

SB

117

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 28, 1995

FURTHER REFERRALS:

Date of Committee Action: 5/3/95

The FINANCE Committee considered:

CSSB 117(HES)

CS FOR SENATE BILL NO. 117(HES)

STATEWIDE INDEPENDENT LIVING COUNCIL

"An Act establishing a statewide independent living council and clarifying its relationship with existing agencies; and providing for an effective date."

recommends it be replaced with the following committee substitute CSSB 117 (HES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) EDUCATION 3/21/95
 fiscal note(s) _____ fiscal note(s)

zero fiscal note(s) _____ zero fiscal note(s) _____

| SIGNING WITH RECOMMENDATIONS | | DP | DNP | NR | AM |
|------------------------------|-------------|----|-----|----|----|
| <i>Richard Foster</i> | FOSTER | | | X | |
| <i>John Grussendorf</i> | Grussendorf | X | | | |
| <i>Ally Mulder</i> | Mulder | ✓ | | | |
| <i>Terry Martin</i> | Martin | ✓ | | | |
| <i>Paul Parnell</i> | PARNELL | ✓ | | | |
| <i>Mike Yavane</i> | YAVANE | | | X | |
| <i>Sam Brown</i> | BROWN | ✓ | | | |
| <i>Pete Kelly</i> | Kelly | ✓ | | | |
| <i>Cene Thurnquist</i> | Thurnquist | | | X | |

CO CHAIR'S SIGNATURE _____

Richard Foster
FOSTER

FISCAL NOTE

No. 1

Bill Version: SB 117

(S) Publish Date: 3-21-95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____

Title: Statewide Independent Living Council

Sponsor: Senator Halford

Requester: Senate HESS Committee

Department Affected: Education

BRU: Vocational Rehabilitation

Component: Independent Living Rehabilitation

COMPONENT SERIAL NO. _____ 203

Expenditures/Revenues:

(Thousands of Dollars)

| OPERATING | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | 56.5 | 56.5 | 56.5 | 56.5 | 56.5 | 56.5 |
| TRAVEL | 25.0 | 25.0 | 25.0 | 25.0 | 25.0 | 25.0 |
| CONTRACTUAL | 54.3 | 54.3 | 54.3 | 54.3 | 54.3 | 54.3 |
| SUPPLIES | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 | 4.1 |
| EQUIPMENT | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 142.6 | 142.6 | 142.6 | 142.6 | 142.6 | 142.6 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|----------------------|--|--|--|--|--|--|

FUNDING:

(Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | 128.3 | 128.3 | 128.3 | 128.3 | 128.3 | 128.3 |
| 1003 GF Match | 14.3 | 14.3 | 14.3 | 14.3 | 14.3 | 14.3 |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 142.6 | 142.6 | 142.6 | 142.6 | 142.6 | 142.6 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year (FY95) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

To be eligible to receive federal funds for independent living services, Alaska must establish a Statewide Independent Living Council. On October 25, 1994, Governor Hickel established the Council by Administrative Order No. 149. Senate Bill 117 formally establishes this council in statute. Funding for this council and other independent living services is included in the *Rehabilitation Act Amendments of 1992, Title VII*. The state currently receives approximately \$900,000 under this Act.

Please see the attached sheet for further analysis.

Prepared by: Stan Ridgeway, Deputy Director Phone: 465-6932

Division: Vocational Rehabilitation Date: March 16, 1995

Approved by Commissioner: Shirley Holloway

Agency: Education Date: March 16, 1995

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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To be eligible to receive federal funds for independent living services, Alaska must establish a Statewide Independent Living Council. Funding for this program is included in the *Rehabilitation Act Amendments of 1992, Title VII*.

Funds allotted under Part B of *Title VII*, are disbursed to Alaska as a minimal allotment state which means that Alaska will receive not less than \$275,000 for independent living services. The state must match Part B funds by 10%.

In addition, Part C of *Title VII* entitles Alaska to receive not less than \$533,330 in federal funds designated for centers for independent living. There are currently two Alaska centers which receive these funds directly from the federal government under Part C. In FY95, a total for \$602,900 was awarded to two Alaskan independent living centers. Access Alaska received \$301,000 and Southeast Independent Living (SAIL) received \$301,900 from this federal source.

The funding for the independent living program in FY95 is as follows:

| Funding Source | Amount (in thousands) |
|-----------------------------|-----------------------|
| Federal Part B | \$ 283.8 |
| Part B Required State Match | 39.1 |
| Federal Part C | 602.9 |
| State General Funds | 563.4 |
| TOTAL | \$ 1,489.2 |

The Independent Living Council expenses are funded with Part B and state general funds. The total Council budget is \$142,600, which is 9% of the total funds available. The state Division of Vocational Rehabilitation retained \$10,600 (.7% of the total) for grant monitoring. The remainder of the funds, \$1,336,000 is granted to statewide non-profit organizations for direct consumer services.

Without a Statewide Independent Living Council the state will not be eligible to receive either Part B or Part C federal funds under *Title VII of the Act* resulting in a lost of approximately \$900,000 in federal funds.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

ADMINISTRATIVE ORDER NO. 149

I, Walter J. Hickel, Governor of the State of Alaska, under the authority of art. III, secs. 1, 16, and 24, of the Alaska Constitution and AS 44.19.145(c), hereby establish by Administrative Order the Alaska Statewide Independent Living Council (council).

Section 1. PURPOSE

The council shall serve as the Statewide Independent Living Council for Alaska required for the receipt of federal financial assistance under 29 U.S.C. 796d, as amended as of July 1, 1994.

Section 2. DUTIES

The council shall perform the duties set out in 29 U.S.C. 796d, to allow the receipt of federal financial assistance in Alaska for independent living services and centers for independent living for Alaskans with severe disabilities. The council may hold hearings or forums in Alaska as the council determines necessary to carry out its duties.

Section 3. MEMBERSHIP; TERMS

The Governor will appoint members to the council who meet the applicable membership requirements set out in 29 U.S.C. 796d. A term of a member will be three years unless the appointment is to fill a vacancy for the remaining years of a prior member's term. A member may not serve more than two consecutive full terms.

Section 4. CONTACT AGENCY

The Alaska Department of Education will serve as lead contact agency for the council. The Alaska Department of Education shall provide reasonable and necessary professional and technical assistance requested by the council.

This Order takes effect immediately.

Dated at Juneau, Alaska this 26 day of October, 1994.

Handwritten signature of Walter J. Hickel in cursive script.
Walter J. Hickel
Governor

TONY KNOWLES, GOVERNOR

DEPARTMENT OF EDUCATION
OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894
(907) 465-2800
FAX (907) 465-4156

March 16, 1995

The Honorable Rick Halford
Alaska State Senate
State Capitol, Room 508
Juneau, AK 99801-1182

Re: Senate Bill 117
Establishment of a State Independent Living Council

Dear Senator Halford:


The Department of Education and the Division of Vocational Rehabilitation (DVR) support Senate Bill 117. In order for Alaska to continue receiving federal funds for independent living services, the state must establish in statute a statewide independent council. The Rehabilitation Act of 1973 as Amended in 1992 states in Title VII, Sec. 705 "Statewide Independent Living Council:"

(a) Establishment - to be eligible to receive financial assistance under this chapter, each state shall establish a Statewide Independent Living Council (referred to in this section as the "Council"). The council shall not be established as an entity within another state agency.

We support your efforts in submitting this legislation. For your information I have enclosed a copy of the Alaska Independent Living Council's mission statement, responsibilities and goals as contained in the statewide independent living plan.

If we can be of more assistance in your efforts, please contact me or Stan Ridgeway, Deputy Director, DVR, at 465-6932.

Sincerely,


Shirley J. Holloway, Ph.D.
Commissioner

Enclosure

ALASKA INDEPENDENT LIVING COUNCIL

Mission

To promote consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities.

Responsibilities

1. Jointly developing and submitting the State Plan for Independent Living, in conjunction with the Alaska Division of Vocational Rehabilitation.
2. Monitoring, reviewing and evaluating the implementation of the State Plan.
3. Coordinating activities with the Alaska Vocational Rehabilitation Advisory Council and other councils that address the needs of specific disability populations and issues.

Goals

1. To develop, implement, monitor and evaluate a coordinated and unified statewide service delivery system for independent living.
2. To develop a statewide network of centers for independent living.
3. To maximize working relationships and collaborative ventures for the provision of independent living services.
4. To develop and implement public awareness and outreach activities.

STATE OF ALASKA - OFFICE OF THE GOVERNOR
Boards and Commissions Office

Membership Roster

(181) INDEPENDENT LIVING COUNCIL

| Member | Appointed | Reappointed | Term Exp. |
|---|-----------|-------------|-----------|
| Constance E. Anderson Independent Living Center Representative 8800 Glacier Highway, Suite 238 Juneau, AK 99802 Home Phone - (907) 780-6085 Work Phone - (907) 789-9665 FAX - (907) 789-3747 | 10/01/93 | | 10/01/96 |
| Rae A. Boggan Community Rehabilitation Program Representative P.O. Box 6064 Sitka, AK 99835 Home Phone - (907) 747-4742 | 10/01/93 | | 10/01/95 |
| James R. Burton Community Rehabilitation Program Representative 1169 Hoss Avenue Fairbanks, AK 99709 Home Phone - (907) 479-6118 Work Phone - (907) 474-7249 | 10/01/93 | | 10/01/95 |
| Bernadine J. Graham Advocate 4131 East 20, No. 33 Anchorage, AK 99508 Home Phone - (907) 337-7914 | 10/01/93 | | 10/01/95 |
| Nugget A. Hiatt Advocate 1706 Bartlett Drive Anchorage, AK 99507 Home Phone - (907) 562-1706 | 10/01/93 | | 10/01/94 |
| Damill Johnson Division of Mental Health and Developmental Disabilities Rep. DHSS, Div. of Mental Health P.O. Box 110620 Juneau, AK 99811-0620 Work Phone - () 465-3370 | 10/01/93 | | 10/01/96 |
| Don LaBrosse Community Rehabilitation Program Representative 1405 Kallum Fairbanks, AK 99701 Home Phone - (907) 488-6980 Work Phone - (907) 456-5913 | 10/01/93 | | 10/01/94 |
| José A. Lopez Nieves Family Member With Disability P.O. Box 7204 Bethel, AK 99559 Home Phone - (907) 543-5683 Work Phone - (907) 543-6500 | 10/01/93 | | 10/01/95 |
| Patrick Reinhart Community Rehabilitation Program Representative P.O. Box 110065 Anchorage, AK 99511-0065 Home Phone - (907) 346-1798 Work Phone - (907) 563-2658 | 10/01/93 | | 10/01/94 |

STATE OF ALASKA - OFFICE OF THE GOVERNOR
Boards and Commissions Office

Membership Roster

(131) INDEPENDENT LIVING COUNCIL

| Member | Appointed | Reappointed | Term Exp. |
|---|-----------|-------------|-----------|
| Stan Ridgway Division of Vocational Rehabilitation Rep. 301 West Tenth Street, Suite 200 Juneau, AK 99801-1894 Work Phone - (907) 465-6932 | 10/01/93 | | 10/01/96 |
| Earl W. Westphal Advocate P.O. Box 288 Sterling, AK 99672 Home Phone - (907) 262-6061 | 10/01/93 | | 10/01/96 |
| John A. Woodward Community Rehabilitation Program Representative 2200 Sunrise Drive Anchorage, AK 99508 Home Phone - (907) 278-5159 | 10/01/93 | | 10/01/94 |
| Roger Wright Independent Living Program Representative P.O. Box 209 Kotzebue, AK 99752 Home Phone - (907) 442-3021 | 10/01/93 | | 10/01/95 |



ALASKA DIVISION of VOCATIONAL REHABILITATION

Rehabilitation Act of 1973
as Amended by
The Rehabilitation Act
Amendments of 1992

29 USC 701-744

proper disbursement of and accounting for funds paid to the State under this chapter;

(4)(A) maintain records that fully disclose -

(i) the amount and disposition by such recipient of the proceeds of such financial assistance;

(ii) the total cost of the project or undertaking in connection with which such financial assistance is given or used; and (iii) the amount of that portion of the cost of the project or undertaking supplied by other sources;

(B) maintain such other records as the Commissioner determines to be appropriate to facilitate an effective audit;

(C) afford such access to records maintained under subparagraphs (A) and (B) as the Commissioner determines to be appropriate; and

(D) submit such reports with respect to such records as the Commissioner determines to be appropriate;

(5) provide access to the Commissioner and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, of any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this chapter; and

(6) provide for public hearings regarding the contents of the plan during both the formulation and review of the plan.

(n) The plan shall establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in subsection (d), including evaluation of satisfaction by individuals with disabilities.

Sec. 705. Statewide Independent Living Council

(a) To be eligible to receive financial assistance under this chapter, each State shall establish a Statewide Independent Living Council (referred to in this section as the "Council"). The Council shall not be established as an entity within another State agency.

(b)(1) Members of the Council shall be appointed by the Governor or the appropriate entity within the State responsible for making appointments, within 90 days after the date of enactment of the Rehabilitation Act Amendments of 1992. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

(2) The Council shall include -

(A) at least one director of a center for independent living chosen by the directors of centers for independent living within the State; and

(B) as ex officio, nonvoting members -

(i) a representative from the designated State unit; and

(ii) representatives from other State agencies that provide services for individuals with disabilities.

(3) The Council may include -

- (A) other representatives from centers for independent living;
- (B) parents and guardians of individuals with disabilities;
- (C) advocates of and for individuals with disabilities;
- (D) representatives from private businesses;
- (E) representatives from organizations that provide services for individuals with disabilities; and
- (F) other appropriate individuals.

(4) The Council shall be composed of members -

- (A) who provide statewide representation;
- (B) who represent a broad range of individuals with disabilities;
- (C) who are knowledgeable about centers for independent living and independent living services; and
- (D) a majority of whom are persons who are -

(i) individuals with disabilities described in section 7(8)(B); and (ii) not employed by any State agency or center for independent living.

(5)(A) Except as provided in subparagraph (B), the Council shall elect a chairperson from among the membership of the Council.

(B) In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

(6)(A) Each member of the Council shall serve for a term of 3 years, except that -

(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed, shall be appointed for the remainder of such term; and

(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(B) No member of the Council may serve more than two consecutive full terms.

(7) Any vacancy occurring in the membership of the Council shall be filled in the same manner as

the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(c) The Council shall -

(1) jointly develop and submit (in conjunction with the designated State agency) the State plan required in section 704;

(2) monitor, review, and evaluate the implementation of the State plan;

(3) coordinate activities with the State Rehabilitation Advisory Council established under section 105 and councils that address the needs of specific disability/ populations and issues under other Federal law;

(4) ensure that all regularly scheduled meetings of the Council are open to the public and sufficient advance notice is provided; and

(5) submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

(d) The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

(e)(1) The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary to carry out the functions of the Council under this section, with funds made available under this chapter and part C of title I and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(2) Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

(3) While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

(f) The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

(g) To the extent that a State has established a Council before September 30, 1992, that is comparable to the Council described in this section, such Council shall be considered to be in compliance with this section. Within 1 year after the date of enactment of the Rehabilitation Act Amendments of 1992, such State shall establish a Council that complies in full with this section.

Sec. 706. Responsibilities of the Commissioner

(a)(1) The Commissioner shall approve any State plan submitted under section 704 that the Commissioner determines meets the requirements of section 704, and shall disapprove any such plan