

COMMITTEE REPORT
HOUSE

(11)

5/3/85

FURTHER:

Date: 5-7-85

The Committee on FINANCE has had HB 393

"An Act relating to rights of physically and mentally disabled persons."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 393 (JUD) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
5-1-85
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Albert R. Coker

[Signature]

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Albert R. Coker
CHAIRMAN

Offered: 5/3/85
Referred: Finance

Original sponsor: Judiciary Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 393 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:
10 (b) A person is not disqualified to act as a juror solely be-
11 cause of the loss of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.
13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.
16 * Sec. 2. AS 18.06.040 is amended to read:
17 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
18 Enforcement of this chapter shall be by the state Human Rights Commis-
19 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-
20 feres with admittance to or enjoyment of the public facilities set out
21 in AS 18.06.020 or otherwise interferes with the rights of a physical-
22 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled
23 person is guilty of a misdemeanor and upon conviction is punishable by
24 a fine of not more than \$1,000, or by imprisonment for not more than
25 60 days, or by both.
26 * Sec. 3. AS 18.80.255 is amended to read:
27 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
28 SUBDIVISIONS. It is unlawful for the state or any of its political
29 subdivisions

1 (1) to refuse, withhold from or deny to a person any local,
2 state or federal funds, services, goods, facilities, advantages or
3 privileges because of race, religion, sex, color or national origin;

4 (2) to publish, circulate, issue, display, post or mail a
5 written or printed communication, notice or advertisement which states
6 or implies that any local, state or federal funds, services, goods,
7 facilities, advantages or privileges of the office or agency will be
8 refused, withheld from or denied to a physically or mentally disabled
9 person or a person of a certain race, religion, sex, color or national
10 origin or that the patronage of a physically or mentally disabled
11 person or a person belonging to a particular race, creed, sex, color
12 or national origin is unwelcome, not desired or solicited; it is not
13 unlawful to post notice that facilities to accommodate the physically
14 or mentally disabled are not available;

15 (3) to refuse or deny to a person any local, state, or
16 federal funds, services, goods, facilities, advantages or privileges
17 because of physical or mental disability; however, this paragraph may
18 not be construed to require alteration or remodeling of buildings or
19 facilities owned or operated by the state or its political subdi-
20 visions to any extent not required by other law.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 393
 Title: "An Act relating to the rights of physically and mentally disabled Person"
 Sponsor: Judiciary Committee
 Requestor: _____
 Date of Request: 4-30-85

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: Division of Mental Health
 (and Developmental Disabilities)
 BRU, Program or Subprogram(s) Affected:
Central Office Division of Mental Health and
Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

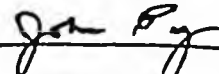
	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME none						
TEMPORARY required						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mel Henry, Ph.D., M.P.A.  Phone: 465-3370
 Division: Mental Health and Developmental Disabilities Date: 4-30-85

Approved by Commissioner:  Date: 5-1-85
 Agency: _____ jcc

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 5/1/85

REQUEST

Bill/Resolution No.: HB 393
 Title: An Act Relating To Rights of Deaf, Blind, Disabled Persons
 Sponsor: House Judiciary
 Requestor: _____
 Date of Request: 5/1/85

FISCAL DETAIL

Agency Affected: ALASKA COURT SYSTEM
 Program Category Affected: _____
 Due Process
 BRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		14.0	14.8	15.7	16.7	17.7

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		14.0	14.8	15.7	16.7	17.7
FEDERAL FUNDS						
OTHER						
TOTAL		14.0	14.8	15.7	16.7	17.7

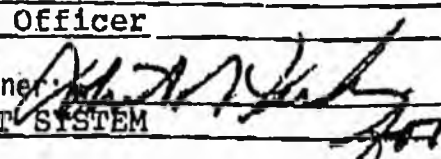
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher
 Division: Fiscal Officer

Phone: 264-0561
 Date: 5/1/85

Approved by Commissioner: 
 Agency: ALASKA COURT SYSTEM

Date: 5/1/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

ALASKA COURT SYSTEM
HB 393 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

POSITION PAPER

HB 393

"An Act relating to the rights of physically and mentally disabled persons."

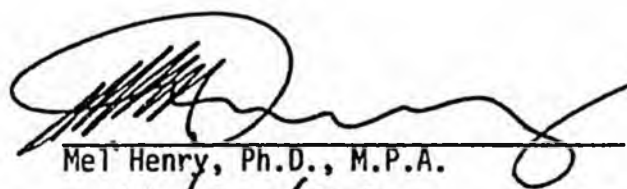
EFFECT OF HB 393:

This bill seeks to expand the rights of physically and mentally disabled persons in the following areas:

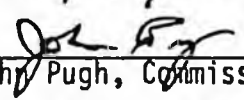
1. It would amend A.S. 09.20.010 to allow persons with visual, hearing and mobility impairments to serve as jurors and require courts to pay for interpreter and /or reader services as needed for such jurors.
2. AS. 18.06 is amended by adding a new section which would require any department, office, agency or other organizational unit of state government or a political subdivision of the state, including the University of Alaska , from which a deaf person seeks access to funds, services, goods, facilities, advantages, or privileges, to pay the costs of and provide an interpreter for the person.
3. 18.80.255 is amended by expanding the prohibition against discrimination in the provision, notice and advertisement of goods, services, funds, facilities and advantages, to include protection for physically and mentally disabled persons.
4. AS 18.80.300 is amended by adding definitions for "major life activities" and "physical or mental disability"

RECOMMENDATION:

The Department of Health and Social Services supports passage of HB 393.

Recommended by: 
Mel Henry, Ph.D., M.P.A.

Date: 4/30/85

Approved by: 
John Pugh, Commissioner

Date: 5-1-85

Offered: 5/3/85
Referred: Finance

Original sponsor: Judiciary Committee

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21 in AS 18.06.020 or otherwise interferes with the rights of a physical-
22 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled
23 person is guilty of a misdemeanor and upon conviction is punishable by
24 a fine of not more than \$1,000, or by imprisonment for not more than
25 60 days, or by both.
26 * Sec. 3. AS 18.80.255 is amended to read:
27 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
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2 state or federal funds, services, goods, facilities, advantages or
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4 (2) to publish, circulate, issue, display, post or mail a
5 written or printed communication, notice or advertisement which states
6 or implies that any local, state or federal funds, services, goods,
7 facilities, advantages or privileges of the office or agency will be
8 refused, withheld from or denied to a physically or mentally disabled
9 person or a person of a certain race, religion, sex, color or national
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12 or national origin is unwelcome, not desired or solicited; it is not
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Introduced: 4/22/85
Referred: Judiciary and
Finance

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13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.
16 * Sec. 2. AS 18.06 is amended by adding a new section to read:
17 Sec. 18.06.015. INTERPRETERS FOR DEAF PERSONS. A department,
18 office, agency, or other organizational unit of the state government,
19 or a political subdivision of the state, including the University of
20 Alaska, from which a deaf person seeks access to funds, services,
21 goods, facilities, advantages, or privileges shall pay the costs of
22 and provide an interpreter for the person.
23 * Sec. 3. AS 18.80.255 is amended to read:
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8 origin or that the patronage of a physically or mentally disabled
9 person or a person belonging to a particular race, creed, sex, color
10 or national origin is unwelcome, not desired or solicited.

11 * Sec. 4. AS 18.80.300 is amended by adding new paragraphs to read:

12 (15) "major life activities" means functions such as caring
13 for one's self, performing manual tasks, walking, seeing, hearing,
14 speaking, breathing, learning, and working;

15 (16) "physical or mental disability" means

16 (A) a physical or mental impairment that substantially
17 limits one or more major life activities,

18 (B) a history of, or a misclassification as having, a
19 mental or physical impairment that substantially limits one or
20 more major life activities; or

21 (C) having

22 (i) a physical or mental impairment that does not
23 substantially limit a person's major life activities but
24 that is treated by the person as constituting such a limita-
25 tion;

26 (ii) a physical or mental impairment that sub-
27 stantially limits a person's major life activities only as a
28 result of the attitudes of others toward the impairment; or

29 (iii) none of the impairments defined in this

1 paragraph but being treated by others as having such an
2 impairment;

3 (D) a condition that may require the use of a
4 prosthesis, special equipment for mobility or service animal;

5 (17) "physical or mental impairment" means

6 (A) physiological disorder or condition, cosmetic
7 disfigurement, or anatomical loss affecting one or more of the
8 following body systems: neurological, musculoskeletal, special
9 sense organs, respiratory including speech organs, cardiovascu-
10 lar, reproductive, digestive, genito-urinary, hemic and lymph-
11 atic, skin, and endocrine; or

12 (B) mental or psychological disorder, including mental
13 retardation, organic brain syndrome, emotional or mental illness,
14 and specific learning disabilities.