

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0605

## HOUSE BILL NO. 1142

Introduced by: Representatives Monroe, Kredit, and Putnam and Senators Albers, Hunhoff,  
and Rounds

1 FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions regarding the  
2 Division of Rehabilitation Services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 28-9-23 be amended to read as follows:

5 28-9-23. Terms used in this chapter mean:

6 (1) "Director," the director of rehabilitation services;

7 (2) "Division," the Division of Rehabilitation Services;

8 (3) ~~"Impediment to employment or independent living," a physical or mental condition~~  
9 ~~which substantially limits occupational or independent living performance;~~

10 ~~(4) "Individual with a disability," any person who has a disability which results in a~~  
11 ~~substantial impediment to employment or independent living;~~

12 ~~(5) "Vocational rehabilitation" and "vocational rehabilitation services," any goods or~~  
13 ~~services, found by the director to be necessary to render an individual with a disability~~  
14 ~~employable including an assessment for determining eligibility and vocational~~  
15 ~~rehabilitation needs, counseling, guidance and work related placement services;~~

1           vocational and other training, physical and mental restoration services, occupational  
2           licenses, tools, equipment and initial stocks and supplies, maintenance and  
3           transportation in connection with the rendering of any vocational rehabilitation  
4           service, interpreter and reader services, recruitment and training services,  
5           telecommunications, sensory, and other technological aids and devices, rehabilitation  
6           technology services, referral and other services, transition services, on-the-job or  
7           other related personal assistance services provided while an individual with a disability  
8           is receiving vocational rehabilitation services, and supported employment services.

9           Section 2. That § 28-9-26 be repealed.

10       ~~—28-9-26. The director of rehabilitation services shall establish appropriate subordinate~~  
11       ~~administrative units within the Division of Rehabilitation Services.~~

12           Section 3. That § 28-9-28 be repealed.

13       ~~—28-9-28. The director of rehabilitation services may delegate to any officer or employee of~~  
14       ~~the Division of Rehabilitation Services such of his powers and duties, as may be necessary or~~  
15       ~~appropriate.~~

16           Section 4. That § 28-9-29 be repealed.

17       ~~—28-9-29. No officer or employee engaged in the administration of the rehabilitation services~~  
18       ~~program shall use his official authority or influence or permit the use of the rehabilitation services~~  
19       ~~program for the purpose of interfering with an election or affecting the result thereof or for any~~  
20       ~~partisan political purpose. No such officer or employee shall take an active part in the~~  
21       ~~management of political campaigns or participate in any political activity, except that he shall~~  
22       ~~retain the right to vote as he may please and to express his opinions as a citizen on all subjects.~~  
23       ~~No such officer or employee shall solicit or receive, nor shall any such officer or employee be~~  
24       ~~obliged to contribute or render, any service, assistance, subscription, assessment, or contribution~~  
25       ~~for any political purpose. Any officer or employee violating this provision shall be discharged.~~

1 Section 5. That § 28-9-30 be amended to read as follows:

2 28-9-30. The Division of Rehabilitation Services shall provide vocational rehabilitation and  
3 independent living services to individuals with disabilities determined by the director of  
4 rehabilitation services to be eligible ~~therefor~~.

5 Section 6. That § 28-9-31 be repealed.

6 ~~—28-9-31. Vocational rehabilitation services shall be provided to any eligible individual with~~  
7 ~~a disability who is within the state at the time of filing his application.~~

8 Section 7. That § 28-9-33 be repealed.

9 ~~—28-9-33. The Division of Rehabilitation Services may provide evaluation of rehabilitation~~  
10 ~~potentials and rehabilitation services to individuals with disabilities who, as a result thereof, can~~  
11 ~~achieve independent living.~~

12 Section 8. That § 28-9-35 be repealed.

13 ~~—28-9-35. The rights accruing to an individual with a disability under the provisions of~~  
14 ~~§§ 28-9-33 and 28-9-34 are not transferable or assignable at law or in equity.~~

15 Section 9. That § 28-9-37 be repealed.

16 ~~—28-9-37. It shall be a Class 2 misdemeanor, except for purposes directly connected with the~~  
17 ~~administration of the vocational rehabilitation program and in accordance with the division's~~  
18 ~~rules, for any person to solicit, disclose, receive, make use of, authorize, knowingly permit,~~  
19 ~~participate in, or acquiesce in the use of, any list of, names of, or information concerning, persons~~  
20 ~~applying for or receiving vocational rehabilitation services, whether directly or indirectly derived~~  
21 ~~from the records, papers, files, or communications of the state or subdivisions or agencies~~  
22 ~~thereof, or acquired in the course of the performance of official duties.~~

23 Section 10. That § 28-9-38 be repealed.

24 ~~—28-9-38. The Division of Rehabilitation Services may cooperate with other departments,~~  
25 ~~agencies and institutions, in studying the problems involved in providing for the vocational~~

1 ~~rehabilitation of individuals with disabilities, and may establish such programs, facilities and~~  
2 ~~services as may be necessary or desirable.~~

3 Section 11. That § 28-9-39 be repealed.

4 ~~—28-9-39. The Division of Rehabilitation Services is authorized to enter into agreements with~~  
5 ~~any other state to provide for the vocational rehabilitation of residents of such state.~~

6 Section 12. That § 28-9-42 be repealed.

7 ~~—28-9-42. Notwithstanding § 5-24-12, the Division of Rehabilitation Services may accept and~~  
8 ~~use gifts made unconditionally by will or otherwise for carrying out the purposes of this chapter.~~  
9 ~~Gifts made with conditions that, in the judgment of the division, are proper and consistent with~~  
10 ~~the provisions of this chapter may be so accepted and shall be used in accordance with the~~  
11 ~~conditions of the gift.~~

12 Section 13. That § 28-9-43 be repealed.

13 ~~—28-9-43. The state treasurer shall be the custodian of all funds received from the United~~  
14 ~~States under any federal statutes pertaining to vocational rehabilitation. The state treasurer shall~~  
15 ~~make disbursements from such funds and from all state funds available for vocational~~  
16 ~~rehabilitation purposes on warrants of the state auditor, requisitioned by the director of~~  
17 ~~rehabilitation services in accordance with the division's rules.~~

18 Section 14. That § 28-9-46 be repealed.

19 ~~—28-9-46. The Division of Rehabilitation Services may conduct research and compile statistics~~  
20 ~~relating to the vocational rehabilitation of disabled individuals.~~

21 Section 15. That § 28-11-2 be repealed.

22 ~~—28-11-2. The state treasurer is hereby authorized and directed to act as custodian of the~~  
23 ~~moneys paid by the federal government to the state to carry out the agreement referred to in~~  
24 ~~§ 28-11-1 and shall disburse such moneys in accordance with the procedure for disbursement of~~  
25 ~~funds provided by law for such agency.~~