

Sec. 35-5-25. **Penalty for Violations of Weighmaster:** Any person who shall mark, stamp, issue, or write any false weight ticket, scale ticket, measuring, count, or weight certificate, knowing it to be false, shall be guilty of a

misdemeanor, and upon conviction thereof, shall be fined not more than Five Hundred Dollars for each offense, or imprisonment for not more than one year or both such fine and imprisonment.

Approved April 1, 1957

## CHAPTER 144

### AN ACT

**Relating to the vocational rehabilitation of physically and mentally handicapped persons in Alaska, constitution of the Board of Vocational Rehabilitation, authority of the Alaska agency, cooperation with the Federal Government, and all pertaining to vocational rehabilitation in Alaska; repealing and re-enacting Sections 37-9-5 through 37-9-9, ACLA 1949, inclusive, as amended by Ch. 169, SLA 1955; amending Title 37, Article 9 ACLA 1949, by adding seven new sections thereto; repealing Ch. 55 SLA 1955 and Ch. 79 SLA 1955, establishing a small businesses revolving fund and authorizing an appropriation.**

(C. S. for S. B. 78)

**Be it enacted by the Legislature of the Territory of Alaska:**

Section 1. Sec. 37-9-5, ACLA 1949, as amended by Ch. 169, SLA 1955, is hereby repealed and re-enacted to read as follows:

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

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

(2) "Vocational rehabilitation services" means any goods and

services, including diagnostic and related services, necessary to render a handicapped individual fit to engage in a remunerative occupation;

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

(4) "Workshop" means a place where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals (a) as an interim

step in the rehabilitation for those who cannot readily be absorbed in the competitive labor market or (b) during such time as employment opportunities for them in the competitive labor market does not exist;

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

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

Sec. 37-9-6. The Territorial Board of Education sub nominee Board of Vocational Rehabilitation is hereby designated as the Board to administer the Vocational Rehabilitation program and is authorized and empowered to cooperate with any Federal Agency, as provided and required by Federal statutes for vocational rehabilitation and will observe and comply with all of the provisions of such Acts; and comply with such conditions as may be necessary to secure the full benefit of the Federal Vocational Rehabilitation Statutes, under the provisions of this law and of the rules and regulations adopted by said Board, and to do all of the things necessary to entitle Alaska to receive the benefits of said Federal Acts. Said Board is further empowered to do all acts and things and to make such plans, rules and regulations as are necessary to properly carry out the provisions of said Act and the purposes of this Act. Said Board shall have the authority to appoint such administrative officers, and to delegate to them the authority required to carry out the provisions of this Act.

The Alaska Office of Vocational

Rehabilitation is hereby established under the Board of Vocational Rehabilitation for the purpose of carrying out this Act.

The Alaska Board of Vocational Rehabilitation acting by and through the Alaska Office of Vocational Rehabilitation is hereby authorized to enter into necessary agreements on behalf of Alaska with the Secretary of Health, Education and Welfare to carry out the provisions of the Federal Social Security Act, as amended, and as may subsequently be amended, relating to the making of determinations of disability under Title II of said Act. The Treasurer of Alaska is hereby authorized and directed as custodian of funds paid by the Federal Government to Alaska to comply with any agreements that may be entered into under the provisions of the Social Security Act and shall disburse such funds in accordance with instructions from the Director, Alaska Office of Vocational Rehabilitation.

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

(2) The Director, Alaska Office of Vocational Rehabilitation, shall be appointed by the Board as the administrative officer of the Alaska Office of Vocational Rehabilitation, and shall have such administrative authority as may be delegated by the Board and the Executive Officer and as shall be necessary to carry out the provisions of this Act and the rules, regulations, and policies promulgated by the Board.

(3) Personnel policies for the Alaska Office of Vocational Rehabilitation shall be developed

by the Board and executed by the Director and kept on file in the office of the Director, Alaska Office of Vocational Rehabilitation.

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

**Sec. 37-9-7. Provision of Vocational Rehabilitation Services:**

(1) Vocational rehabilitation services shall be provided directly or through public or private instrumentalities, to any handicapped individual (a) who is a resident of Alaska at the time of filing his application therefor and whose vocational rehabilitation the Alaska agency determines after full investigation can be satisfactorily achieved, or (b) who is eligible therefor under the terms of an agreement with another state or with the Federal Government. Vocational rehabilitation services, other than diagnostic and related services (including transportation in connection therewith), guidance, training, and placement, shall be provided at public cost only to the extent that the handicapped individual is found by the Alaska agency to require financial assistance with respect thereto.

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

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

**Sec. 37-9-8. Powers and Duties**

**of the Alaska Agency.**

(1) In carrying out this Act the Alaska agency shall (a) take such action as it deems necessary or appropriate to carry out the purposes of this Act, and adopt and promulgate rules and regulations in conformity with such purposes; (b) determine the eligibility of all applicants for vocational rehabilitation services under the provisions of this Act; (c) prepare and submit to the Governor annual reports of activities and expenditures and, prior to each regular session of Legislature, estimates of sums required for carrying out this Act and estimates of the amounts to be made available for this purpose from all sources; and (d) cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of handicapped individuals, in studying the problems involved therein, and in establishing developing and providing, in conformity with the purposes of this Act, such programs, facilities and services as may be necessary or desirable.

(2) In carrying out this Act, the Alaska agency may (a) enter into agreements with other states to provide for the vocational rehabilitation of residents of the states concerned; (b) establish and operate rehabilitation facilities and workshops and make grants to public and other non-profit organizations for such purposes; (c) supervise the operation of vending stands and other small businesses established pursuant to this Act to be conducted by severely handicapped individuals; and (d) make studies, investigations, demonstrations and reports, and provide training and

instruction (including the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary) in matters relating to vocational rehabilitation.

(3) Vocational rehabilitation services may be extended to the continental United States to all individuals eligible under this Act. The Director of the Alaska Office of Vocational Rehabilitation is hereby authorized to station or place professional and/or clerical personnel within the continental United States in order to carry out the purposes of this Act.

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

**Sec. 37-9-9. Cooperation With Federal Government.**

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

(2) Upon designation by the Governor, the Alaska agency may perform functions and services for the Federal Government relating to individuals under a physical or mental disability, in ad-

dition to those provided in subsection (1) hereof.

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

**Sec. 37-9-10. Funds and Establishing Small Businesses Revolving Fund.** Funds to carry out the provisions of this Act may be appropriated in the general appropriation act of the Alaska Legislature. There is hereby created in the Territorial Treasury a revolving fund to be designated as "The Vocational Rehabilitation Small Business Enterprises Revolving Fund". Receipts from the small business enterprise program shall be covered into said fund and are available for the operation of the program. In the event this program is discontinued the unobligated balance shall revert to the general fund of the Territory and when all obligations have been met the fund shall be abolished.

**Sec. 37-9-11. Vocational Rehabilitation Fund.** Funds from all sources for the vocational rehabilitation program shall be covered into a special fund designated as Vocational Rehabilitation Fund and all expenditures for this program shall be made from this fund.

**Sec. 37-9-12. Receipt and Disbursement of Funds.** The Territorial Treasurer is designated custodian of all vocational rehabilitation funds in the Territory.

**Sec. 37-9-13. Gifts.** The Alaska Board of Vocational Rehabilitation is hereby authorized and empowered to receive such gifts and donations from either public or

private sources as may be offered unconditionally for carrying out the purposes of this Act. Gifts made under such conditions as in the judgment of the Alaska agency are proper and consistent with the provisions of this Act may be accepted and shall be held, invested, reinvested, and used in accordance with the conditions of the gift.

**Sec. 37-9-14. Maintenance Not Assignable.** The right of a handicapped individual to maintenance under this Act shall not be transferrable or assignable at law or in equity.

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

**Sec. 37-9-16. Misuse of Vocational Rehabilitation Lists and Records.** It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with regulations, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in,

or acquiesce in the use of any list of, names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files, or communications of the Territory of subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any officer or employee violating this provision shall be subject to discharge or suspension.

**Sec. 37-9-17. Limitation on Political Activity.** No officer or employee engaged in the administration of the vocational rehabilitation program shall use his official authority to influence or permit the use of the vocational rehabilitation program for the purpose of interfering with an election or affecting the results thereof or for any partisan political purpose. No such officer or employee shall solicit or receive, nor shall any officer or employee be obliged to contribute or render, any service, assistance, subscription, assessment, or contribution for any political purpose. Any officer or employee violating this provision shall be subject to discharge or suspension.

**Sec. 5. Statutes Repealed.** Chapter 55 SLA 1955 and Chapter 79 SLA 1955 are hereby repealed.

Approved April 1, 1957

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## CHAPTER 145

### AN ACT

Establishing jurisdiction over juveniles in the justices' courts; providing for procedures for hearings; creating a Board of Juvenile Institutions; providing for juvenile detention homes; setting forth duties of Depart-