

**ALASKA STATE LEGISLATURE**  
**HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

February 5, 2013

3:07 p.m.

**MEMBERS PRESENT**

Representative Pete Higgins, Chair  
Representative Wes Keller, Vice Chair  
Representative Benjamin Nageak  
Representative Lance Pruitt  
Representative Lora Reinbold  
Representative Paul Seaton  
Representative Geran Tarr

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 88

"An Act changing the terms 'mental retardation' and 'mentally retarded,' and making conforming changes, in Alaska Statutes."

- MOVED CSHB 88(HSS) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 88

SHORT TITLE: STATUTORY REFS TO MENTAL RETARDATION

SPONSOR(S): REPRESENTATIVE(S) MILLETT

01/28/13	(H)	READ THE FIRST TIME - REFERRALS
01/28/13	(H)	HSS
02/05/13	(H)	HSS AT 3:00 PM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE CHARISSE MILLETT

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 88 as the sponsor of the bill.

VASILIOS GIALOPSOS, Staff

Representative Charisse Millett

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 88 on behalf of the sponsor,  
Representative Millett.

WILDA LAUGHLIN, Special Assistance  
Office of the Commissioner  
Department of Health and Social Services (DHSS)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during discussion of HB  
88.

STACIE KRALY, Chief Assistant Attorney General - Statewide  
Section Supervisor  
Human Services Section  
Civil Division (Juneau)  
Department of Law (DOL)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during discussion of HB  
88.

MILLIE RYAN, Executive Director  
REACH, Inc.  
Juneau, Alaska

**POSITION STATEMENT:** Testified in strong support for HB 88.

CHRIS BRENNER  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 88.

KIM CHAMPNEY, President  
Alaska Association on Development Disabilities (AADD)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 88.

ERIC GEBHARDT, Chair  
Governor's Council on Disabilities and Special Education  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 88.

RICK NELSON, Vice Chair  
Governor's Council on Disabilities and Special Education  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 88.

KALEENE LAMB  
Wall Busters Advocacy Group, Access Alaska

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 88.

CAROLE ANDERSON, Chair

Challenge Alaska Board of Directors

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 88.

#### **ACTION NARRATIVE**

[3:07:59 PM](#)

**CHAIR PETE HIGGINS** called the House Health and Social Services Standing Committee meeting to order at 3:07 p.m. Representatives Higgins, Pruitt, Nageak, Keller, Tarr, Seaton, and Reinbold were present at the call to order.

#### **HB 88-STATUTORY REFS TO MENTAL RETARDATION**

[3:09:07 PM](#)

CHAIR HIGGINS announced that the only order of business would be HOUSE BILL NO. 88, "An Act changing the terms 'mental retardation' and 'mentally retarded,' and making conforming changes, in Alaska Statutes."

[3:09:34 PM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HB 88, labeled 28-LS0400\U, Mischel, 2/5/13, as the working document. There being no objection, it was so ordered.

[3:09:58 PM](#)

REPRESENTATIVE CHARISSE MILLETT, Alaska State Legislature, stated that both proposed HB 88 and the proposed CS, Version U, would change the use of the clinical terms "mental retardation" and "mentally retarded" in Alaska statutes. She declared that, as these have now become derogatory terms, proposed HB 88 would change this language to a more inclusive and respectful language for people with disabilities. She referenced proposed HB 88 as the "people first" bill, and pointed out that this language had been changed in 40 other states.

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VASILIOS GIALOPSOS, Staff, Representative Charisse Millett, Alaska State Legislature, explained that the two fundamental changes contained in the proposed committee substitute, Version U, were on page 14 and page 15. Directing attention to page 14, line 23, he stated that this would clarify that the intent of the rule of construction by the legislator was not to change the diagnosis for "intellectual or developmental disabilities," or the conditions of competency before courts. He explained that "this is a change of labels," as the intent of the original term had now become a derogation. He emphasized that Version U did not change or constrict the provisions of state services or the scope of the Department of Law. He moved on to explain page 14, line 29, which dealt with the changes to language in the Alaska Administrative Codes, and clarified that there would not be any fiscal burden.

[3:14:06 PM](#)

CHAIR HIGGINS, in response to Mr. Gialopsos, asked for a broad overview of the proposed bill.

MR. GIALOPSOS explained that proposed HB 88 identified the term "mentally retarded" in the Alaska statutes and substituted that term with "intellectual and developmental disabilities." He pointed out that nothing was changed with regard to the conditions or standards of competency. He emphasized that only the label would be changed.

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REPRESENTATIVE PRUITT, referring to the analysis of the Department of Health and Social Services fiscal note prepared by Melissa Stone, [Included in members' packets] asked if this had been addressed by the proposed CS, Version U.

REPRESENTATIVE MILLETT replied that the new regulation language in Version U did address this fiscal note analysis, and would be reflected in a new fiscal note.

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REPRESENTATIVE SEATON asked if the replacement term "intellectual and developmental disabilities" would require both disabilities to qualify, as it did not read "and/or".

REPRESENTATIVE MILLETT replied that only the term was replaced, and it did not expand the definition, or change the civil or criminal code. She stated that there was not any implication for proof.

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REPRESENTATIVE SEATON asked for the Department of Law to put on the record that it was not necessary to fit into both of the categories.

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WILDA LAUGHLIN, Special Assistance, Office of the Commissioner, Department of Health and Social Services (DHSS), clarified that Version U would "zero out both of our fiscal notes."

[3:20:06 PM](#)

STACIE KRALY, Chief Assistant Attorney General - Statewide Section Supervisor, Human Services Section, Civil Division (Juneau), Department of Law (DOL), in response to an earlier question by Representative Seaton, said that "historically the phrase 'mental retardation' would encompass both individuals with mental and developmental disabilities." She clarified that this substitution of term was not meant to expand or change the definition, and would encompass both conditions.

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REPRESENTATIVE SEATON asked to clarify that, as the term had previously covered intellectual or developmental, it was not necessary to now have both intellectual and development disabilities in order to qualify.

MS. KRALY, in response, opined that this was simply a switch of phrase.

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REPRESENTATIVE SEATON asked to clarify that this was not a contraction. He noted that having this on the record was very important for legislative history.

[3:22:26 PM](#)

REPRESENTATIVE TARR, directing attention to the fiscal notes, asked if a fiscal note was necessary from the Division of Senior and Disabilities Services in DHSS.

MS. LAUGHLIN replied that there was not a cost to that division.

REPRESENTATIVE TARR asked if there was a cost to the Governor's Council on Disabilities & Special Education.

MS. LAUGHLIN, in response, said that there was not a cost.

[3:22:55 PM](#)

REPRESENTATIVE KELLER asked to clarify that "physical" disabilities were not included in this bill.

MS. KRALY expressed her agreement.

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CHAIR HIGGINS opened public testimony.

[3:24:04 PM](#)

MILLIE RYAN, Executive Director, REACH, Inc., stated that REACH, and the 400 individuals with disabilities that REACH served, strongly supported the proposed bill. She said that replacing hurtful language was more than semantics. She shared that a change for the way we talk to people was a first step toward valuing them as contributing members of the community. She offered her belief that hurtful language could limit the expectations that people had for themselves. She declared that many more federal and state agencies were embracing these changes in language.

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CHRIS BRENNER shared that he was 23 years old and had been a client at REACH since he was 6 years old and labeled as mentally retarded. He stated that since that time he had been made fun of and treated differently. He expressed that the label upset him, and that he did not like the word. He pointed out that most people associated the label "mentally retarded" as dumb, or not as smart or capable as everyone else. He declared that he was as capable of success as others, noting that he worked full time, paid rent and taxes, and was his own conservator. He shared that most of his friends felt judged and looked down upon

because of this label. He strongly urged for this change in terms, and he stated:

It will make people feel better about themselves, it will make it so that some younger people will not have to grow up with this label, and feel judged. I'm not dumb, my friends aren't dumb. I'm independent and this word makes people feel demeaned and that they're not independent. This word is wrong and it needs to be changed, so we can change peoples' lives.

[3:27:43 PM](#)

KIM CHAMPNEY, President, Alaska Association on Development Disabilities (AADD), reported that AADD represented about 40 provider agencies in Alaska. She declared that AADD "wholeheartedly" supported proposed HB 88. She noted that AADD already used this language with the provider agencies.

[3:28:52 PM](#)

ERIC GEBHARDT, Chair, Governor's Council on Disabilities and Special Education, explained that the Council advised the state on issues that affected individuals with developmental disabilities. He declared that the mission of the Council was to create change that would improve the lives of individuals with disabilities. He declared that the Council supported HB 88. He affirmed that language could be a powerful tool to inspire, motivate, and uplift. He pointed out that "retardation" was used as an insult and as a negative stereotype. He reported that "mental retardation" was an example for the negative evolution of a word, as it had been created to replace other negative stereotype words which had characterized and insulted people. He asked the committee to "remember that as leaders you can also influence policies that will eliminate stereotypes that determine where a person will be educated, encourage high expectations of students with disabilities, and eliminate barriers to graduation." He noted that many states had changed their statutes and were now replacing "old negative language" with "people first language."

[3:33:25 PM](#)

REPRESENTATIVE TARR asked if the Council had outreach resources to educate students about the importance of language.

MR. GEBHARDT, in response, said that there was the capacity to communicate with organizations, and the Council did help to create, though he was unsure if there were resources for printing and distribution.

[3:34:51 PM](#)

REPRESENTATIVE TARR declared that she would like to see more outreach for change.

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REPRESENTATIVE REINBOLD suggested that this could be tied in with the anti-bullying initiatives.

MR. GEBHARDT voiced his agreement that negative language was a form of bullying. He mentioned that student governments had also discussed elimination of the term "retardation" in schools.

[3:36:28 PM](#)

RICK NELSON, Vice Chair, Governor's Council on Disabilities and Special Education, offered his personal story and said that he supported HB 88 "with a passion." He shared that, as he had a developmental disability, he had always been teased, made fun of, and called retarded. He declared that he had always tried to fight the battles to not be called that. He clarified that he was a very intellectual person with a disability, and he did not want to be labeled as something that he was not. He announced that he was graduating from University of Alaska Anchorage (UAA) in May, with a grade point average of 3.2, and a Bachelor's degree in business administration and management. He endorsed the change of term from mental retardation to intellectual and developmental disabilities.

[3:40:49 PM](#)

KALEENE LAMB, Wall Busters Advocacy Group, Access Alaska, offered her personal story, and shared that she was teased as a child. She expressed her support for HB 88, so that kids would not have to go through this same teasing. She reflected that she could not go to school, and it took her "a long time just to get where I'm at now." She acknowledged that although it was just a label, and she expressed her dislike for labels, she would appreciate a change of this label.

[3:42:35 PM](#)

CAROLE ANDERSON, Chair, Challenge Alaska Board of Directors, affirmed that language was a powerful tool that could inspire and motivate, or it could isolate, bully, and cause emotional damage. She pointed to the negative influences and associated stigma from the term "retardation." She shared a quote: "words are a form of action, capable of influencing change." She reported that the generalized term, "mental retardation," was characterized as having sufficiently impaired cognitive function, and historically defined as having an IQ below 70. She referred to the negative word evolution, or the "euphemism treadmill," which she defined as the eventual use as an insult for any word used to describe a condition. She pointed out that the term "mental retardation" was now recognized as disparaging, and the term "intellectual disability" or "intellectually challenged" was now preferred. She reported that many states were now using "people first" language for new or rewritten statutes, and she requested that Alaska follow this lead.

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MS. ANDERSON, in response to Representative Tarr, said that she supported proposed HB 88, and she asked (indisc) if Rosa's Law was an inspiration for the proposed bill.

[3:48:12 PM](#)

CHAIR HIGGINS closed public testimony.

[3:48:30 PM](#)

The committee took a brief at-ease.

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CHAIR HIGGINS called the committee back to order.

REPRESENTATIVE PRUITT asked to confirm that the upcoming fiscal notes would address Version U.

MS. LAUGHLIN, in response to Representative Pruitt, confirmed that Version U would create zero fiscal notes.

[3:51:49 PM](#)

REPRESENTATIVE KELLER moved to report CSHB 88, Version 28-LS0400\U, Mischel, 2/5/13, out of committee with individual

recommendations and the accompanying zero fiscal notes. There being no objection, CSHB 88(HSS) was moved from the House Health and Social Services Standing Committee.

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REPRESENTATIVE REINBOLD thanked Representative Millett, REACH, Challenge Alaska, and the brave testifiers for bringing this bill forward, as it may not have otherwise caught the attention of the Legislature. She opined that this bill would make the "world just a little bit more friendly place."

[3:53:34 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 3:53 p.m.