

1 IN THE SENATE

BY COMMITTEE ON HEALTH, WELFARE
AND EDUCATION

2

SENATE BILL NO. 78

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the vocational rehabilitation of physically and mentally handicapped persons in Alaska, constitution of the Board of Vocational Rehabilitation, authority of the Alaska agency, cooperation with the Federal Government, and all pertaining to vocational rehabilitation in Alaska."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

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Section 1. Definitions: For the purposes of this Act:

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(a) "Handicapped individual" means any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation;

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(b) "Vocational rehabilitation services" means any goods and services, including diagnostic and related services, necessary to render a handicapped individual fit to engage in a remunerative occupation;

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(c) "Individual who is under a physical or mental disability" means an individual who has a physical or mental condition which materially limits, contributes to limiting, or, if not corrected, will probably result in limiting his activities or functioning;

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(d) "Workshop" means a place where any manufacture or

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1 handiwork is carried on, and which is operated for the primary
2 purpose of providing remunerative employment to severely handi-
3 capped individuals (1) as an interim step in the rehabilitation
4 for those who cannot readily be absorbed in the competitive
5 labor market or (2) during such time as employment opportunities
6 for them in the competitive labor market does not exist;

7 (c) "Alaska Agency" means the Alaska Office of Vocational
8 Rehabilitation.

9 Section 2. The Territorial Board of Education subnomine
10 Board of Vocational Education is hereby designated as the Board
11 to administer the Vocational Rehabilitation program and is
12 authorized and empowered to cooperate with any Federal Agency,
13 as provided and required by Federal statutes for vocational re-
14 habilitation and will observe and comply with all of the pro-
15 visions of such Acts; and comply with such conditions as may be
16 necessary to secure the full benefit of the Federal Vocational
17 Rehabilitation Statutes, under the provisions of this law and of
18 the rules and regulations adopted by said Board, and to do all
19 of the things necessary to entitle Alaska to receive the benefits
20 of said Federal Acts. Said Board is further empowered to do all
21 acts and things and to make such plans, rules and regulations
22 as are necessary to properly carry out the provisions of said
23 Act and the purposes of this Act. Said Board shall have the
24 authority to appoint such administrative officers, and to dele-
25 gate to them the authority, required to carry out the provisions
26 of this Act.

27 The Alaska Office of Vocational Rehabilitation is hereby
28 established under the Board of Vocational Rehabilitation for the
29 purpose of carrying out this law.

1 The Alaska Board of Vocational Rehabilitation acting by and
2 through the Alaska Office of Vocational Rehabilitation is hereby
3 authorized to enter into necessary agreements on behalf of Alaska
4 with the Secretary of Health, Education and Welfare to carry out
5 the provisions of the Federal Social Security Act, as amended,
6 and as may subsequently be amended, relating to the making of
7 determinations of disability under Title II of said Act. The
8 Treasurer of Alaska is hereby authorized and directed as custod-
9 ian of funds paid by the Federal Government to Alaska to comply
10 with any agreements that may be entered into under the provi-
11 sions of the Social Security Act and shall disburse such funds
12 in accordance with instructions from the Director, Alaska Office
13 of Vocational Rehabilitation.

14 (a) The Commissioner of Education shall be the Executive
15 Officer of the Alaska Board of Vocational Rehabilitation.

16 (b) The Director, Alaska Office of Vocational Rehabilita-
17 tion, shall be appointed by the Board as the administrative
18 officer of the Alaska Office of Vocational Rehabilitation, and
19 shall have such administrative authority as may be delegated by
20 the Board and the Executive Officer and as shall be necessary to
21 carry out the provisions of this Act and the rules, regulations,
22 and policies promulgated by the Board.

23 (c) Personnel policies for the Alaska Office of Vocational
24 Rehabilitation shall be developed by the Board and executed by
25 the Director and kept on file in the Office of the Director,
26 Alaska Office of Vocational Rehabilitation.

27 Section 3. Provision of Vocational Rehabilitation Services.

28 (a) Vocational Rehabilitation services shall be provided
29 directly or through public or private instrumentalities, to any

1 handicapped individual (1) who is a resident of Alaska at the
2 time of filing his application therefore and whose vocational
3 rehabilitation the Alaska agency determines after full investi-
4 gation can be satisfactorily achieved, or (2) who is eligible
5 therefore under the terms of an agreement with another state or
6 with the Federal Government, Vocational Rehabilitation services,
7 other than diagnostic and related services (including transporta-
8 tion in connection therewith), guidance, training, and placement,
9 shall be provided at public cost only to the extent that the
10 handicapped individual is found by the Alaska agency to require
11 financial assistance with respect thereto.

12 (b) In case vocational rehabilitation services cannot be
13 provided for all eligible handicapped individuals who apply for
14 such services, the Alaska agency shall provide by regulation for
15 determining the order to be followed in selecting those to whom
16 such services will be provided.

17 Section 4. Powers and Duties of the Alaska Agency.

18 (a) In carrying out this act the Alaska agency shall (1)
19 take such action as it deems necessary or appropriate to carry
20 out the purposes of this act, and adopt and promulgate rules
21 and regulations in conformity with such purposes; (2) Determine
22 the eligibility of all applicants for vocational rehabilitation
23 services under the provisions of this act; (3) Prepare and sub-
24 mit to the Governor annual reports of activities and expendi-
25 tures and, prior to each regular session of Legislature, esti-
26 mates of sums required for carrying out this act and estimates
27 of the amounts to be made available for this purpose from all
28 sources; and (4) Cooperate with other departments, agencies and
29 institutions, both public and private, in providing for the

1 vocational rehabilitation of handicapped individuals, in study-
2 ing the problems involved therein, and in establishing, develop-
3 ing and providing, in conformity with the purposes of this act,
4 such programs, facilities and services as may be necessary or
5 desirable.

6 (b) In carrying out this act, the Alaska agency may (1)
7 enter into agreements with other states to provide for the
8 vocational rehabilitation of residents of the states concerned;
9 (2) establish and operate rehabilitation facilities and work-
10 shops and make grants to public and other nonprofit organizations
11 for such purposes; (3) supervise the operation of vending stands
12 and other small businesses established pursuant to this act to
13 be conducted by severely handicapped individuals; and (4) make
14 studies, investigations, demonstrations and reports, and pro-
15 vide training and instruction (including the establishment and
16 maintenance of such research fellowships and traineeships with
17 such stipends and allowances as may be deemed necessary) in
18 matters relating to vocational rehabilitation.

19 (c) Vocational rehabilitation services may be extended to
20 the continental United States to all individuals eligible under
21 this act and rules and regulations adopted pursuant thereto.
22 The Director of the Alaska Office of Vocational Rehabilitation
23 is hereby authorized to station or place professional and/or
24 clerical personnel within the continental United States in
25 order to carry out the purposes of this Act.

26 Section 5. Cooperation with Federal Government.

27 (a) The Alaska agency shall cooperate with the Federal
28 Government in carrying out the purposes of any federal statutes
29 pertaining to vocational rehabilitation (including the licensing

1 of blind persons to operate vending stands on Federal property)
2 and is authorized to adopt such methods of administration as are
3 found by the Federal Government to be necessary for the proper
4 and efficient operation of agreements or plans for vocational
5 rehabilitation and to comply with such conditions as may be
6 necessary to secure the full benefits of such Federal statutes
7 to Alaska and its residents.

8 (b) Upon designation by the Governor, the Alaska agency
9 may perform functions and services for the Federal Government
10 relating to individuals under a physical or mental disability,
11 in addition to those provided in subsection (a) hereof.

12 Section 6. Funds

13 Funds to carry out the provisions of this act may be
14 appropriated in the general appropriation act of the Alaska
15 Legislature.

16 Section 7. Vocational Rehabilitation Fund.

17 Funds from all sources for the vocational rehabilitation
18 program shall be covered into a special fund designated as
19 Vocational Rehabilitation Fund and all expenditures for this
20 program shall be made from this fund.

21 Section 8. Receipt and Disbursement of Funds.

22 The Territorial Treasurer is designated custodian of all
23 vocational rehabilitation funds in the Territory.

24 Section 9. Gifts.

25 The Alaska Board of Vocational Rehabilitation is hereby
26 authorized and empowered to receive such gifts and donations
27 from either public or private sources as may be offered un-
28 conditionally for carrying out the purposes of this Act. Gifts
29 made under such conditions as in the judgement of the Alaska

1 agency are proper and consistent with the provisions of this
2 act may be accepted and shall be hold, invested, reinvested,
3 and used in accordance with the conditions of the gift.

4 Section 10. Maintenance Not Assignable,

5 The right of a handicapped individual to maintenance under
6 this act shall not be transferable or assignable at law or in
7 equity.

8 Section 11. Hearings.

9 Any individual applying for or receiving vocational rehab-
10 ilitation who is aggrieved by any action or inaction of the
11 Alaska agency shall be entitled, in accordance with the re-
12 gulations, to a fair hearing by the Alaska agency.

13 Section 12. Misuse of Vocational Rehabilitation Lists
14 and Records.

15 It shall be unlawful, except for purposes directly connect-
16 ed with the administration of the vocational rehabilitation
17 program, and in accordance with regulations, for any person or
18 persons to solicit, disclose, receive, or make use of, or
19 authorize, knowingly permit, participate in, or acquiesce in
20 the use of any list of, or names of, or any information con-
21 cerning, persons applying for or receiving vocational rehabili-
22 tation, directly or indirectly derived from the records, papers,
23 files, or communications of the state or subdivisions or
24 agencies thereof, or acquired in the course of the performance
25 of official duties. Any officer or employee violating this
26 provision shall be subject to discharge or suspension.

27 Section 13. Limitation on Political Activity.

28 No officer or employee engaged in the administration of
29 the vocational rehabilitation program shall use his official

1 authority to influence or permit the use of the vocational
2 rehabilitation program for the purpose of interfering with an
3 election or affecting the results thereof or for any partisan
4 political purpose. No such officer or employee shall solicit
5 or receive, nor shall any officer or employee be obliged to
6 contribute or render, any service, assistance, subscription,
7 assessment, or contribution for any political purpose. Any
8 officer or employee violating this provision shall be subject
9 to discharge or suspension.

10 Section 14. Alaska Laws Repealed.

11 This Act repeals Section 37-9-5, and 37-9-6, ACLA 1949 as
12 amended by Ch. 169, SLA 1955; Section 37-9-7, and 37-9-9, ACLA
13 1949; Ch. 79, SLA 1955; Ch. 55, SLA 1955; and all other Acts
14 inconsistent herewith.

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