

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

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

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

4 *** Section 1.** AS 47.80.030 is amended to read:

5 Sec. 47.80.030. GOVERNOR'S COUNCIL ON DISABILITIES AND
6 SPECIAL EDUCATION. There is established the Governor's Council on Disabilities
7 and Special Education. For budgetary purposes, the council is located within the
8 Department of Health and Social Services but is the interdepartmental planning and
9 coordinating agency of the Department of Health and Social Services, the Department
10 of Education, and other departments that deliver services to persons who are gifted or
11 experiencing a disability. In addition, except as provided in AS 47.80.300 -
12 47.80.330, the council is the state planning council and interagency coordinating
13 council for purposes of federal laws relating to persons who are gifted or experiencing
14 a disability.

1 * **Sec. 2.** AS 47.80 is amended by adding new sections to read:

2 **ARTICLE 4A. STATEWIDE INDEPENDENT LIVING COUNCIL.**

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

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

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

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

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

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

30 Sec. 47.80.320. **POWERS AND DUTIES.** (a) The council shall perform the
31 duties set out in 29 U.S.C. 796d in a manner that will maximize the state's receipt of

1 federal financial assistance for independent living services and centers of independent
2 living for residents with severe disabilities, including the following duties:

3 (1) joint development of the state plan required under 29 U.S.C. 796c
4 and evaluation of the implementation of the plan;

5 (2) development of a plan for the provision of resources, including staff
6 and personnel, that may be necessary to carry out the council's functions with funds
7 from the federal government and other public and private sources; and

8 (3) coordination of the council's activities with other state agencies that
9 address the needs of specific disability populations and issues under federal law.

10 (b) The council may

11 (1) hold hearings and forums as determined by the council to be
12 necessary to carry out its duties;

13 (2) solicit and accept money or other resources on behalf of the state
14 from any public or private source.

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

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

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