated by 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. (§ 3 ch 69 SLA 1982; am § 9 ch 25 SLA 2006)

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, substituted "licensee with severe disabilities" for "severely handicapped licensee" and "licensees with severe disabilities" for "severely handicapped licensees" in the first sentence.

**Sec. 23.15.135. Committee of blind vendors.** (a) The Committee of Blind Vendors consisting of all blind licensees is established. The agency shall conduct a biennial election of a president, vice-president, secretary, and treasurer of the committee and may conduct elections to fill vacancies in office at any time.

(b) The commissioner shall assure active participation by the Committee of Blind Vendors in administrative, policy, and program development decisions concerning vending facilities operated by blind licensees. The agency shall, with active participation by the Committee of Blind Vendors,

(1) adopt regulations providing for the licensing of blind persons for the operation of vending facilities on public property;

(2) consider and respond to grievances of blind licensees;

(3) develop and administer a statewide system for the transfer and promotion of blind licensees;

(4) develop training and retraining programs for blind licensees and for blind persons interested in obtaining a license to operate a vending facility;

(5) organize meetings and conferences for blind licensees;

(6) adopt regulations necessary to assure that vending facilities operated by blind licensees are administered by the agency in a substantially equivalent manner whether a vending facility is located on state or federal property;

(7) designate public property as appropriate for the location of a vending facility operated by a blind licensee.

(c) To ensure the opportunity for active participation in decisions that affect the administration of vending facilities operated by blind licensees the agency shall, before each meeting of the Committee of Blind Vendors, provide the committee with written information on matters to be considered. The agency shall provide the committee with reasons in writing for decisions and actions of the agency that do not conform to recommendations submitted by the committee. (§ 3 ch 69 SLA 1982; am § 33 ch 40 SLA 2008)

**Effect of amendments.** — The 2008 amendment, effective May 23, 2008, deleted "of education and early development" following "commissioner" in the first sentence of subsection (b).

**Sec. 23.15.136. Group insurance for certain licensees.** The agency shall purchase group insurance coverage under AS 39.30.090 for licensees holding current operating agreements. The employer share of the insurance premium shall be paid from the vocational rehabilitation small business enterprise revolving fund. (§ 1 ch 38 SLA 1990)

*Sec. 23.15.140. Vocational Rehabilitation Fund [Repealed, § 2 ch 23 SLA 1968.]*

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**Sec. 23.15.150. Custodian of funds.** The Department of Revenue is designated custodian of all vocational rehabilitation funds in the state. (ACLA 1949, § 37-9-12, as enacted by § 6 ch 144 SLA 1957)

**Sec. 23.15.160. Gifts.** The commissioner may accept a gift or donation from a public or a private source that is offered unconditionally for carrying out AS 23.15.010 — 23.15.210. The commissioner may accept a conditional gift if, in the judgment of the agency, the conditions are proper and consistent with AS 23.15.010 — 23.15.210. (ACLA 1949, § 37-9-13, as enacted by § 6 ch 144 SLA 1957; am § 3 ch 23 SLA 1968; am § 22 ch 58 SLA 1999)

**Sec. 23.15.170. Maintenance not assignable.** The right of an individual with a disability to maintenance under AS 23.15.010 — 23.15.210 is not transferable or assignable at law or in equity. (ACLA 1949, § 37-9-14, as amended by § 6 ch 144 SLA 1957; am § 10 ch 25 SLA 2006)

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, substituted "an individual with a disability" for "a handicapped individual."

**Sec. 23.15.180. Hearings.** (a) An individual applying for or receiving vocational rehabilitation who is aggrieved by the action or inaction of the agency is entitled to a fair hearing by the agency, in accordance with regulations.

(b) A blind person or a person with a severe disability aggrieved by a decision or action of the agency under AS 23.15.133 — 23.15.135 shall receive a hearing on request in accordance with AS 44.62.330 — 44.62.630 (Administrative Procedure Act). A blind person may also file a complaint in accordance with 20 U.S.C. 107d-1 for arbitration of a grievance. (ACLA 1949, § 37-9-15, as amended by § 6 ch 144 SLA 1957; am § 4 ch 69 SLA 1982; am § 11 ch 25 SLA 2006)

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, substituted "a person with a severe disability" for "severely handicapped person" in the first sentence of subsection (b).

**Sec. 23.15.190. Misuse of lists and records.** Except for purposes directly connected with the administration of the vocational rehabilitation program and in accordance with regulations, a person may not solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of a list of, names of, or information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly, derived from the records, papers, files, or communications of the state or an agency of the state, or acquired in the course of the performance of official duties. An officer or employee violating this provision is subject to discharge or suspension. (ACLA 1949, § 37-9-16, as amended by § 6 ch 144 SLA 1957)

**Sec. 23.15.200. Limitation on political activity.** An officer or employee engaged in the administration of the vocational rehabilitation program may not use official authority to influence or permit the use of the vocational rehabilitation program for the purpose of interfering with an election or affecting the results of an election or for a partisan political purpose. An officer or employee may not solicit or receive, and an officer or employee may not be obliged to contribute or render, a service, assistance, subscription, assessment, or contribution for a political purpose. An officer or employee violating this section is subject to discharge or suspension. (ACLA 1949, § 37-9-17, as amended by § 6 ch 144 SLA 1957)

**Sec. 23.15.210. 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 having final responsibility;

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

(3) "blind person" means a person whose central visual acuity does not exceed <sup>20</sup>/<sub>200</sub> in the better eye with correcting lenses, or whose visual acuity, if better than <sup>20</sup>/<sub>200</sub>, 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) "director" means the director of the division of vocational rehabilitation;

(5) "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;

(6) "individual with a disability" means an individual having a physical or mental disability that for that individual constitutes or results in a substantial barrier to employment and who can reasonably be expected to benefit in terms of employability from the provision of vocational rehabilitation services;

(7) "licensee" means a blind person or a person with a severe disability licensed by the division of vocational rehabilitation under 20 U.S.C. 107 — 107b and 107d — 107f (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) "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) "vocational rehabilitation service" means goods and services, including diagnostic and related services, necessary to enable an individual with a disability to engage in gainful employment;

(12) "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 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. (§ 37-9-5 ACLA 1949; am § 1 ch 169 SLA 1955; am § 1 ch 144 SLA 1957; am § 23 ch 208 SLA 1975; am § 2 ch 75 SLA 1976; am §§ 3-6 ch 5 SLA 1978; am §§ 5-8 ch 69 SLA 1982; am § 84 ch 58 SLA 1999; am § 12 ch 25 SLA 2006; am § 34 ch 40 SLA 2008)

**Revisor's notes.** — This section was reorganized in 1984 to place the defined terms in alphabetical order.

**Effect of amendments.** — The 2006 amendment, effective May 10, 2006, substituted "not greater" for "no greater" in paragraph (3), substituted "individual with a disability" for "handicapped individual" and "barrier" for "handicap" in paragraph (6), substituted "blind person or a person with a severe disability" for "blind or severely handicapped person" in paragraph (7), inserted paragraph (8), deleted former paragraph

(10) which defined "severely handicapped person," substituted "an individual with a disability" for "a handicapped individual" in paragraph (11), substituted "persons with disabilities" for "the handicapped" in paragraph (12), and renumbered paragraphs to properly reflect alphabetical order.

The 2008 amendment, effective May 23, 2008, deleted "of education and early development" following "commissioner" in paragraph (1).

**Opinions of attorney general.** — A coffee/pop fund operated by state employees to purchase coffee

and soda pop for themselves is not a "vending facility" within the meaning of AS 23.15.132. April 12, 1988 Op. Att'y Gen.

## NOTES TO DECISIONS

**Quoted** in *Bignell v. Wise Mechanical Contractors*, 651 P.2d 1163 (Alaska 1982).

## Article 2. State Vocational Rehabilitation Committee.

### Section

- 220. Purpose
- 230. Appointment of committee
- 240. Selection and term of chair
- 250. Compensation and expenses
- 260. Meetings
- 270. Cooperation with other committees and agencies

### Section

- 280. Appointment of advisors
- 290. Employ people with disabilities week
- 300. Manner of handling funds
- 310. Gifts
- 315. Fees
- 320. Annual report to governor

**Legislative history reports.** — For governor's transmittal letter for ch. 57, SLA 2010 (SB 83), establishing the State Vocational Rehabilitation Com-

mittee in place of the former Governor's Committee on Employment of People with Disabilities, see 2009 Senate Journal 77 — 78.

**Sec. 23.15.220. Purpose.** The purpose of AS 23.15.220 — 23.15.320 is to create a State Vocational Rehabilitation Committee for Alaska to carry on a continuing program to promote the employment of people of the state with disabilities by creating statewide interest in the rehabilitation and employment of people with disabilities, and by obtaining and maintaining cooperation with public and private groups and individuals in this field. (§ 1 ch 23 SLA 1960; am § 1 ch 7 SLA 1989; am § 1 ch 57 SLA 2010)

**Effect of amendments.** — The 2010 amendment, effective June 10, 2010, substituted "State Vocational Rehabilitation Committee" for "Governor's Committee on Employment of People with Disabilities".

**Collateral references.** — Accommodation requirement under state legislation forbidding job discrimination on account of handicap. 76 ALR4th 310.

Handicap as job disqualification under state legislation forbidding job discrimination on account of handicap. 78 ALR4th 265.

Damages and other relief under state legislation forbidding job discrimination on account of handicap. 78 ALR4th 435.

What constitutes handicap under state legislation forbidding job discrimination on account of handicap. 82 ALR4th 26.

When must specialized testing, training, or other work procedures be provided for benefit of qualified disabled employee or applicant to fulfill employer's reasonable accommodation requirement. 127 ALR Fed. 559.

Action under Americans with Disabilities Act (42 U.S.C.A. §§ 12101 et seq.), to remedy alleged harassment or hostile work environment. 162 ALR Fed. 603.

**Sec. 23.15.230. Appointment of committee.** The governor shall appoint the members of the State Vocational Rehabilitation Committee for staggered terms not exceeding three years. The composition of the committee must be consistent with the requirements of 29 U.S.C. 725 and 3003, as amended. A member may be reappointed, and a vacancy shall be filled by the governor. (§ 2 ch 23 SLA 1960; am § 5 ch 168 SLA 1990; am § 2 ch 57 SLA 2010)

**Cross references.** — For transitional provision relating to the continued service of members of the former Governor's Committee on Employment of People with Disabilities as members of the State Vocational Rehabilitation Committee, as the committee is

recomposed under this section, see § 5, ch. 57, SLA 2010, in the 2010 Temporary and Special Acts.

**Effect of amendments.** — The 2010 amendment, effective June 10, 2010, rewrote the section.

**Sec. 23.15.240. Selection and term of chair.** The members of the committee shall select a chair from among the voting members of the committee, subject to disapproval by