

**HOUSE BILL NO. 367**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE G.DAVIS**

**Introduced: 12/29/95**

**Referred: Health, Education and Social Services, Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to persons with handicaps and persons who are experiencing a  
2 disability."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 47.80.010 is amended to read:

5           Sec. 47.80.010. RIGHTS OF PERSONS WITH HANDICAPS. Persons with  
6 handicaps have the same legal rights and responsibilities guaranteed all other persons  
7 by the Constitution of the United States and federal laws and by the constitution and  
8 laws of the state. An otherwise qualified person may not be excluded, by reason of  
9 having a handicap, from participation in, be denied the benefits of, or be subjected to  
10 discrimination under [,] any program or activity that receives public funds. Some  
11 persons with handicaps may be unable, due to the severity of their handicap, to  
12 exercise for themselves all of their rights in a meaningful way; for others modification  
13 of some or all of their rights is appropriate. The procedure used for modification of  
14 rights must contain proper legal safeguards against every form of abuse, [MUST] be

1 based on an evaluation of the social capability of the person by qualified experts,  
2 [AND MUST] be subject to periodic reviews **except as provided in AS 47.80.015,**  
3 and **be subject** to the right of appeal to higher authorities.

4 \* **Sec. 2.** AS 47.80 is amended by adding a new section to read:

5 Sec. 47.80.015. PERMANENT DISABILITY CARD. (a) Upon receiving an  
6 application on a form approved by the department accompanied by proof acceptable  
7 to the department, the department shall issue to the applicant a card that identifies the  
8 applicant as having a permanent disability of the type specified on the card.

9 (b) A public agency shall, to the extent not prohibited by federal law, accept  
10 a card issued under this section to a person as proof of the disability specified on the  
11 card for purposes of the person's eligibility for programs, services, financial assistance,  
12 and other benefits that may be available because of the disability.

13 (c) Except to the extent that federal law may require, a public agency may not  
14 require periodic review of a person's disability status to the extent that the disability  
15 is specified on a card issued under this section and may not require periodic renewal  
16 of a card issued under this section.

17 (d) The department shall adopt regulations to implement this section.

18 (e) In this section, "public agency" includes a department, division, board,  
19 commission, council, office, bureau, or other subdivision of the executive, legislative,  
20 or judicial branch of state government; a state agency or instrumentality that is  
21 independent of the executive branch, such as an institution, authority, or public  
22 corporation, including the Alaska Railroad Corporation; the University of Alaska; a  
23 school district; and a municipality or municipal agency or instrumentality.