

**SENATE BILL NO. 242**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY SENATOR FRENCH**

**Introduced: 1/18/06**

**Referred: Health, Education and Social Services**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act updating the terminology in statutes for persons with disabilities; and**  
2 **providing for an effective date."**

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

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 LEGISLATIVE INTENT. The legislature intends to modernize the terminology in  
7 statutes in recognition of the ability of individuals with disabilities to contribute to society and  
8 to the state. The legislature does not intend to alter in any manner the substantive provisions  
9 of the statutes in which the terminology is changed under this Act, including provisions  
10 relating to the Alaska Mental Health Trust, provisions defining who is a trust beneficiary  
11 arising under the Alaska Mental Health Enabling Act of 1956, or provisions relating to the  
12 mental health trust settlement in Weiss v. State, 4FA-82-2208 Civil, under ch. 66, SLA 1991;  
13 chs. 5 and 6, FSSLA 1994; and chs. 1 and 2, SSSLA 1994.

14 \* **Sec. 2.** AS 14.30.630(b) is amended to read:

1 (b) The agency shall

2 (1) provide special education services including

3 (A) itinerant outreach services to deaf, deaf-blind, mentally  
4 retarded, hearing impaired, blind and visually impaired, orthopedically  
5 **disabled** [HANDICAPPED], other health-impaired, severely emotionally  
6 disturbed, and [MULTI-HANDICAPPED] students **with multiple disabilities**;

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

9 (C) other services appropriate to special education needs;

10 (2) provide for an annual audit of the agency;

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

16 (4) present an annual budget to the department.

17 \* **Sec. 3.** AS 18.15.210 is amended to read:

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

22 \* **Sec. 4.** AS 18.55.130(b) is amended to read:

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

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

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

1 \* **Sec. 5.** AS 23.15.080 is amended to read:

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

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

8 (2) is eligible for the service under an agreement with another state or  
9 with the federal government.

10 (b) In determining the types and extent of vocational rehabilitation services to  
11 be provided to an [A HANDICAPPED] individual with a disability, the agency shall  
12 take into consideration any similar benefits that may be available to the individual  
13 under other programs. However, the agency may not take other benefits into  
14 consideration when doing so would significantly delay the provision of needed  
15 services to the [HANDICAPPED] individual with a disability. The agency need not  
16 take other benefits into consideration when they are for

17 (1) diagnostic and related services, including transportation and  
18 subsistence in connection with those services;

19 (2) counseling, guidance, and referral;

20 (3) training, including personal and vocational adjustment training, and  
21 necessary training materials;

22 (4) services to members of families of [HANDICAPPED] individuals  
23 with disabilities;

24 (5) job placement; and

25 (6) services necessary to assist [HANDICAPPED] individuals with  
26 disabilities to maintain suitable employment.

27 \* **Sec. 6.** AS 23.15.090 is amended to read:

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

1 \* **Sec. 7.** AS 23.15.100 is amended to read:

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

4 (1) take the action it considers necessary or appropriate to carry out the  
5 purposes of AS 23.15.010 - 23.15.210 [,] and adopt regulations in conformity with  
6 these purposes;

7 (2) determine the eligibility of applicants for vocational rehabilitation  
8 service;

9 (3) submit to the governor annual reports of activities and expenditures  
10 and, before each regular session of the legislature, estimates of sums required for  
11 carrying out AS 23.15.010 - 23.15.210 and estimates of the amounts to be made  
12 available for this purpose from all sources;

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

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

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

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

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

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

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

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

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

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

13 (5) adopt regulations necessary for carrying out the provisions of  
14 AS 23.15.010 - 23.15.210.

15 \* **Sec. 8.** AS 23.15.125(e)(2) is amended to read:

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

18 \* **Sec. 9.** AS 23.15.133(a) is amended to read:

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

23 (1) 20 U.S.C. 107 - **107f** [107(f)] ([THE] Randolph-Sheppard Act); or

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

26 \* **Sec. 10.** AS 23.15.134 is amended to read:

27 **Sec. 23.15.134. Active participation by [SEVERELY HANDICAPPED]**  
28 **licensees with severe disabilities.** The agency shall adopt regulations that ensure the  
29 opportunity for active participation by a [SEVERELY HANDICAPPED] licensee  
30 **with severe disabilities** in the administration of vending facilities operated by  
31 [SEVERELY HANDICAPPED] licensees **with severe disabilities**. The opportunity

1 for active participation provided under this section must be at least as extensive as the  
2 opportunity for active participation provided for a blind licensee under AS 23.15.135.

3 \* **Sec. 11.** AS 23.15.170 is amended to read:

4 **Sec. 23.15.170. Maintenance not assignable.** The right of **an** [A  
5 HANDICAPPED] individual **with a disability** to maintenance under AS 23.15.010 -  
6 23.15.210 is not transferable or assignable at law or in equity.

7 \* **Sec. 12.** AS 23.15.180(b) is amended to read:

8 (b) A blind person or **a** [SEVERELY HANDICAPPED] person **with a severe**  
9 **disability** aggrieved by a decision or action of the agency under AS 23.15.133 -  
10 23.15.135 shall receive a hearing on request in accordance with AS 44.62.330 -  
11 44.62.630 (Administrative Procedure Act). A blind person may also file a complaint in  
12 accordance with 20 U.S.C. 107d-1 for arbitration of a grievance.

13 \* **Sec. 13.** AS 23.15.210 is amended to read:

14 **Sec. 23.15.210. Definitions.** In AS 23.15.010 - 23.15.210,

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

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

21 (3) "blind person" means a person whose central visual acuity does not  
22 exceed 20/200 in the better eye with correcting lenses, or whose visual acuity, if better  
23 than 20/200, is accompanied by a limit to the field of vision in the better eye to such a  
24 degree that its widest diameter subtends an angle of **not** [NO] greater than 20 degrees;  
25 an examination by an ophthalmologist or by an optometrist is necessary before a  
26 person is found to be blind;

27 (4) [REPEALED

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

30 **(5) "individual having a physical or mental disability" means an**  
31 **individual who has a physical or mental condition that materially limits,**

1 **contributes to limiting, or, if not corrected, will probably result in limiting the**  
 2 **individual's activities or functioning;**

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

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

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

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

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

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

31 (11) "vending facility" means a vending machine, cafeteria, snack bar,

1 shelter, cart, or counter where food, tobacco, newspapers, periodicals, and other  
 2 articles are offered for sale to the general public and dispensed automatically or  
 3 manually whether prepared on or off the premises; and excludes a facility in a  
 4 hospital, school, or other institution where food or other articles are offered for sale  
 5 only to patients, inmates, and persons enrolled in or employed by the institution;

6 **(11)** [(12)] "vocational rehabilitation service" means goods and  
 7 services, including diagnostic and related services, necessary to enable **an** [A  
 8 HANDICAPPED] individual **with a disability** to engage in gainful employment;

9 **(12)** [(13)] "workshop" means a rehabilitation facility engaged in a  
 10 production or service operation that is operated for the primary purpose of providing  
 11 gainful employment or professional services to **persons with disabilities** [THE  
 12 HANDICAPPED] as an interim step in the rehabilitation process for those who cannot  
 13 readily be absorbed in the competitive labor market or during times when employment  
 14 opportunities for them in the competitive labor market do not exist.

15 \* **Sec. 14.** AS 29.60.120(f)(1) is amended to read:

16 (1) "health facility"

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

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

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

29 \* **Sec. 15.** AS 35.10.015(a) is amended to read:

30 (a) The department shall prepare, adopt, and enforce regulations governing the  
 31 construction of public buildings and facilities by or for the state, including the

1 University of Alaska, and its political subdivisions, whether financed in whole or in  
 2 part by federal funds, to ensure that public buildings and facilities are accessible to [,]  
 3 and usable by **persons with disabilities and by the** [, THE PHYSICALLY  
 4 HANDICAPPED,] aged [,] or infirm. The regulations of the department must conform  
 5 to a standard comparable to applicable provisions of federal law, regulations, and  
 6 standards.

7 \* **Sec. 16.** AS 35.10.015(c) is amended to read:

8 (c) All ferries owned or operated by the state shall be equipped with elevators  
 9 or other passenger lifting equipment, ramps, or other facilities and devices to ensure  
 10 that these vessels are accessible to and usable by **persons with disabilities and by**  
 11 [PHYSICALLY HANDICAPPED,] aged or infirm passengers. In this subsection,  
 12 "accessible to and usable by" means that **a person with a disability or an** [A  
 13 PHYSICALLY HANDICAPPED,] aged or infirm passenger can board, disembark and  
 14 move between decks and about the public areas aboard a state ferry with personal  
 15 comfort and safety [,] and with safety to [,] other passengers and members of the crew.

16 \* **Sec. 17.** AS 35.10.015(d) is amended to read:

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

27 \* **Sec. 18.** AS 35.10.015(e) is amended to read:

28 (e) After June 25, 1976, **a** [NO] public building or facility in the state may **not**  
 29 be planned, designed, financed, constructed, opened to public use, or otherwise placed  
 30 in operation unless it meets the standards established under this section. If the  
 31 standards for a public building or facility are not provided for in federal **statute**

1 [LAW], regulation, or standards, the department shall determine the extent of, and  
2 adopt regulations setting the standards for, access to and use of the public building or  
3 facility by persons with disabilities and by the [PHYSICALLY HANDICAPPED,]  
4 aged [,] or infirm.

5 \* **Sec. 19.** AS 36.30.040(b) is amended to read:

6 (b) The commissioner shall adopt regulations pertaining to

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

9 (2) bid protests;

10 (3) conditions and procedures for the procurement of perishables and  
11 items for resale;

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

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

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

19 (7) partial, progressive, and multiple awards;

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

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

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

25 (11) providing for conducting price analysis;

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

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

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

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

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

5 \* **Sec. 20.** AS 36.30.990(11) is amended to read:

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

9 \* **Sec. 21.** AS 39.25.160(f) is amended to read:

10 (f) Action affecting the employment status of a state employee or an applicant  
11 for state service, including appointment, promotion, demotion, suspension, or removal,  
12 may not be taken or withheld on the basis of unlawful discrimination due to race,  
13 religion, color, [OR] national origin, age, disability [HANDICAP], sex, marital status,  
14 change in marital status, pregnancy, or parenthood. In addition, action affecting the  
15 employment status of an employee in the classified service, including appointment,  
16 promotion, demotion, suspension, or removal, may not be taken or withheld for a  
17 reason not related to merit.

18 \* **Sec. 22.** AS 41.21.027(b) is amended to read:

19 (b) The state may not enter into a concession contract under (a) of this section  
20 if the proposed contract involves estimated annual gross receipts of more than  
21 \$100,000, construction of facilities, a term longer than four years, or the provision of  
22 services other than those normally provided at similar facilities managed by the state,  
23 unless the commissioner finds that the proposed concession contract

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

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

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

31 (4) will not create unacceptable adverse environmental effects;

- 1 (5) is based on a need and desire of the public;
- 2 (6) recognizes and accommodates, at no cost, ordinary uses in a park  
3 unit;
- 4 (7) requires the contractor to hire residents of the state, to the extent  
5 available and qualified, when hiring persons to work in the park under the contract;
- 6 (8) provides the state with a fair and equitable portion, in money or  
7 services, of the contractor's receipts from the provision of the service or the operation  
8 of the facility;
- 9 (9) provides that the department retains control over the level of fees  
10 and the design and appearance of any facility to be constructed;
- 11 (10) encourages the contractor to accommodate visitors with special  
12 circumstances, including [HANDICAPPED] persons with disabilities, senior citizens,  
13 and school children; and
- 14 (11) provides that the contract may be terminated if the contractor fails  
15 to fulfill the requirements of this section or the contract.

16 \* **Sec. 23.** AS 47.14.100(d) is amended to read:

- 17 (d) In addition to money paid for the maintenance of foster children under (b)  
18 of this section, the department
- 19 (1) shall pay the costs of caring for [PHYSICALLY OR MENTALLY  
20 HANDICAPPED] foster children with physical or mental disabilities, including the  
21 additional costs of medical care, habilitative and rehabilitative treatment, services and  
22 equipment, and special clothing, and the indirect costs of medical care, including child  
23 care and transportation expenses;
- 24 (2) may pay for respite care; in this paragraph, "respite care" means  
25 child care for the purpose of providing temporary relief from the stresses of caring for  
26 a foster child; and
- 27 (3) may pay a subsidized guardianship payment under AS 25.23.210  
28 when a foster child's foster parents or other persons approved by the department  
29 become court-appointed legal guardians of the child.

30 \* **Sec. 24.** AS 47.75.060(2) is amended to read:

- 31 (2) "social services" means child care services, protective services for

1 children and adults, services for children and adults in foster care, services related to  
 2 the management and maintenance of the home, day care services for adults,  
 3 transportation services, training and related services, employment services,  
 4 information, referral, and counseling services, the preparation and delivery of meals,  
 5 health support services, a full range of legal services, and appropriate combinations of  
 6 services designed to meet the special needs of children, the aged, the developmentally  
 7 disabled, the blind, the mentally ill, persons with physical disabilities [THE  
 8 PHYSICALLY HANDICAPPED], and alcoholics and drug addicts.

9 \* **Sec. 25.** AS 47.80.010 is amended to read:

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

23 \* **Sec. 26.** AS 47.80.020 is amended to read:

24 **Sec. 47.80.020. Protection and advocacy of rights.** The department shall  
 25 establish a system to protect and advocate rights of persons with disabilities  
 26 [HANDICAPS]. The system

27 (1) has the authority to pursue legal, administrative, and other  
 28 appropriate remedies to assure the protection of the rights of persons with disabilities  
 29 [HANDICAPS]; and

30 (2) shall be independent of any state agency that provides treatment,  
 31 services, or habilitation of persons with disabilities [HANDICAPS].

1 \* **Sec. 27.** AS 47.80.040(f) is amended to read:

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

6 \* **Sec. 28.** AS 47.80.100(a) is amended to read:

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

13 \* **Sec. 29.** AS 47.80.100(b) is amended to read:

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

18 \* **Sec. 30.** AS 47.80.110 is amended to read:

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

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

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

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

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

31 (5) design treatment and habilitation to maximize individual potential

1 and minimize institutionalization; and

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

4 \* **Sec. 31.** AS 47.80.120 is amended to read:

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

17 \* **Sec. 32.** AS 47.80.130(a) is amended to read:

18 (a) The department shall

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

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

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

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

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

30 (6) take the actions and undertake the obligations that are necessary to  
31 participate in federal grant-in-aid programs and accept federal or other financial aid

1 for the study, examination, care, and treatment of persons with disabilities [THE  
2 HANDICAPPED].

3 \* **Sec. 33.** AS 47.80.150(a) is amended to read:

4 (a) A person with a disability [HANDICAP] or the person's legal  
5 representative acting in a representative capacity, the person's spouse, or the person's  
6 parents if the person is a minor [,] shall pay or contribute to the payment of the  
7 charges for the care or treatment in accordance with the fee schedule adopted under  
8 AS 44.29.022. The order of the department relating to the payment of charges shall be  
9 prospective in effect and may relate only to charges to be incurred, except that, if a  
10 person intentionally conceals ability to pay, the person shall be ordered to pay to the  
11 extent of the person's ability to pay the charges accruing during the period of the  
12 concealment. The order of the department relating to the payment of charges by the  
13 person with a disability [HANDICAP] or the person's legal representative, or the  
14 person's spouse or parents, shall be issued within six months of the date on which the  
15 charge was incurred. The department may make necessary investigations to determine  
16 the ability to pay. The order shall remain in full force and effect unless modified by  
17 subsequent court or department orders.

18 \* **Sec. 34.** AS 47.80.150(b) is amended to read:

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

29 \* **Sec. 35.** AS 47.80.150(e) is amended to read:

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

1 general fund.

2 \* **Sec. 36.** AS 47.80.150(f) is amended to read:

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

10 \* **Sec. 37.** AS 47.80.900(3) is amended to read:

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

15 \* **Sec. 38.** AS 47.80.900(4) is amended to read:

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

18 \* **Sec. 39.** AS 47.80.900(5) is amended to read:

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

24 \* **Sec. 40.** AS 47.80.900(6) is amended to read:

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

31 \* **Sec. 41.** AS 47.80.900(8) is amended to read:

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

4 \* **Sec. 42.** AS 47.80.900(9) is amended to read:

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

9 \* **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

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

14 (b) Throughout the Alaska Administrative Code, the regulations attorney is instructed  
15 to change the terms "handicapped," "handicap," and "handicaps," as appropriate, in a manner  
16 consistent with the changes made in secs. 2 - 42 of this Act.

17 \* **Sec. 44.** This Act takes effect immediately under AS 01.10.070(c).