

HB

519

TESTIMONY ON HB 519 BY THOMAS BACON, CHAIRMAN
GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED
February 8, 1977 Juneau, Alaska

My name is Tom Bacon and I am the father of a multiply handicapped child. I am speaking today as the Chairman of the Governor's Council for the Handicapped and Gifted.

The bill before you today is the culmination of many hours of work by citizens of this State who want to ensure that the special needs of handicapped Alaskans are being met. The effort began in 1974 when the Alaska Coalition for Developmentally Disabled Persons, a group comprised of thirty-three consumer groups and private agencies, developed an in-depth position paper on needed changes in policy and legislation to meet the needs of the State's developmentally disabled population. At about the same time the Alaska Legislature created a Mental Health Code Revision Sub-committee out of which resulted two new bills dealing separately with mental health and developmental disabilities. Unfortunately the developmental disabilities bill did not reflect the principles outlined in the Coalition document and so the Council and other consumer groups testified against it.

In April of 1976 the Developmental Disabilities Planning Council decided to undertake the task of drafting comprehensive legislation. The Council developed a draft bill and in February of 1977 held public hearings on it in Juneau, Anchorage and Fairbanks. Revisions to the bill were made to reflect the comments received and the final draft, approved by the Council, was submitted to Governor Hammond who introduced the legislation in May, 1977.

HB 519 is intended to provide an integrated statutory means of bringing together federal, state, local and private resources to meet the needs of handicapped Alaskans and to assure the rights and dignity of these people. The bill is divided into three sections:

1. A section focussing attention on and reaffirming basic rights of persons with handicapping conditions. This section is based on a model rights statement prepared by the World Health Organization, and states that handicapped people have a right to education, training and habilitation; a right to appropriate health care; a right to economic security; a right not to be placed in a residential facility if such a placement is not necessary; a right to qualified guardians, and a right to protection from exploitation, abuse and degrading treatment.
2. A section establishing a council composed of service providers, handicapped persons or parents of handicapped persons, state agency representatives, and concerned citizens to advocate for the needs of handicapped persons before the executive and legislative branches of government and the public. This section formalizes in law the present Governor's Council for the Handicapped and Gifted (established by Administrative Order) and sets forth the Council's scope, membership, and responsibilities.

3. A section authorizing the Department of Health and Social Services, the Department of Education and, as appropriate, other Departments to provide a comprehensive system of services and facilities for persons with handicapping conditions. This section specifies the types of services to be offered and establishes principles and guidelines for the programs offered. In addition, this sections requires that:
 - a. standards for services to handicapped persons, not covered by existing regulations, be developed within a specified time period;
 - b. services be provided to handicapped persons based on their individual need;
 - c. the mechanism outlined in the bill be utilized to ensure interdepartmental planning and coordination of existing and future services.

It is the third section of the bill which the Council considers to be most important. Handicapped persons need many kinds of services. These services should be community based and available throughout a handicapped person's lifetime. In the past the State has focussed its attention on providing only a few of these services. For instance, it was not long ago that virtually the only service the State provided for developmentally disabled persons was residential care. Though families may have only needed a specific type of assistance such as respite care, to help them raise their child at home, the only option available to them was to place their child in an institution.

I can attest to this from my own personal experience. My wife and I placed our child in a residential facility because we could not obtain assistance to bring someone into our home a few hours a day to help relieve us of the responsibilities of caring for our severely handicapped child.

As a result of pressure brought by concerned Alaskans, the legislature has slowly expanded the State's authority to provide services to handicapped persons. However there are still badly needed services for which no clear authorization exists. The sections giving the State authority to provide services are scattered throughout present statutes, and must be liberally interpreted in order to justify funding of certain programs.

The lack of statutory authority to provide an array of community based services is most clearly illustrated by the sections of the statutes dealing with services for mentally retarded persons. Under existing statutes, mentally retarded persons fall under the definition of mentally ill persons. The Department of Health and Social Services receives its authority to fund residential and community based services for developmentally disabled persons from Section 47.30.10 which authorizes the Department to "designate, operate and maintain hospitals and other health facilities equipped and qualified to provide in-patient and out-patient care and treatment for the mentally ill". Nowhere, in existing statute, is clear authority given to provide services to persons with the developmental disabilities of autism, cerebral palsy, epilepsy, or other neurological impairments.

It is now commonly recognized that services to developmentally disabled persons are best provided in a non-medical setting. Respite care, day care, rehabilitation, training and follow along services for developmentally disabled persons do not strictly fall under the category of out-patient services provided in a health facility, yet this section of the statutes is currently being used as authority to fund such programs. Even a large portion of the residential services funded by the State are being provided in non-hospital settings.

The Council feels that authority to provide a wide range of services, not just for mentally retarded persons but for people with epilepsy, cerebral palsy, autism and other handicaps, needs to be clearly spelled out in one section of the statutes. This need is particularly critical if mentally retardation is to be excluded from the definition of mental illness as proposed in HB 472.

HB 519 was introduced into the legislature in May of 1977. In July of 1977 Governor Hammond merged the Developmental Disabilities Planning Council with the Special Education Advisory Council to form the Governor's Council for the Handicapped and Gifted. The merger was done in accordance with a recommendation by the Governor's Management Efficiency and Review Committee. Both Councils were a bit apprehensive about the merger at first, but it has turned out very well and the new Council is extremely active.

The merger of the two Councils necessitates that changes be made in HB 519. The Council has drafted such changes and would like to introduce them at this time.

As can be seen most of the changes involve Article 2 of the bill where the composition and responsibilities of the Council have been modified to include the responsibilities of the former Special Education Advisory Council. The recommended changes would allow the Council to meet the requirements for a special education advisory group mandated by P.L. 94-142, the Education for All Handicapped Children Act.

In addition to these modifications, the Council would like to recommend several other changes to HB 519. These are:

1. The Council is particularly concerned that a statement be included limiting parental liability for payment for residential care of handicapped children. Under current statutes, mentally retarded people are considered to be mentally ill. Because of this, residential facilities for developmentally disabled persons come under those sections of the statutes dealing with hospitalization of mentally ill persons, including Sec. 47.30.270 which deals with liability for payment. Sec. 47.30.270 states that "Notwithstanding the amount of the charge determined to be due, parents may not be required to pay more than \$50 a month for each child." In HB 472 mentally retarded persons are not included in the definition of mental illness. If HB 472 passes, there will be no statute covering liability for payment for mentally retarded persons receiving residential subsidies from the State.

2. That the adjective "developmentally" be removed from the term developmentally handicapped throughout the bill. The term developmentally is not widely used and so the inclusion of the term in HB 519 would only serve to confuse people.
3. That Sec. 47.80.060 be changed to allow members of the Council with handicapped children to be reimbursed for the cost of respite care incurred while they are attending Council meetings. It is very difficult and very expensive for Council members to find skilled persons to take care of their handicapped children while they are away from home. The Council feels that it is unfair to require Council members to pay this expense out of their per diem which normally barely covers travel expenses. Without involvement of consumers who have handicapped children at home, the Council cannot truly reflect consumer concerns.

The Council drafted HB 519 in hopes that the life-long service needs of all the State's handicapped population will be met in the most efficient possible manner. We know that developing the proper statutory mechanism for achieving this goal is very difficult. We present HB 519 then as our best collective effort to develop such a mechanism and hope that the legislature will be able to improve on it after receiving input from others showing our concern.

OVERVIEW OF HB 519
An Act Relating to Persons with Developmental Handicaps

Prepared by the Governor's Council for the Handicapped and Gifted

Background

In 1974 and 1975 the Alaska Coalition for Developmentally Disabled Persons, a group comprised of thirty-three consumer groups and private agencies, developed an in-depth position paper on needed changes in state policy and legislation to ensure that the needs of developmentally disabled Alaskans are being met. In 1976 the Developmental Disabilities Planning Council* undertook the task of drafting comprehensive legislation reflecting the principles outlined in the position paper. The result is HB 519, An Act relating to persons with developmental handicaps.

Intent

HB 519 is intended to provide an integrated statutory means for bringing together federal, state, local and private resources to meet the needs of handicapped persons and to assure the civil rights and human dignity of persons with handicapping conditions.

Content

HB 519 contains three main sections:

1. A section focussing attention on and reaffirming basic rights of persons with handicapping conditions. This section is based on a model rights statement prepared by the World Health Organization and is meant to clearly state that people with handicapping conditions have the same basic civil rights as nonhandicapped people.

2. A section establishing the Governor's Council for the Handicapped and Gifted. This section formalizes in law the present Council (established by Administrative Order) and sets forth the Council's scope, membership and responsibilities. The Council is currently representing the interests of handicapped persons through a variety of strategies including public information, legislation, administrative review, comprehensive planning, and monitoring and evaluation of programs.

3. A section authorizing the Department of Health and Social Services, the Department of Education and, as appropriate, other Departments to provide a comprehensive system of services and facilities for persons with handicapping conditions. This section specifies the types of services to be offered and establishes principles and guidelines for the programs offered. In addition this section requires that:

a. standards for services to handicapped persons, not covered by existing regulations, be developed within a specified time period;

b. services be provided to handicapped persons based on their individual need;

c. the mechanism outlined in the bill be utilized to ensure inter-departmental planning and coordination of existing and future services.

* Now the Governor's Council for the Handicapped and Gifted.

POSITION PAPER

ON

HOUSE BILL NO. 519

"An Act relating to persons with developmental handicaps."

The Department of Health and Social Services is heartily supportive of the objectives of this bill. More and more attention is being focused nationwide on the heretofore often neglected rights of those with developmental handicaps. Justifiable pressure will continue to mount for official recognition of these by the State of Alaska.

House Bill 519 provides a focus. The Bill helps pull together the present, and sometimes diverse, efforts in this field and it gives formal statutory recognition to the desirability of such activities and commitments. Further, H.B. 519 defines the parameters of "developmentally handicapped." It excludes from consideration those who are a danger to themselves or others due to psychosis or senile changes and it removes the mentally deficient and severely mentally retarded individuals from the definition of "mentally ill individuals."

The Bill is intended to have no large fiscal impact nor is it intended to authorize new programs. The intent is to coordinate efforts already underway. House Bill 519 does, however, recognize obligations, many of which are mandated to the Department, that will have financial impact in the future. The Bill obligates the Department to continue a system to protect and advocate the rights of the developmentally handicapped (47.80.020), to provide adequate personnel who report directly to the council (47.80.070), to license residential facilities (47.80.140), to work on budgets, regulations, and provide technical assistance (47.80.150), and to work with other departments in implementing programs and plans (article 3). The Department has no objections to these mandates as such, but recognizes that additional expenditures will necessarily be incurred in the future to meet these obligations. Mechanisms for implementing these statements of intent are likely to be developed in the promulgation of regulations required by this bill.

Accordingly, although not in the Governor's original budget submittal, we are requesting some additional funds to write standards and regulations during the 180 days following passage of this bill. It is further estimated that Fiscal Years 1979 through 1982 are likely to see requests for substantially increased funding over currently approved budget levels to implement H.B. 519. Many of these obligations, however, would be incurred without H.B. 519. The influence of potential changes in national actions or policies is largely unknown. It is, however, estimated that some part of the projected funding needs will be shared by the Federal government.

Position Paper on House Bill 519 - continuation.

Governor Hammond, by Administrative Order No. 42-A, has recently created the Governor's Council for the Handicapped and Gifted by combining the former Developmental Disabilities Planning Council and the former Special Education Advisory Council. In almost all respects the provisions of this Order and the provisions of H.B. 519 are parallel. The Department supports the creation of the Council as a means of recognizing and supporting those with developmental handicaps.

Robert P. Gregovich

Dr. Robert Gregovich
Division of Mental Health and
Developmental Disabilities

Feb 8, 1978
(Date)

Helen D. Beirne

Helen D. Beirne, Commissioner
Department of Health and Social Services

2/8/78
(Date)

POSITION PAPER/Department of Health and Social Services

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 519
 Title An Act relating to persons with developmental handicaps.
 Requested by Governor Date 5/2/77

II. FISCAL DETAIL

Agency Affected Departments of Education, Health & Soc. Svcs., Community & Reg. Affairs & La
 Program Category Affected Depends on regulations and standards.
 Budget Request Unit(s) Affected Depends on regulations and standards.

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		40.4				
200 TRAVEL		1.6				
300 CONTRACTUAL		2.0				
400 COMMODITIES		1.0				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		45.0				

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND		45.0				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME						
PART TIME						
TEMPORARY		3				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Even though the bill does not provide for a mechanism by which one can estimate the amount of funds for implementation, the bill, if passed, is expected to serve as a focal point for existing pressure by communities for new and expanded community services to the handicapped. The existing demand is approximately \$400,000 for Fiscal Year 1979 for the area of developmental disabilities alone.

At the onset, and at a minimum, the bill would require one and one-half man years to write standards and regulations during the 180 day period immediately following passage of the bill.

Classification	Range	Location	Man-Months	Cost
H&SS Planner II	19	Juneau	6	\$17,485
H&SS Planner I	17	Juneau	6	\$14,706
Clerk Typist III	8	Juneau	6	\$ 8,223
				\$40,414

IV. DATE February 8, 1978 PREPARED BY Robert P. Gregovich, Ph.D.
 AGENCY Dept. of Health & Soc. Svcs. Div. of MH & DD
 PHONE 465-3370

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

POSITION PAPER

ON

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 519

TITLE

"An Act relating to handicapped persons; and providing for an effective date."

INTENT

The intent of the CS for HB-519 is ". . . . to assure provision of quality services to those children and adults who have handicaps by reason of mental or physical disabilities" This intention changes the basic intent of HB-519. The target of HB-519 are those persons who were either born with a substantial handicap or those whose handicap occurred during childhood or, more generally, the developmental period. The CS for HB-519 expands the target population to include any and all handicaps without regard for the age of onset of the disability. The CS for HB-519 does this by deleting the word "developmental" as a qualifier for the term "developmental handicap."

EFFECTS OF CS FOR HB-519 AND DEPARTMENT RECOMMENDATIONS

CS for HB-519 amends HB-519 in a number of ways. Because the writer of this position paper has major responsibilities for programs and services to the developmentally disabled, and is less knowledgeable about programs for those with other handicaps, the following points are mainly directed toward the developmentally disabled.

- (a) As mentioned above, the CS for HB-519 deletes the word "developmental" as a qualifier for the term "developmental handicap." Technically, this change has no consequence to programs for the developmentally disabled. However, to the extent that the CS for HB-519 is directed toward handicaps other than developmental disabilities, that impact of this change may draw attention away from the original focus. There is a general concern that programs for the developmentally disabled have a lower priority than programs for other handicapping conditions.

Therefore, even though the Department would prefer to see the limited scope of HB-519 maintained, the change is acceptable to the Department.

- (b) The CS for HB-519 adds a section regarding liability for payment for services (Sec. 47.80.150). The impact of this section is not substantial for those who are developmentally disabled, or their parents, because current statutes limit liability for payment by parents to \$50 per month. CS for HB-519 maintains the \$50 limit for parents and extends the limit to developmentally disabled adults.

Therefore, the Department finds no substantial objection to the liability for payment language as applied to the developmentally disabled and their parents and as applied to services provided by the Division of Mental Health and Developmental Disabilities. However, upon the writing of this position paper, the answers to two issues raised by the addition of Section 47.80.150 are not known.

- (1) One issue is that this section applies to the liability of developmentally disabled persons who receive services from other Divisions within the Department of Health and Social Services (i.e., Public Health, Social Services, Public Assistance, and Corrections). Liability for payment by developmentally disabled persons who receive services from these other Divisions would also be limited to \$50 per month. Presently, the impact of this language on the programs operated by other Divisions is unknown.
- (2) A second issue is that the liability section directs itself to all handicapped persons who are served by programs operated by or administered by the Department. This means that all persons who are handicapped (but not developmentally disabled) must pay up to the full cost of a service. Presently the impact of this language on the Department's program is unknown. But it is surmised that the impact would be substantial, particularly for those services administered by the Division of Public Health, Social Services and Public Assistance.

- (c) The CS for HB-519 adds a section regarding transportation of clients to and from treatment facilities (Section 47.80.160). The language of this section is not appropriate for services to developmentally disabled persons nor for other handicapped persons. A designated facility is not defined, "treatment" is not defined, and the Department would be precluded from arranging for persons other than "medical or nursing attendants" to accompany the handicapped person.

The Department suggests that this section be deleted and that the following language be added as subsection (d) after subsection (c) under Section 47.80.100 (page 7, CS for HB-519): "When necessary the Department may arrange and pay for transportation of handicapped persons to and from the location of the service. In addition, when necessary the Department may pay for transportation of persons to accompany the handicapped person."

- (d) The CS for HB-519 adds a section regarding personal needs upon discharge (Sec. 47.80.170). The language of the section (like Sec. 47.80.160) is not appropriate to the handicapped. "Patient" is a misnomer for the purposes of the bill, "designated facility" is not defined, "convalescent status" applies to persons who receive medical-surgical services rather than habilitative programs, and "discharge" implies allowing someone to leave a hospital after treatment.

The Department suggests deletion of Section 47.80.170.

- (e) CS for HB-519 repeals the current Mental Health Statute (AS 47.30.010 AS 47.30.340). This is shown on page 13 of CS for HB-519. In addition, CS for HB-519 indicates that the act takes place "on the effective date of a version of HB-472."

It is the Department's view that neither of these provisions are necessary. It is suggested that both of these provisions be deleted from CS for HB-519 and that the following sections be added:

- (1) "*Sec. 5. Sec. 47.30.340(10) is hereby amended by deleting the words "or a mentally deficient and severely mentally retarded person whom the Commissioner of Health and Social Services or his designee admits for treatment subject, however, to all the other admission and discharge procedures provided for in 10-340 of this chapter".
- (2) "*Sec. 6. This Act takes effect on July 1, 1978."

- (f) Sec. 47.80.120 of the CS for HB-519 speaks to individualized habilitation plans for handicapped clients.

The Department recommends that the following words be added to the sentence ending on line 24, page 7 of CS for HB-519: ". . . . and the Department."

- (g) Section 47.80.020 CS for HB-519 speaks to the establishment of a protection and advocacy system for the handicapped. The Department recognizes this system as that which has been established under P. L. 94-103 for protection and advocacy of developmentally disabled individuals. The consequences of broadening the scope of the protection and advocacy system to include all handicapping conditions is unknown. Presently the protection and advocacy system directs itself toward developmentally disabled individuals. Institutionalizing the present untried system by statute for all handicapped individuals may prove to be unwise. Also, because CS for HB-519 designates the Department to be the sole administering agency for P. L. 94-103 (or P. L. 94-103 as amended) deletion of this section would have no effect on the existing protection and advocacy system for the developmentally disabled.

Therefore, the Department suggests deletion of Section 47.80.020 of CS for HB-519.

- (h) The definition of the term "person with a handicap" in Section 37.80.900 of CS for HB-519 includes persons who are gifted by reference to the term "exceptional children." This means that technically, the Department of Health and Social Services would have to provide coordinated and comprehensive services to "gifted" persons as well as those who are handicapped.

Therefore, the Department recommends adding to line 24, page 12, of CS for HB-519 the sentence: "However, the term excludes persons who are gifted."

(i) OTHER

- (1) The CS for HB-519 changes some language of HB-519 in favor of more appropriate statutory language (i.e., "the Department shall" instead of "the Department must").

The department agrees with these changes.

- (2) The CS for HB-519 clarifies the powers and duties of the Department in Section 47.80.130.

The Department agrees with the clarifications.

- (3) The CS for HB-519 shortens the length of HB-519 by deleting certain items and subsections of HB-519 that the committee felt created confusion, were redundant, were adequately covered by more generalized language of the Bill, or were best dealt with by regulation. The major deletions were subsections (5)(A) through (6) of Sec. 47.80.010 of HB-519 (Rights); Subsection (5)(A) through (5)(D) of Sec. 47.80.090 of HB-519 (Responsibilities of the Council); subsection (a) 1 through 2 of Sec. 47.80.100 of HB-519 (Programs); and subsection through (12) of Sec. 47.80.100 of HB-519 (Program Principles).

The Department agrees with the deletions and intends to abide by their intent upon writing regulations for the Bill.

- (4) The CS for HB-519 deletes the requirement for regulations to be written within 180 days after passage of the Bill.

The Department concurs with this deletion.

SUMMARY POSITION OF THE DEPARTMENT

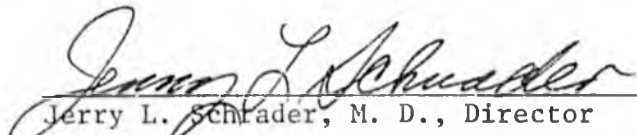
The Department supports the passage of CS for HB-519 with the changes, deletions and additions recommended above.

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POSSIBLE FISCAL CONSEQUENCES OF THE BILL

The fiscal impact of CS for HB-519 for programs to all handicapped persons is presently unknown. The impact on the general fund for programs for those persons who are developmentally disabled may be substantial. However, even without the passage of the bill, the known demand for new or expanded community programs for the developmentally disabled in Anchorage, Fairbanks, Juneau, Kodiak, Bethel, and Valdez is approximately \$750,000 over the Governor's proposed budget for FY 1979. Based on national movements regarding services to the handicapped and based on growth trends in the State of Alaska, it is anticipated that the demand for added services in each of FY 1980, 1981 and 1982 will be from \$200,000 to \$600,000 (not considering inflation). The Bill does not mandate such an increase, but would probably facilitate it by creating a focal point for the creation of additional services.

Because the Bill does not provide new mechanisms, procedures, or agencies to deal with the administration of the programs, and because the Bill is written in general terms, a great deal of the fiscal impact will be influenced by legislative decision, administrative decision, and the manner in which the regulations will be written. It is the Department's judgment that 1 1/2 man-years will be required to write the regulations following passage of the Bill. This will require \$45,000 in FY 1978.



Jerry L. Schrader, M. D., Director
Division of Mental Health and Developmental Disabilities

5-4-78

(Date)

Helen Beirne, Commissioner
Department of Health & Social Services

(Date)

POSITION PAPER / Department of Health and Social Services

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for HOUSE BILL 519Title "An Act relating to handicapped persons; and providing for an effective date."Requested by Health, Education and Social Services Committee Date April 26, 1978

II. FISCAL DETAIL

Agency Affected Departments of Education, Health & Social ServicesProgram Category Affected Depends on regulations and standards.Budget Request Unit(s) Affected Depends on regulations and standards.EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		40.4				
200 TRAVEL		1.6				
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400 COMMODITIES		1.0				
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FUNDING (Thousands of Dollars)

GENERAL FUND		45.0				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY		3				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Even though the bill does not provide for a mechanism by which one can estimate the amount of funds for implementation, the bill, if passed, is expected to serve as a focal point for existing pressure by communities for new and expanded community services to the handicapped. The existing demand is approximately \$750,000 over the Governor's proposed budget of services to developmentally disabled persons.

At the onset, and at a minimum, the bill would require one and one-half man years to write standards and regulations after passage of the bill. The following temporary positions will be necessary:

Classification	Range	Location	Man-Months	Cost
H&SS Planner II	19	Juneau	6	\$17,485
H&SS Planner I	17	Juneau	6	\$14,706
Clerk Typist III	8	Juneau	6	\$ 8,223
				\$40,414

IV. DATE May 4, 1978PREPARED BY Robert P. Gregovich, Ph. D.AGENCY Dept. of Health & Social Services, Division ofPHONE Mental Health & Developmental Disabilities

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Phone: 465-3370

TESTIMONY OF THE GOVERNOR'S ADVISORY COUNCIL ON DEVELOPMENTAL HANDICAPS
ON HOUSE BILL 472, OCTOBER 5, 1977

My name is Patricia Senner and I am testifying today on behalf of the Governor's Advisory Council on Developmental Handicaps. The Council is a merger of the former Developmental Disabilities Planning Council and the Special Education Advisory Council.

In the past issues concerning the developmentally disabled and the mentally ill were covered under one bill. Part of the reason for drafting H.B. 472 was to separate the issues concerning these two populations. While H.B. 472 was being developed the Developmental Disabilities Council worked to draft a companion bill, H.B. 519, which covers issues concerning the developmentally disabled.

Because H.B. 472 covers issues relating mostly to the mentally ill the Governor's Advisory Council has not felt knowledgeable enough to comment on the bill in detail. However, we do want to comment on that section of the bill which we feel directly impacts the developmentally disabled population.

In the past there have been cases where mentally retarded people have been involuntarily committed because they exhibited unusual behavior patterns which frightened neighbors. There was a case of this not too many years ago in Sitka where neighbors signed a petition and had a mentally retarded child committed. It took two years for the parents of that child to get him returned home.

The Council wants to make sure that it is spelled out clearly in H.B. 472 that a person may not be committed solely on the basis of the fact that he is developmentally disabled. In section 47.30.256 (8) mental illness is defined as "an organic, mental or emotional impairment which has substantial adverse effects on an individual's ability to exercise conscious control of his actions or ability to perceive reality or to reason or understand; mental retardation, epilepsy, drug addiction and alcoholism do not per se constitute mental illness..." We agree with this definition but feel that the exclusion of developmentally disabled persons from the category of the mentally ill should be clearly spelled out in the main body of the bill.

The Washington state law dealing with involuntary commitment has the following section concerning dd persons.

71.05.040 Persons who are epileptics, mentally deficient, mentally retarded, impaired by chronic alcoholism or drug abuse, or senile shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes likelihood or serious harm to self or others...

To be included in the bill.

We feel that this wording provides stronger protection to the developmentally disabled person than simply excluding them from the definition of mental illness. We would like to see this type of wording included in H.B. 472 with the addition of the autistic persons.

There are some who may be surprised that we do not consider autism a form

of mental illness. It is pretty uniformly accepted now that autism is a result of damage to the central nervous system, and is not a form of childhood schizophrenia. There are many facts which have led to this conclusion including the fact that symptoms of this disease can be noticed as early as three to five months in a child, and that there is no clear history of abuse in children with this disability. Mrs. Ludmilla Jacobs from the Parents of Autistic Children is here today to elaborate on this point for the committee.

If there are any specific issues relating H.B. 472 which you would like the Council to review in depth or comment on we would be glad to do so. We appreciate having the chance to testify before you today.

February 1st, 1976

Dear Mr. Pan:

I am writing you this letter with regards to House Bill HB-519. As president of the newly formed Sitka-based parents' group for Children with Special Needs, I want to urge you to work for and support this bill. It is an extremely important piece of legislation, and will do a great deal to reaffirm the legal rights of developmentally handicapped children in Alaska. By clarifying the duties and responsibilities of the Council for the Handicapped, and by examining further the special needs of the handicapped, a great step forward is taken by our state to insure quality education and assistance for all its citizens. We thank you for any assistance you can be in helping us reach this goal.

Respectfully yours,
Mrs. Ronald Hendricks

Ludmilla Jacobs
2124 Esquire Drive
Anchorage, Alaska 99503
907(277-6843)

I am the mother of a 6 year old autistic
boy. Many autistic children are mute and
those that aren't still have difficulties with
speech and communication. It is parti-
cularly for these silent children that I
support House Bill 519.

Thank You!

Ludmilla J. Jacobs

Alaska Federation of Women's Clubs

2308 Boniface Parkway
Anchorage, Alaska 99504
(907) 333-8161

President
Mrs. Clarence V. Chatterton

February 3, 1978

The Honorable Charles Parr
Chairman - House HESS
Pouch V
Juneau, Alaska 99811

Dear Representative Parr:

The Alaska Federation of Women's Clubs is composed of clubs in Anchorage, College, Chugiak, Haines, Nome and Wrangell, Alaska.

As the president of this organization of six hundred women, I am writing to inform you that we are supporting the passage of H.B. 519, a bill for the developmental h ndicapped and H.B. 548, a bill for the education of exc ional children (0-3 years).

May we take this opportunity to sincerely thank you and the members of the committee for giving us this opportunity in letting our support be known of these two very important pieces of legislation for the developmental handicapped citizens in Alaska.

Sincerely yours,

Roberta D. Chatterton

Roberta D. Chatterton
President

Rocky - Info
HB 519 file

January 27, 1978

Representative Charles H. Parr
House Health, Education, and Social Services Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Parr:

I would like to go on record in support of the Governor's Bill, House Bill 519, which would provide a legislative framework for meeting the needs of persons with developmental handicaps. Although I have no specific testimony to submit, I do hope to be able to attend the Joint Committee hearing scheduled for February 8, 1978, and would be happy to offer any information as to the needs of the developmentally disabled in the Juneau area and the significance of House Bill 519 as it relates to our community.

As a special education teacher and present member of a local citizen's committee, REACH (Residential, Educational Alternatives in the Community for the Handicapped), I have come to know the needs of the developmentally disabled and realize the importance of providing them with every possible opportunity for education, training, and typical living situations. The passage of House Bill 519 would ensure that services would be coordinated in providing handicapped Alaskans with every opportunity to lead as normal and fulfilled life as possible.

Thank you for your time and consideration of this bill.

Sincerely,

Mary Aronson
Mary Aronson
P.O. Box 1004
Juneau, Alaska 99802

FOX RIVER

2-8-78

Members of the Committees:

As president of the Alaska State Association for Retarded Citizens, I am expressing support of this legislation. The local, state and national levels of our Association have been strongly supportive of all of the principal points of this bill:

- the retarded ^{and developmentally disabled} citizen's place in the community with rights equal to other citizens
- the benefits of coordinated planning which still leaves room for negotiation between advocates of the many diverse issues and perspectives involved
- the separation of developmental disability concerns from those pertaining to mental health.

This bill is an excellent beginning!

Nancy Johnson
President

HB 519

May 2, 1977

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill to provide a comprehensive legislative framework for meeting the needs of persons with developmental handicaps. The bill is based on draft legislation prepared during the past several months by my Planning Council on Developmental Disabilities -- a broadly based group of members of the public and governmental and private sector officials concerned with services for persons with developmental handicaps. The council has exercised a very direct and specific role in writing this bill. The proposed legislation was recently submitted to me, after public hearings and preparation of a final draft through the Department of Law, with the request that I present it for introduction in the legislature. I am pleased to transmit this bill and urge your serious consideration of it during the legislative interim for action next session.

The bill is intended to provide an integrated statutory means of marshalling federal, state, local, and private resources to meet the needs of persons with developmental handicaps in the most efficient and best coordinated manner and also of assuring the rights and dignity of persons having the mental or physical disabilities specified in the proposed law.

The basic objective of the bill is not to authorize new programs and funding or new administrative structures but rather to provide a focus on and organization of present efforts, so as to improve and make more readily accessible to persons with developmental handicaps services which are already provided for the general population and encourage special adaptations of these

general services. Funds will undoubtedly be needed eventually to fill gaps in existing services for persons with developmental handicaps, and such proposals will undoubtedly be considered in the future, whether or not the proposed legislation is enacted. However, by enabling existing funds to be channelled in a better coordinated way and establishing a potential for efficiencies in the use of present as well as future funds, the proposed legislation suggests a desirable first step to organizing public and private resources effectively and developing a sound public and private partnership to meet the special needs of the thousands of children and adults of the state with developmental handicaps.

The bill has three main components. The first, set out in Article 1, the rights article, gives legislative reaffirmation of basic rights of persons with developmental handicaps. Proposed AS 47.80.010(a) first sets out a general affirmation of rights, patterned after a basic rights statement of recently enacted California law (Health and Safety Code of the State of California, Sec. 33002). In part, this provision incorporates and extends to all programs and activities receiving public funds the concept of existing federal law prohibiting discrimination in programs or activities receiving federal financial assistance (Sec. 504 of the Rehabilitation Act of 1973, P.L. 93-112).

Proposed AS 47.80.010(a) then enumerates more specific rights determined for inclusion by my Planning Council on Developmental Disabilities and based on a model rights statement prepared under auspices of the World Health Organization. The emphasis of the rights article of the bill is on assuring that persons with developmental handicaps may live as complete and normal lives as possible within the limits of their handicaps and may develop individual potential and ability to the fullest extent possible.

The second section of the rights article, proposed AS 47.80.020, provides for a state system to protect and advocate rights of persons with developmental handicaps. This provision is included in the bill primarily

to comply with conditions of the state's receiving federal funds under the current Disabilities Services and Facilities Construction Act (P.L. 91-517, as amended by P.L. 94-103). Approximately \$150,000 annually has been and is expected to continue to be apportioned to the state under that law. As amended, the federal law requires that the state system for protecting and advocating individual rights be in effect by October 1 of this year. Planning of the system is now underway by my Planning Council on Developmental Disabilities. It should be noted that, while the system must be in effect as of October 1, 1977 as a condition to continued receipt of federal funds, the system can presently be implemented as a matter of state law under the general authority of existing AS 18.05.031, authorizing actions necessary to comply with the federal law; the enabling provisions of the proposed AS 47.80.020 are thus not mandatory for enactment this year but rather comprise part of the legislative framework to meet the needs of persons with developmental handicaps which the bill in its entirety represents.

The rights protection and advocacy system specifically authorized in the bill, like most provisions of the bill, is broader in scope of coverage than the coverage of the federal law cited above requiring the system. The federal provision is limited to persons with "developmental disabilities", as defined in the federal Act, while the attached bill includes those persons in its coverage of persons with "developmental handicaps" -- a broader category of mental or physical handicaps, defined in proposed AS 47.80.900(6) of the bill. Accordingly, to the extent that the bill includes within its scope the larger population of persons with developmental handicaps and authorizes a protection and advocacy system for their rights, it calls for service to persons which is not already authorized under existing law. In that limited sense the provision represents an extension of the basic purpose of the bill to provide a framework for marshaling resources under existing law to serve handicapped persons and is a commitment to a new service.

Following the rights article, the second main component of the bill establishes the Alaska Planning Council for Persons with Developmental Handicaps. This provision formalizes in law the existing Governor's Planning Council on Developmental Disabilities and broadens its scope of concern to persons with developmental handicaps. The existing council was established several years ago, without specific legislation, but by administrative action under the authority of AS 18.05.031, in order to qualify the state for the federal aid available under the federal Developmental Disabilities Services and Facilities Construction Act.

The proposed legislation reconstitutes the council and enlarges its membership to reflect its broadened scope of representation of the handicapped. The membership is constituted so as to satisfy requirements for federal assistance of the Developmental Disabilities Services and Facilities Construction Act and the federal Education for all Handicapped Children Act of 1975 (P.L. 94-142); this is the federal law, as recently amended, under which assistance is made available for the special educational needs of exceptional children within the state. While the specific responsibilities of the state planning body required under the latter federal Act are not assigned to the council under the proposed legislation but rather remain in the special education advisory committee currently provided for under AS 14.30.231, amalgamation of the two planning groups is anticipated as a gradual process.

Generally in terms of its responsibilities, the council, at AS 47.80.090 of the proposed law, is afforded a strong role in planning and advocating for, and advising on and monitoring, efforts to meet the needs of persons with developmental handicaps. The intent is to assure a comprehensive array of services and assure nonduplication of services as well as efficient and coordinated use of federal, state, local, and private resources. The existing council, in its draft legislation on which the bill being transmitted is based, makes the following findings bearing on its proposed role:

(1) A formal state planning and advisory council is required for federal aid to state programs serving persons with developmental handicaps who qualify under the Developmental Disabilities Services and Facilities Construction Act (P.L. 91-517, as amended).

(2) Present responsibilities for state services to persons with developmental handicaps cross departmental lines, and a formal mechanism established by law is needed to coordinate state services and planning activities and prevent gaps in the spectrum of needed services, prevent duplication of services, provide clear responsibility for services, and eliminate other impediments to effective services.

(3) A mechanism is also required to provide integrated planning and close coordination of state services with the numerous services available to persons with developmental handicaps through private organizations and local governmental agencies, such planning and coordination being indispensable to serving persons with developmental handicaps effectively.

The council, consistent with the Developmental Disabilities Services and Facilities Construction Act, is responsible for developing the annual state plan required under that law to meet the needs of persons with developmental disabilities.

As its third article and final main component, the bill establishes a statutory "umbrella" for interdepartmental activities so as to provide a comprehensive system of services and facilities for persons with developmental handicaps. Depending on a person's handicap, different types of services are required for differing needs, and the provisions of the article are intended to assure that a comprehensive array of services properly provided is available to meet individual needs.

The article specifies types of services to be offered and establishes principles and guidelines for the programs offered. Among the basic principles stated are treatment, services and habilitation designed to maximize individual developmental potential and to be provided in the least restrictive setting, enabling a person to live as normally as possible within the limitations of the handicap; establishment of alternatives to institutionalization; elimination of inappropriate placement in residential facilities of persons served; and improvement of the quality of care and the condition of surroundings of persons who are appropriately placed in residential facilities. Services and facilities are authorized to be provided directly by the state or by contract with public or private agencies. Proposed AS 47.80.120 provides for individual habilitation plans, concurred in by the person served or a parent or guardian when appropriate, to be prepared for each person served by a program under the bill. Such plans, requiring in their development the participation of the persons served, are currently required as a condition of the state's receiving financial assistance to serve persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Act, and similar plans are required under the Education for All Handicapped Children Act of 1975.

Under AS 47.80.130(b) of the bill, authority is conferred on the Department of Health and Social Services to require licensing of residential facilities (defined in the bill, at AS 47.80.900(7), as "publicly or privately operated facilities which provide 24-hour care for four or more persons with developmental handicaps, excluding family, foster family, or adoptive homes") in cases in which state licensing is not already required of such facilities under existing law; in addition, certificates of need, applied for and furnished in accordance with the recently-enacted provisions of state law governing health care facilities, are required of residential facilities which are established after the effective date of the proposed law and which are not within the coverage of the recently-enacted law (AS 18.07.031 - 18.07.111).

Section 3 of the proposed bill amends the existing mental health laws to make clear that services and facilities for persons who are developmentally handicapped by mental retardation are controlled by the proposed law and are not to be subsumed under programs for the mentally ill governed by the mental health laws. (A proposed revision of the mental health laws currently before the legislature, HB 472, if enacted, would obviate the need for section 3 of this bill.)

Among its other merits, the proposed legislation being transmitted today places a public policy focus on a field of need which, it would seem, has been confined to the background and developed legislatively in a relatively unintegrated and piecemeal fashion. In providing a framework for comprehensive public action to meet the needs of persons with developmental handicaps, the proposed legislation affords clear and well-merited recognition of the state's concern in assisting its handicapped citizens to lead just as normal and fulfilled lives as humanly possible irrespective of their handicaps. To achieve that important human goal, your earnest consideration of this bill is respectfully urged.

Sincerely,

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 519
 Title An Act relating to persons with developmental handicaps
 Requested by Governor's Office Date 4/28/77

II. FISCAL DETAIL Departments of Education, Community and Regional Affairs,
 Agency Affected Health and Social Services, and Law.
 Program Category Affected Many in different departments
 Budget Request Unit(s) Affected Unspecified at this time.

EXPENDITURES (Thousands of Dollars) SEE ANALYSIS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The legislation provides the framework and sets a direction (a community orientation) for the development of services. Even though the legislation does not call directly for the additional funds and, technically, the fiscal impact is zero, we cannot say that the indirect effects will be zero. That is, there is a good deal of continuing pressure from various communities and from existing service providers for increased funds to expand or to increase programs. This will continue to be so whether or not the legislation passes. In our judgement, the main effect of the legislation will be to direct the distribution of the current and future resources. The attached letter from the Governor to the legislature properly analyzes the content of the bill. What remains is for each division of each department mentioned in II above to analyze the legislation from their point of view. It was previously understood that this would be done concurrent with the movement of the bill in the legislature. It was further understood that (because of the late date of introduction of the bill) it would be analyzed in detail by the various agencies (both public and private as well as by the legislature) between the legislative sessions. The attached draft from the Governor attests to this understanding.

IV. DATE 4/28/77 PREPARED BY Robert P. Gregovich, Ph. D.
 AGENCY Division of Mental Health & D. D.
 Original: Legislative Finance PHONE 465-3372
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

MINUTES OF HOUSE

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

February 8, 1978

The meeting was called to order at 3:00 P.M. by Chairman Parr. All were present with the exception of Mr. Nakak. Also present was Senator Glen Hackney.

Mr. Bud Smith spoke briefly on HB 548. He represented the Matanuska Susitna Borough School District. He stated that their school district felt that passage of HB 548 at this time was premature because of cost and other problems. There was discussion and question on this matter.

HB 519 was next to be discussed. Mr. Thomas Bacon testified first on this bill. Mr. Bacon spoke as Chairman of the Governor's Council for the Handicapped and Gifted. He stated that they are attempting to insure a statutory mechanism to meet the service needs of Alaska's handicapped population. He stated HB 519 was intended to provide an intergrated statutory means of bringing together federal, state, local and private resources to meet the needs of handicapped Alaskans. He stated the bill is divided into three sections (1) reaffirms the basic rights of persons with handicapping conditions. (2) establishes a council to advocate for the needs of the handicapped. (3) authorizes the Department of Health and Social Services, the Department of Education as appropriate, to provide a comprehensive system of services and facilities for persons with handicapping conditions. Mr. Bacon pointed out the need for community based services for the handicapped. Discussion followed. Mr. Phillips asked about the changes in the fiscal note. Mr. Bacon stated Dr. Robert Gregovich could supply the committee with some information. Dr. Gregovich came forward and stated the difference between the two fiscal notes is a refinement in trying to analyze the house bill. This year they found the heaviest action directly going to come from the bill is in the writing of the regulations and standards, interagency agreements and joint policy statement need to be developed to implement the bill. He stated technically there is no real very substantial cost associated with the bill even though there is going to be pressure. He stated that there is a need for the Department during that first 180 days after passage of the bill to go to bat for the implementation of the act. More questions were asked of Mr. Bacon.

Next to testify on the bill was Mrs. Nancy Johnson from Fairbanks. Mrs. Johnson stated the Alaska State Association for Retarded Citizens would like to express support of this bill. Mr. Parr asked Mrs. Johnson what the best guess as to the number of people now being needing these services. Mrs. Johnson stated she was associated with only the mentally retarded and that statistically they represented between 2 or 3% of the normal population. Percentages are probably higher now. She also stated that Fairbanks has an Infancy Stimulation Program which started in December of 76 and is working out very well.

Next to testify on this bill was Ms. Ludmilla Jacobs. Mrs. Jacobs testified on behalf of the "autistic" children. She stated she supports the bill.

Mr. Jim Sozoff of Anchorage was next to testify on this bill. Mr. Sozoff expressed the need for programs to provide services for the handicapped and for those who can't work in the labor market to be able to work under sheltered circumstances. He also stated the number of handicapped in the state needed to be found out.

Mrs. Ann Symons of Juneau testified. Mrs. Symons stated her support of the bill. She expressed the need for community based projects. Mr. Parr asked Mrs. Symons if when a retarded child gets through the school system is there anything to pick him up. Her answer was no.

Mrs. Wanda Gnerich was next to testify on the bill. She expressed her support of HB 519. She stated HB 519 is the beginning of securing rights for handicapped children and adults.

Ms. Mary Aronson of Juneau testified on this bill as a concerned citizen and as a teacher of special education in Juneau. Ms. Aronson stated she supports HB 519. She addressed her comments specifically to article 3 which refers to the establishment of a framework for the delivery of services. Ms. Aronson stated there is a definite need for some kind of system to provide services for the handicapped when they leave the school system as there is nothing in Juneau at this time. Ms. Aronson testified that there are a number of people in Juneau that could benefit right now from a community based project.

Mr. Ed Beatty came forward to testify. He spoke as a concerned citizen and as President of the REACH Committee (Recreational and Education Alternatives in the Community for the Handicapped). The committee supports HB 519. Mr. Beatty stated the need for community based programs for the handicapped once the person reaches age 19.

Ms. Gloria Barclay, Preside of Juneau Association for Retarded Children testified on the bill. She spoke in favor of it and of the need for community based projects.

Ms. Carol Welsh also testified on the bill. Ms. Welsh testified in favor of the bill.

Mr. Parr moved for adjournment. The meeting was adjourned at 4:55 P.M.

HOUSE BILL 519

Testimony of Ann Symons, Parent of retarded child, ^{Consumer} Member of
Governor's Council on Handicapped and Gifted

I would like to lend my support to House Bill 519 and urge its passage by the legislature. As a parent I am supporting the total bill, however, have particular interest in the sections affirming the rights of handicapped persons and providing services to the handicapped. I feel that it is particularly important to recognize with handicapped legislation the rights of the handicapped.

I would like to see included in the bill a statement limiting parental liability for payment for children placed in residential facilities. I agree with the current \$50.00 per month statutory limit on parental liability.

I feel that House Bill 519 is needed to provide handicapped citizens of Alaska a chance to reach their maximum potential.

HIB 519

A M E N D M E N T S

OFFERED IN THE HOUSE

(PROPOSED BY THE GOVERNOR'S
COUNCIL FOR THE HANDICAPPED
AND GIFTED)

TO: HOUSE BILL NO. 519

Page 1, lines 6-7:

Delete "persons with developmental handicaps" and insert "handicapped and gifted persons" in its place.

Page 1, line 11:

Delete "developmental".

Page 1, line 18:

Delete "developmental".

Page 1, line 20:

Delete "developmental".

Page 1, line 26:

Delete "DEVELOPMENTAL HANDICAPS" and insert "PERSONS WITH HANDICAPS" in its place.

Page 1, line 28:

Delete "DEVELOPMENTAL".

Page 1, line 29:

Delete "developmental".

Page 2, line 4:

Delete "developmental".

Page 2, line 7:

Delete "developmental".

Page 3, line 1:

Delete "developmental".

Page 3, line 4:

Delete "developmental".

Page 3, line 7:

Delete "developmental".

Page 3, line 18:

Delete "developmental".

Page 3, line 21:

Delete "developmental".

Page 3, line 23:

Delete "developmental".

Page 3, line 25:

Delete "PLANNING COUNCIL" and insert "GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED" in its place. +

Page 3, line 26 - page 4, line 7:

Delete all of Sec. 47.80.030 and insert the following in its place:

"Sec. 47.80.030. GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED. There is established the Governor's Council for the Handicapped and Gifted. For budgetary purposes, the council is

located within the Department of Health and Social Services but is the inter-departmental planning and coordinating agency for the Department of Health and Social Services, the Department of Education, and the Department of Community and Regional Affairs for services affecting person who are handicapped or gifted. In addition, the council is to serve as a state planning council for the purposes of federal laws relating to the handicapped or gifted." +

Page 4, lines 8 - 27: 4-23 N. 21 - 27

Delete all of Sec. 47.80.040 and insert the following in its place:

"Sec. 47.80.040. COMPOSITION. (a) The council consists of not less than 18 nor more than 23 members in accordance with P. L. 91-517, P. L. 94-103, P. L. 94-142, as amended, and AS 14.30.231.

(b) ^{not less than} One-third of the members must be developmentally disabled persons, or their parents or guardians, who are not officers of any entity, or employees of any state agency, which receives funds or provides services under P. L. 91-517, or P. L. 94-103, as amended.

(c) ^{no more than} One-third of the members must be representatives of the principal state agencies concerned with services for handicapped or gifted persons.

(d) ^{Remaining} Members must be appointed to represent the public at large, local agencies, non-governmental agencies, and groups concerned with services to handicapped or gifted persons."

Page 4, line 28 - page 5, line 2:

Delete all of subsection (a) and insert the following in its place:

"(a) Council members' terms are three years. However, of the initial appointees one-third must be appointed to serve for one year, one-third for two years, and one-third for three years."

Page 5, line 14:

Add at the end of Sec. 47.80.060:

~~"In addition, council members who are parents of dependent handicapped children may be reimbursed for specialized short term personal and day care expenses incurred while they are attending council meetings."~~

Page 5, lines 19 - 22:

~~Delete all of subsection (b) and insert the following in its place:~~

~~"(b) The Department of Health and Social Services and the Department of Education shall provide for assignment of personnel to the council adequate to ensure that it has the capacity to fulfill its responsibilities with respect to each department as outlined in sec. 90 of this chapter. Personnel assigned to the council are directly responsible to the council for the performance of their duties."~~

Page 6, line 3:

Delete "persons with developmental handicaps" and insert "handicapped and gifted persons" in its place.

ah

Page 6, lines 6 and 7:

Delete "persons with developmental handicaps" and insert "handicapped or gifted persons" in its place.

ah

Page 6, lines 9 - 14:

Delete all of paragraph (3) and insert the following in its place:

"(3) advise the executive and legislative branches of state government and the private sector of programs and policies pertaining

to current and potential services to handicapped or gifted persons and their families;" *ok*

Page 6, lines 15 - 17:

Delete all of paragraph (4) and insert the following in its place:

"(4) submit periodic reports to the commissioners of the Department of Health and Social Services and the Department of Education on the effects of federal and state programs concerning services to handicapped or gifted persons; these must include program performance reports to the governor, the federal government, or to state agencies as required by P. L. 91-517, P. L. 94-103, or P. L. 94-142, as amended." *ok*

Page 6, line 18 - page 7, line 7:

Delete all of paragraph (5) and insert the following in its place:

"(5) in conjunction with the Department of Health and Social Services and the Department of Education, develop, prepare, adopt, periodically review, and revise as necessary an annual plan prescribing programs which meet the needs of persons with developmental disabilities as required under P. L. 91-517 or P. L. 94-103, as amended;

~~ok~~
ok

Pg 7, line 10, delete "developmental."

Page 7, line 14:

After "P. L. 91-517," insert "P. L. 94-103 and P. L. 94-142".

Page 7, line 18:

Delete "persons with developmental handicaps" and insert "handicapped and gifted persons" in its place.

Page 7, lines 24 - 28:

Delete all of paragraph (9) and insert the following in its place:

"(9) provide information and guidance for the development of appropriate special educational programs and services for gifted persons as defined in AS 14.30.350;"

Page 8, line 1:

Delete "persons with developmental handicaps" and insert "handicapped and gifted persons" in its place.

Page 8, line 4:

Change the period to a semi-colon and add the following at the end of paragraph (10):

"members of the council with the sanction or approval of the council must be given access to information possessed by state agencies subject only to disclosure restrictions imposed by state or federal confidentiality laws." *W*

Page 8, between lines 4 and 5:

Insert the following paragraph:

"(11) perform any other duties as may be required under P. L. 91-517, P. L. 94-103, P. L. 94-142, as amended, or AS 14.30.231,

and as the governor may from time to time assign.

Page 8, line 10:

Delete "developmental".

Page 8, line 29:

Delete "developmental".

Page 9, line 11:

Delete "developmental".

Page 9, line 23:

Delete "developmental".

Page 9, line 24:

Delete "developmental".

Page 11, line 2:

Delete "developmental".

Page 11, line 13:

Delete "developmental".

Page 11, line 23:

After "P. L. 91-517," insert "or P. L. 94-103,".

Page 12, line 2:

Delete "developmental".

Page 12, line 8:

Delete "persons with developmental handicaps" and add "handicapped or gifted persons" in its place.

Page 12, line 9:

After "P. L. 91-517" insert "and P. L. 94-103".

Page 12, line 11:

After "P. L. 91-517" insert "or P. L. 94-103, as amended".

Page 12, line 13:

After "P. L. 91-517" insert "and P. L. 94-103, as amended".

Page 13, line 7:

Add to this article the following sections:

~~Sec. 41.80.150~~ LIABILITY FOR EXPENSE OF SERVICES . The department may by regulation provide that a handicapped person, or his legal representative acting in a representative capacity, or his parents if the person is under the age of 18, shall pay or contribute to the payment of charges for ^{services} provided by the department under this chapter. The charges may not exceed the actual cost of care and, in any event, parents may not be required to pay more than \$50 per month for each child."

Page 13, lines 10 - 11:

Delete "Alaska Planning Council for Persons with Developmental

Handicaps" and insert "Governor's Council for the Handicapped and Gifted" in its place.

ok

Page 13, line 14:

Delete "developmental".

Page 14, line 10:

Delete "developmental".

ok

Page 14, line 19:

Delete "developmental".

Page 15, lines 8 - 9:

Delete "Alaska Planning Council for Persons with Developmental Handicaps" and insert "Governor's Council for the Handicapped and Gifted" in its place.

Page 15, line 12:

Insert after the sentence ending with "Act." a new sentence to read as follows:

"The council likewise succeeds to all contract rights, liabilities, and obligations of the Special Education Advisory Council established under authority of AS 14.30.231 and made part of the Governor's Council for the Handicapped and Gifted by Administrative Order No. 42A dated November 25, 1977."

need repairing?

Page 15, line 13:

Delete "council" and insert "councils" in its place.

Page 15, line 14:

Delete "council" and insert "councils" in its place.

Page 15, lines 16 - 17:

Delete "Alaska Planning Council for Persons with Developmental Handicaps" and insert "Governor's Council for the Handicapped and Gifted" in its place.