

## SENATE BILL NO. 335

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR DUNCAN

Introduced: 1/13/92

Referred: Health, Education and Social Services

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the Governor's Council for the Handicapped and Gifted and the  
2 definition of 'developmentally disabled'."

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 SPECIAL  
6 EDUCATION [FOR THE HANDICAPPED AND GIFTED]. There is established the  
7 Governor's Council on Disabilities and Special Education [FOR THE HANDICAPPED AND  
8 GIFTED]. For budgetary purposes, the council is located within the Department of Health and  
9 Social Services but is the interdepartmental planning and coordinating agency of the Department  
10 of Health and Social Services, the Department of Education, and other departments that deliver  
11 services to persons who are handicapped or gifted. In addition, the council is the state planning  
12 council and interagency coordinating council for purposes of federal laws relating to the  
13 handicapped or gifted.

14 \* Sec. 2. AS 47.80.040(a) is amended to read:

1 (a) The council consists of no fewer than 18 nor more than 26 [23] members appointed  
2 by the governor in a manner that satisfies the requirements for a state interagency  
3 coordinating council under 20 U.S.C. 1482 and a state planning council under 42 U.S.C.  
4 6024 [ACCORDANCE WITH P.L. 91-517, P.L. 94-103, P.L. 94-142, AS AMENDED, AND  
5 AS 14.30.231].

6 \* Sec. 3. AS 47.80.090 is amended to read:

7 Sec. 47.80.090. RESPONSIBILITIES. The council shall

8 (1) serve as a forum by which issues and benefits regarding current and potential  
9 services to handicapped and gifted persons may be discussed by consumer, public, private,  
10 professional, and lay interests;

11 (2) advocate the needs of handicapped and gifted persons before the executive and  
12 legislative branches of the state government and before the public;

13 (3) advise the executive and legislative branches of the state government and the  
14 private sector on programs and policies pertaining to current and potential services to  
15 handicapped or gifted persons and their families;

16 (4) submit periodic reports to the commissioner of health and social services, the  
17 commissioner of education, and to other appropriate departments, on the effects of current federal  
18 and state programs regarding services to handicapped or gifted persons; these reports must  
19 [SHALL] include program performance reports to the governor, the federal government, and to  
20 state agencies as required under 20 U.S.C. 1482 and 42 U.S.C. 6024 [BY P.L. 91-517, P.L.  
21 94-103, OR P.L. 94-142, AS AMENDED];

22 (5) in conjunction with the Departments of Health and Social Services and  
23 Education, develop, prepare, adopt, periodically review, and revise as necessary an annual state  
24 plan prescribing programs that [WHICH] meet the needs of persons with developmental  
25 disabilities as required under 42 U.S.C. 6022 [P.L. 91-517 OR P.L. 94-103, AS AMENDED];

26 (6) review and comment to commissioners of state departments on all state  
27 plans and proposed regulations relating to programs for persons with handicaps before the  
28 adoption of a plan or regulation; for this purpose, the appropriate departments shall submit the  
29 plans and proposed regulations to the council;

30 (7) recommend the priorities and specifications for the use of funds received by  
31 the state under 20 U.S.C. 1471 - 1485 and 42 U.S.C. 6000 - 6083 [P.L. 91-517, P.L. 94-103

1 AND P.L. 94-142, AS AMENDED];

2 (8) submit annually to the commissioner of health and social services, the  
3 commissioner of education, and the commissioner of community and regional affairs a proposed  
4 interdepartmental program budget for services to handicapped or gifted persons that [WHICH]  
5 includes, insofar as possible, projected revenues and expenditures for programs implemented by  
6 state agencies, local governmental agencies, and private organizations; the interdepartmental  
7 program budget is an informational supplement to the regular annual budgetary submissions of  
8 the departments to the Office of the Governor;

9 (9) provide information and guidance for the development of appropriate special  
10 educational programs and services for exceptional children as defined in AS 14.30.350;

11 (10) monitor and evaluate budgets or other implementation plans and programs  
12 for handicapped and gifted persons to assure nonduplication of services and encourage efficient  
13 and coordinated use of federal, state, and private resources in the provision of services; members  
14 of the council, with the approval of the council, have access to information in the possession of  
15 state agencies subject to disclosure restrictions imposed by state or federal confidentiality or  
16 privacy laws;

17 (11) perform other duties required under applicable federal laws [P.L. 91-517,  
18 P.L. 94-103, P.L. 94-142, AS AMENDED,] or AS 14.30.231 [,] and as the governor may assign;  
19 and

20 (12) govern the special education service agency [,] and may hire personnel  
21 necessary to operate the agency.

22 \* Sec. 4. AS 47.80.900(7) is repealed and reenacted to read:

23 (7) "person with a developmental disability" means a person who has a severe,  
24 chronic disability that

25 (A) is attributable to a mental or physical impairment or combination of  
26 mental and physical impairments;

27 (B) is manifested before the person attains age 22;

28 (C) is likely to continue indefinitely;

29 (D) results in substantial functional limitations in three or more of the  
30 following areas of major life activity: self-care, receptive and expressive language,  
31 learning, mobility, self-direction, capacity for independent living, and economic self-

1           sufficiency; and

2                           (E) reflects the person's need for a combination and sequence of special,  
3           interdisciplinary, or generic care, treatment, or other services that are of lifelong or  
4           extended duration and are individually planned and coordinated;

5   \* Sec. 5. AS 47.80.040(b), 47.80.040(c), 47.80.040(d), and 47.80.040(e) are repealed.

6   \* Sec. 6. REVISOR'S INSTRUCTION. Wherever in the Alaska Statutes and the Alaska  
7 Administrative Code the term "Governor's Council for the Handicapped and Gifted" is used, it shall be  
8 read as referring to the Governor's Council on Disabilities and Special Education when to do so would  
9 be consistent with the changes made in sec. 1 of this Act. Under AS 01.05.031, the revisor of statutes  
10 shall implement this section in the statutes and, under AS 44.62.125(b)(6), the regulations attorney shall  
11 implement this section in the administrative code.