

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

COMMITTEE SUBSTITUTE FOR 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 rehabili-

7

tation of physically and mentally handi-

8

capped persons in Alaska, constitution of

9

the Board of Vocational Rehabilitation,

10

authority of the Alaska agency, cooperation

11

with the Federal Government, and all per-

12

taining to vocational rehabilitation in

13

Alaska; repealing and re-enacting Sections

14

37-9-5 through 37-9-9, ACLA 1949, inclusive,

15

as amended by Ch. 169, SLA 1955; amending

16

Title 37, Article 9 ACLA 1949, by adding

17

seven new sections thereto; repealing Ch.

18

55 SLA 1955 and Ch. 79 SLA 1955, and

19

authorizing an appropriation."

20

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

21

Section 1. Sec. 37-9-5, ACLA 1949, as amended by Ch. 169,

22

SLA 1955, is hereby repealed and re-enacted to read as follows:

23

Sec. 37-9-5. DEFINITIONS. For the purposes of this Act:

24

(1) "Handicapped individual" means any individual

25

who is under a physical or mental disability which con-

26

stitutes a substantial handicap to employment, but which

27

is of such a nature that vocational rehabilitation

28

services may reasonably be expected to render him fit

29

to engage in a remunerative occupation;

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

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

10 (4) "Workshop" means a place where any manufacture
11 or handiwork is carried on, and which is operated for
12 the primary purpose of providing remunerative employment
13 to severely handicapped individuals (a) as an interim
14 step in the rehabilitation for those who cannot readily
15 be absorbed in the competitive labor market or (b) during
16 such time as employment opportunities for them in the
17 competitive labor market does not exist;

18 (5) "Alaska Agency" means the Alaska Office of
19 Vocational Rehabilitation.

20 Sec. 2. Sec. 37-9-6, ACLA 1949, as amended by Ch. 169, SLA
21 1955, is hereby repealed and re-enacted to read as follows:

22 Sec. 37-9-6. The Territorial Board of Education
23 and Business Board of Vocational Rehabilitation is hereby
24 designated as the Board to administer the Vocational Re-
25 habilitation program and is authorized and empowered to
26 cooperate with any Federal Agency, as provided and
27 required by Federal statutes for vocational rehabilita-
28 tion and will observe and comply with all of the pro-
29 visions of such Acts; and comply with such conditions

1 so may be necessary to secure the full benefit of the
2 Federal Vocational Rehabilitation Statutes, under the
3 provisions of this law and of the rules and regulations
4 adopted by said Board, and to do all of the things
5 necessary to entitle Alaska to receive the benefits of
6 said Federal Acts. Said Board is further empowered to
7 do all acts and things and to make such plans, rules and
8 regulations as are necessary to properly carry out the
9 provisions of said Act and the purposes of this Act. Said
10 Board shall have the authority to appoint such administra-
11 tive officers, and to delegate to them the authority
12 required to carry out the provisions of this Act.

13 The Alaska Office of Vocational Rehabilitation is
14 hereby established under the Board of Vocational Rehabili-
15 tation for the purpose of carrying out this law.

16 The Alaska Board of Vocational Rehabilitation acting
17 by and through the Alaska Office of Vocational Rehabili-
18 tation is hereby authorized to enter into necessary
19 agreements on behalf of Alaska with the Secretary of
20 Health, Education and Welfare to carry out the provisions
21 of the Federal Social Security Act, as amended, and as may
22 subsequently be amended, relating to the making of deter-
23 minations of disability under Title II of said Act. The
24 Treasurer of Alaska is hereby authorized and directed
25 as custodian of funds paid by the Federal Government to
26 Alaska to comply with any agreements that may be entered
27 into under the provisions of the Social Security Act and
28 shall disburse such funds in accordance with instructions
29 from the Director, Alaska Office of Vocational Rehabilitatic.

1 (1) The Commissioner of Education shall be the
2 Executive Officer of the Alaska Board of Vocational
3 Rehabilitation.

4 (2) The Director, Alaska Office of Vocational
5 Rehabilitation, shall be appointed by the Board as the
6 administrative officer of the Alaska Office of Vocational
7 Rehabilitation, and shall have such administrative authority
8 as may be delegated by the Board and Executive
9 Officer and as shall be necessary to carry out the pro-
10 visions of this Act and the rules, regulations, and
11 policies promulgated by the Board.

12 (3) Personnel policies for the Alaska Office of
13 Vocational Rehabilitation shall be developed by the Board
14 and executed by the Director and kept on file in the Office
15 of the Director, Alaska Office of Vocational Rehabilitation.

16 Sec. 3. Sec. 37-9-7, ACLA 1949, is hereby repealed and re-
17 enacted to read as follows:

18 Sec. 37-9-7. PROVISION OF VOCATIONAL REHABILITATION
19 SERVICES:

20 (1) Vocational rehabilitation services shall be
21 provided directly or through public or private instrument-
22 talities, to any handicapped individual (a) who is a
23 resident of Alaska at the time of filing his application
24 therefor and whose vocational rehabilitation the Alaska
25 agency determines after full investigation can be satis-
26 factorily achieved, or (b) who is eligible therefor under
27 the terms of an agreement with another state or with the
28 Federal Government. Vocational rehabilitation services,
29 other than diagnostic and related services (including

1 transportation in connection therewith), guidance, train-
2 ing, and placement, shall be provided at public cost only
3 to the extent that the handicapped individual is found
4 by the Alaska agency to require financial assistance with
5 respect thereto.

6 (2) In case vocational rehabilitation services
7 cannot be provided for all eligible handicapped individuals
8 who apply for such services, the Alaska agency shall pro-
9 vide by regulation for determining the order to be followed
10 in selecting those to whom such services will be provided.

11 Sec. 4. Sec. 37-9-8, ACLA 1949, is hereby repealed and re-
12 enacted to read as follows:

13 Sec. 37-9-8. POWERS AND DUTIES OF THE ALASKA AGENCY,

14 (1) In carrying out this Act the Alaska agency
15 shall (a) take such action as it deems necessary or appro-
16 priate to carry out the purposes of this Act, and adopt
17 and promulgate rules and regulations in conformity with
18 such purposes; (b) determine the eligibility of all
19 applicants for vocational rehabilitation services under
20 the provisions of this Act; (c) prepare and submit to the
21 Governor annual reports of activities and expenditures
22 and, prior to each regular session of Legislature, esti-
23 mates of sums required for carrying out this Act and
24 estimates of the amounts to be made available for this
25 purpose from all sources; and (d) cooperate with other
26 departments, agencies and institutions, both public and
27 private, in providing for the vocational rehabilitation
28 of handicapped individuals, in studying the problems in-
29 volved therein, and in establishing, developing and

1 providing, in conformity with the purposes of this Act,
2 such programs, facilities and services as may be necessary
3 or desirable.

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

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

26 Sec. 5 Sec. 37-9-9, ACLA 1949, is hereby repealed and re-
27 enacted to read as follows:

28 Sec. 37-9-9. COOPERATION WITH FEDERAL GOVERNMENT.

29 (1) The Alaska agency shall cooperate with the

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

11 (2) Upon designation by the Governor, the Alaska
12 agency may perform functions and services for the Federal
13 Government relating to individuals under a physical or
14 mental disability, in addition to those provided in sub-
15 section (1) hereof.

16 Sec. 6. Title 37, Article 9, ACLA 1949, is hereby amended
17 by adding the following new sections thereto (designated as
18 37-9-10 through 37-9-17) to read as follows:

19 Sec. 37-9-10. FUNDS. Funds to carry out the pro-
20 visions of this Act may be appropriated in the general
21 appropriation act of the Alaska Legislature.

22 Sec. 37-9-11. VOCATIONAL REHABILITATION FUND. Funds
23 from all sources for the vocational rehabilitation pro-
24 gram shall be covered into a special fund designated as
25 Vocational Rehabilitation Fund and all expenditures for
26 this program shall be made from this fund.

27 Sec. 37-9-12. RECEIPT AND DISBURSEMENT OF FUNDS.
28 The Territorial Treasurer is designated custodian of all
29 vocational rehabilitation funds in the Territory.

1 Sec. 37-9-13. GIFTS. The Alaska Board of Vocational
2 Rehabilitation is hereby authorized and empowered to re-
3 ceive such gifts and donations from either public or
4 private sources as may be offered unconditionally for
5 carrying out the purposes of this Act. Gifts made under
6 such conditions as in the judgement of the Alaska agency
7 are proper and consistent with the provisions of this
8 Act may be accepted and shall be held, invested, rein-
9 vested, and used in accordance with the conditions of the
10 gift.

11 Sec. 37-9-14. MAINTENANCE NOT ASSIGNABLE. The right
12 of a handicapped individual to maintenance under this
13 Act shall not be transferable or assignable at law or in
14 equity.

15 Sec. 37-9-15. HEARINGS. Any individual applying
16 for or receiving vocational rehabilitation who is aggrieved
17 by any action or inaction of the Alaska agency shall be
18 entitled, in accordance with the regulations, to a fair
19 hearing by the Alaska agency.

20 Sec. 37-9-16. MISUSE OF VOCATIONAL REHABILITATION
21 LISTS AND RECORDS. It shall be unlawful, except for pur-
22 poses directly connected with the administration of the
23 vocational rehabilitation program, and in accordance with
24 regulations, for any person or persons to solicit,
25 disclose, receive, or make use of, or authorize, know-
26 ingly permit, participate in, or acquiesce in the use of
27 any list of, or names of, or any information concerning,
28 persons applying for or receiving vocational rehabilita-
29 tion, directly or indirectly derived from the records,

1 papers, files, or communications of the territory or sub-
2 divisions or agencies thereof, or acquired in the course
3 of the performance of official duties. Any officer or
4 employee violating this provision shall be subject to
5 discharge or suspension.

6 Sec. 37-9-17. LIMITATION ON POLITICAL ACTIVITY. No
7 officer or employee engaged in the administration of the
8 vocational rehabilitation program shall use his official
9 authority to influence or permit the use of the vocational
10 rehabilitation program for the purpose of interfering
11 with an election or affecting the results thereof or
12 for any partisan political purpose. No such officer or
13 employee shall solicit or receive, nor shall any officer
14 or employee be obliged to contribute or render, any
15 service, assistance, subscription, assessment, or con-
16 tribution for any political purpose. Any officer or
17 employee violating this provision shall be subject to
18 discharge or suspension.

19 Sec. 5. STATUTES REPEALED. Chapter 55 SLA 1955 and Chapter
20 79 SLA 1955 are hereby repealed.