

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 11, 2013

1:32 p.m.

MEMBERS PRESENT

Senator Bert Stedman, Chair
Senator Peter Micciche, Vice Chair
Senator Kevin Meyer
Senator Pete Kelly
Senator Johnny Ellis

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 39

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 39

SHORT TITLE: STATUTORY REFS TO MENTAL RETARDATION

SPONSOR(S): SENATOR(S) MEYER

01/28/13	(S)	READ THE FIRST TIME - REFERRALS
01/28/13	(S)	HSS
02/11/13	(S)	HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

EDRA MORLEDGE, staff
Senator Kevin Meyer
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information on behalf of Senator Meyer, sponsor of SB 39.

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

POSITION STATEMENT: Testified in favor of SB 39.

CHRISTOPHER BRENNER, Advocate
REACH, Inc.
Juneau, Alaska

POSITION STATEMENT: Testified in favor of SB 39.

KIM CHAMPNEY, President
Alaska Association of Developmental Disability (AADD)
Juneau, Alaska

POSITION STATEMENT: Testified in favor of SB 39.

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

POSITION STATEMENT: Testified in favor of SB 39.

ERIC GEBHART, Chair
Governor's Council on Disabilities and Special Education
Nenana, Alaska

POSITION STATEMENT: Testified in favor of SB 39.

ACTION NARRATIVE

[1:32:08 PM](#)

CHAIR BERT STEDMAN called the Senate Health and Social Services Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Micciche, Meyer, Kelly, Ellis and Chair Stedman.

SB 39-STATUTORY REFS TO MENTAL RETARDATION

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CHAIR STEDMAN noted that documents related to SB 39 have not been posted in BASIS due to technical difficulties. He said the bill before the committee was SB 39.

[1:34:00 PM](#)

SENATOR KEVIN MEYER, sponsor of SB 39, introduced the bill. He related that when he was doing work on Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Spectrum Disorder (FASD) legislation, he saw the term "mental retardation" used for mental disabilities in many state statutes. Over time, that label has become more derogative and is now used to degrade and insult individuals. He stated that by using more respectful terminology, Alaska will become one of 40 states that have done so. He noted that the federal government, the Center for Disease Control, and the

World Health Organization have also done away with the "mental retardation" designation. He said the bill strikes a balance between being respectful without changing any services. It is simply a label change.

SENATOR MEYER noted that there was a new CS that makes some changes to SB 39.

SENATOR KELLY moved to adopt the proposed CS for SB 39, labeled 28-LS0247\U, as the working document before the committee.

CHAIR STEDMAN objected for discussion purposes.

He requested a comparison of the proposed CS to the original bill.

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EDRA MORLEDGE, staff, Senator Kevin Meyer, explained that the CS for SB 39 simply adds two new sections at the end of the bill; Section 28 and Section 29, beginning on page 14.

She related that Section 28 clarifies the intent of the legislation, so that nothing in this Act would be construed to alter the coverage, eligibility, rights, responsibilities, or definitions referred to in the statutes that are going to be amended by this legislation. Section 28 relates to some concerns the Department of Law brought up about criminal competency before the courts. It clarifies that it is a simple language change from "mental retardation" to "intellectual and developmental disability."

She said that Section 29, on pages 14 and 15, addresses concerns that the Department of Health and Social Services had about the fiscal burden placed on the department to make all the changes in their administrative code. The language clarifies that there is not anticipated fiscal impact to the department.

CHAIR STEDMAN removed his objection to adopting the proposed CS.

There being no objection, Version U was adopted.

SENATOR MEYER said he had nothing more to add.

CHAIR STEDMAN listed four fiscal notes: a zero fiscal note from the Department of Commerce, Community, and Economical Development, a zero fiscal note from the Department of Education and Early Development, and one fiscal note from the Division of

Administrative Services, Department of Health and Social Services in the amount of \$10,000 in general funds for FY 14 to cover the costs of changing regulations, and one indeterminate fiscal note from the Alaska Psychiatric Institute.

CHAIR STEDMAN opened public testimony.

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SENATOR KELLY said he understood that all fiscal notes are zero notes due to the changes in Version U.

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CHAIR STEDMAN agreed. He noted the new CS has zero fiscal notes. He added that there is no Senate Finance Committee referral.

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MILLIE RYAN, Executive Director, REACH, Inc., testified in support of SB 39. She stated that replacing hurtful language is more than just semantics. She said, "Changing how we talk about people with disabilities is a critical step towards making sure they are valued and contributing members of the community." She described how being labeled by hurtful language keeps people from asking for help. It limits their expectations of themselves, as well as the expectations of those around them. She thanked Senator Meyer for introducing the bill.

CHRISTOPHER BRENNER, Advocate, REACH, Inc., testified in support of SB 39. He described himself as twenty-three years old, a client of REACH, and labeled mentally retarded. He shared his personal experience. He said that as an adult, he works full time, pays rent and taxes, and is his own conservator. He agreed to be the voice representing people like himself. He strongly urged the language change and stated support for SB 39.

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KIM CHAMPNEY, President, Alaska Association of Developmental Disability (AADD), testified in support of SB 39. She related that AADD is a trade organization representing approximately 40 service providers in Alaska. Some of the larger members include Hope Community Resources, the ARC of Anchorage, REACH, and Fairbanks Resource Agency and Assets. She said she has no reservations about SB 39.

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RIC NELSON, Vice Chair, Governor's Council on Disabilities and Special Education, testified in support of SB 39. He said he has always been teased and made fun of and people called him

retarded. He shared a personal story. He said he is not retarded, but instead has a mental disability. He suggested changing the wording in the statute.

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ERIC GEBHART, Chair, Governor's Council on Disabilities and Special Education, testified in support of SB 39. He said that the Council members consist of the State Council on Developmental Disabilities, the Special Education Advisory Panel, and the Interagency Coordinating Council for Infants and Toddlers with Disabilities. The Council's focus is to advise the state on issues that affect individuals with developmental disabilities. The Council's mission is to create change that improves the lives of individuals with disabilities. He said the Council supports SB 39 because it meets the Council's mission.

He thanked Senator Meyer, the co-sponsors, and the House for passing the bill. He discussed the negative influences of "mental retardation." He said it was time to eliminate stereotypes and barriers of the disabled. He noted efforts in other states and in federal law to change this wording.

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CHAIR STEDMAN closed public testimony.

He thanked the testifiers for their contributions to the meeting to help move the bill forward.

CHAIR STEDMAN set SB 39 aside.

[1:52:38 PM](#)

There being no further business to come before the committee, Chair Stedman adjourned the Senate Health and Social Services Committee at 1:52 p.m.