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COMMITTEE REPORT  
HOUSE

( 7 )

FURTHER: JUDICIARY

2/6/85

Date: 20 March 1985

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 172

"An Act relating to the rights of blind, hearing impaired, disabled, and physically handicapped persons."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 172 (HESS)  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
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature] (No Rec)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
CHAIRMAN

[Signature]

Introduced: 2/20/85  
Referred: Health, Education and  
Social Services and  
Judiciary

BY RODEY, V. FISCHER,  
JOSEPHSON AND KERTTULA

1 IN THE SENATE

2 SENATE BILL NO. 168

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 rights of deaf, blind, and  
7 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 unqualified to act as a juror solely because  
11 of the loss of hearing or sight in any degree or a disability that  
12 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 when necessary to enable a person with impaired hearing to  
15 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 18.06.040 is amended to read:

24 Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who  
25 denies or interferes with admittance to or enjoyment of the public  
26 facilities set out in AS 18.06.020 or otherwise interferes with the  
27 rights of a totally or partially blind or deaf or otherwise physically  
28 disabled person is guilty of a misdemeanor and upon conviction is  
29 punishable by a fine of not more than \$1,000, or by imprisonment for

1 not more than 60 days, or by both.

2 \* Sec. 4. AS 18.80.200 is amended to read:

3 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as  
4 a matter of legislative finding that discrimination against an inhabi-  
5 tant of the state because of race, religion, color, national origin,  
6 age, sex, deafness, blindness, disability, marital status, changes in  
7 marital status, pregnancy or parenthood is a matter of public concern  
8 and that such discrimination not only threatens the rights and  
9 privileges of the inhabitants of the state but also menaces the  
10 institutions of the state and threatens peace, order, health, safety  
11 and general welfare of the state and its inhabitants.

12 (b) Therefore, it is the policy of the state and the purpose of  
13 this chapter to eliminate and prevent discrimination in employment, in  
14 credit and financing practices, in places of public accommodation, in  
15 the sale, lease, or rental of real property because of race, religion,  
16 color, national origin, sex, age, deafness, blindness, disability,  
17 marital status, changes in marital status, pregnancy or parenthood.  
18 It is not the purpose of this chapter to supersede laws pertaining to  
19 child labor, the age of majority or other age restrictions or  
20 requirements.

21 \* Sec. 5. AS 18.80.210 is amended to read:

22 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain em-  
23 ployment, credit and financing, public accommodations, housing accom-  
24 modations and other property without discrimination because of sex,  
25 deafness, blindness, disability, marital status, changes in marital  
26 status, pregnancy, parenthood, race, religion, color or national  
27 origin is a civil right.

28 \* Sec. 6. AS 18.80.220(a) is amended to read:

29 (a) It is unlawful for

1           (1) an employer to refuse employment to a person, or to bar  
2 a person [HIM] from employment, or to discriminate against a person  
3 [HIM] in compensation or in a term, condition, or privilege of employ-  
4 ment because of [HIS] race, religion, color or national origin, or  
5 because of [HIS] age, [PHYSICAL HANDICAP,] sex, deafness, blindness,  
6 disability, marital status, changes in marital status, pregnancy or  
7 parenthood when the reasonable demands of the position do not require  
8 distinction on the basis of age, [PHYSICAL HANDICAP,] sex, deafness,  
9 blindness, disability, marital status, changes in marital status,  
10 pregnancy or parenthood;

11           (2) a labor organization, because of a person's sex,  
12 deafness, blindness, disability, marital status, changes in marital  
13 status, pregnancy, parenthood, age, race, religion, color or national  
14 origin, to exclude or to expel the person [HIM] from its membership,  
15 or to discriminate in any way against one of its members or an  
16 employer or an employee;

17           (3) an employer or employment agency to print or circulate  
18 or cause to be printed or circulated a statement, advertisement, or  
19 publication, or to use a form of application for employment or to make  
20 an inquiry in connection with prospective employment, that [WHICH]  
21 expresses, directly or indirectly, a limitation, specification or  
22 discrimination as to sex, deafness, blindness, disability, marital  
23 status, changes in marital status, pregnancy, parenthood, age, race,  
24 creed, color or national origin, or an intent to make the limitation,  
25 unless based upon a bona fide occupational qualification;

26           (4) an employer, labor organization or employment agency to  
27 discharge, expel or otherwise discriminate against a person because  
28 the person [HE] has opposed any practices forbidden under AS 18.80.200  
29 - 18.80.280 or because the person [HE] has filed a complaint,

1 testified or assisted in a proceeding under this chapter;

2 (5) an employer to discriminate in the payment of wages as  
3 between the sexes, or to employ a female in an occupation in this  
4 state at a salary or wage rate less than that paid to a male employee  
5 for work of comparable character or work in the same operation, busi-  
6 ness or type of work in the same locality; or

7 (6) a person to print, publish, broadcast or otherwise  
8 circulate a statement, inquiry or advertisement in connection with  
9 prospective employment that [WHICH] expresses directly, a limitation,  
10 specification or discrimination as to sex, deafness, blindness,  
11 disability, marital status, changes in marital status, pregnancy,  
12 parenthood, age, race, religion, color or national origin, unless  
13 based upon a bona fide occupational qualification.

14 \* Sec. 7. AS 18.80.230 is amended to read:

15 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-  
16 DATION. It is unlawful for the owner, lessee, manager, agent or  
17 employee of a public accommodation

18 (1) to refuse, withhold from or deny to a person any of its  
19 services, goods, facilities, advantages or privileges because of sex,  
20 deafness, blindness, disability, marital status, changes in marital  
21 status, pregnancy, parenthood, race, religion, color or national  
22 origin;

23 (2) to publish, circulate, issue, display, post or mail a  
24 written or printed communication, notice or advertisement that [WHICH]  
25 states or implies

26 (A) that any of the services, goods, facilities,  
27 advantages or privileges of the public accommodation will be  
28 refused, withheld from or denied to a person of a certain race,  
29 religion, sex, deafness, blindness, disability, marital status,

1 color or national origin or because of pregnancy, parenthood, or  
2 a change in marital status, or

3 (B) that the patronage of a person belonging to a  
4 particular race, creed, sex, marital status, color or national  
5 origin or who, because of pregnancy, parenthood, deafness,  
6 blindness, disability, or a change in marital status, is  
7 unwelcome, not desired or solicited.

8 \* Sec. 8. AS 18.80.240 is amended to read:

9 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF  
10 REAL PROPERTY. It is unlawful for the owner, lessee, manager or other  
11 person having the right to sell, lease or rent real property

12 (1) to refuse to sell, lease or rent the real property to a  
13 person because of sex, deafness, blindness, disability, marital  
14 status, changes in marital status, pregnancy, race, religion, color or  
15 national origin; however, nothing in this paragraph prohibits the  
16 sale, lease or rental of classes of real property commonly known as  
17 housing for "singles" or "married couples" only;

18 (2) to discriminate against a person because of sex,  
19 deafness, blindness, disability, marital status, changes in marital  
20 status, pregnancy, race, religion, color or national origin in a term,  
21 condition or privilege relating to the use, sale, lease or rental of  
22 real property; however, nothing in this paragraph prohibits the sale,  
23 lease or rental of classes of real property commonly known as housing  
24 for "singles" or "married couples" only;

25 (3) to make a written or oral inquiry or record of the sex,  
26 deafness, blindness, disability, marital status, changes in marital  
27 status, race, religion, color or national origin of a person seeking  
28 to buy, lease or rent real property;

29 (4) to offer, solicit, accept, use or retain a listing of

1 real property with the understanding that a person may be discriminat-  
2 ed against in a real estate transaction or in the furnishing of facil-  
3 ities or sources in connection therewith because of a person's sex,  
4 deafness, blindness, disability, marital status, changes in marital  
5 status, pregnancy, race, religion, color, national origin or age;

6 (5) to represent to a person that real property is not  
7 available for inspection, sale, rental, or lease when in fact it is so  
8 available, or to refuse to allow a person to inspect real property  
9 because of the race, religion, color, national origin, age, sex,  
10 deafness, blindness, disability, marital status, change in marital  
11 status or pregnancy of that person or of any person associated with  
12 that person;

13 (6) to engage in blockbusting;

14 (7) to make, print or publish, or cause to be made, printed  
15 or published, any notice, statement or advertisement, with respect to  
16 the sale or rental of real property that indicates any preference,  
17 limitation, or discrimination based on race, color, religion, sex,  
18 deafness, blindness, disability or national origin, or an intention to  
19 make the preference, limitation or discrimination.

20 \* Sec. 9. AS 18.80.250(a) is amended to read:

21 (a) It is unlawful for a financial institution or other commer-  
22 cial institution extending secured or unsecured credit, upon receiving  
23 an application for financial assistance or credit for the acquisition,  
24 construction, rehabilitation, repair or maintenance of a housing  
25 accommodation or other property or services, or the acquisition or  
26 improvement of unimproved property, or upon receiving an application  
27 for any sort of loan of money, to permit one of its officials or  
28 employees during the execution of the official's or the employee's  
29 [HIS] duties

1 (1) to discriminate against the applicant because of sex,  
2 deafness, blindness, disability, marital status, changes in marital  
3 status, pregnancy, parenthood, race, religion, color or national  
4 origin in a term, condition or privilege relating to the obtainment or  
5 use of the institution's financial assistance or credit, except to the  
6 extent of a federal statute or regulation applicable to a transaction  
7 of the same character;

8 (2) to make or cause to be made a written or oral inquiry  
9 or record of the sex, deafness, blindness, disability, marital status,  
10 changes in marital status, pregnancy, parenthood, race, religion,  
11 color or national origin of a person seeking the institution's  
12 financial assistance or credit, unless the inquiry is for the purpose  
13 of ascertaining the creditor's rights and remedies applicable to the  
14 particular extension of credit and is not made or used in order to  
15 discriminate in a determination of creditworthiness;

16 (3) to refuse to extend credit, issue a credit card or make  
17 a loan to a married person, who is otherwise creditworthy, if so  
18 requested by the person;

19 (4) to refuse to issue a credit card to a married person in  
20 that person's name, if so requested by the person, provided, however,  
21 that the person so requesting a card may be required to open an ac-  
22 count in that name.

23 \* Sec. 10. AS 18.80.255 is amended to read:

24 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITI-  
25 CAL SUBDIVISIONS. It is unlawful for the state or any of its politi-  
26 cal subdivisions

27 (1) to refuse, withhold from or deny to a person any local,  
28 state or federal funds, services, goods, facilities, advantages or  
29 privileges because of race, religion, sex, deafness, blindness,

1 disability, color or national origin;

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

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

12 (15) "disability" means

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

15 (B) a history of, or a misclassification as having, a  
16 mental or physical impairment that substantially limits one or  
17 more major life activities; or

18 (C) having

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

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

26 (iii) none of the impairments defined in this  
27 paragraph but being treated by others as having such an  
28 impairment;

29 (16) "major life activities" means functions such as caring

1 for one's self, performing manual tasks, walking, seeing, hearing,  
2 speaking, breathing, learning, and working;

3 (17) "physical or mental impairment" means

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

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

13 \* Sec. 12. AS 18.80.300(13) is repealed.

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS

FROM: NANCY BENNETT, COMMITTEE STAFF

DATE: MARCH 9, 1985

RE: HB 172 (DUNCAN) RIGHTS OF BLIND, HEARING IMPAIRED, DISABLED AND PHYSICALLY HANDICAPPED PERSONS.

This bill amends Title 18, Chapter 06 (Rights of blind and otherwise physically disabled persons) and Chapter 80 (State Commission on Human Rights) to cover hearing impaired, otherwise disabled persons (not just physically) and those using prosthetic devices and service animals.

The bill amends the general rights section and rights of a pedestrian in Chapter 06 and, under the Human Rights Commission, unlawful practices in the sale or rental of real property.

The Human Rights Commission reviewed this bill at their meeting last week, supports the bill and has submitted a fiscal note for \$18.2 since sale and rental of property is the largest single area in which the commission receives complaints from the handicapped. The commission received 26 complaints on housing discrimination last year and anticipate an increase should this legislation pass.

When the commission reviewed this bill, they also looked at SB 168 (Rodey) which they prefer, since it is more comprehensive. SB 168 protects the handicapped person's right to serve on a jury, the deaf person's right to an interpreter and amends Title 80 to include rights of the handicapped in:

1. The purpose section of the human rights commission statute.
2. Civil rights
3. Employment
4. Places of accommodation
5. Sale or rental of real property
6. Financing
7. Practices of the state or its political subdivisions

SB 168 also adds new definitions relevant to the bill and whereas the term used in the bill is "deaf, blind or disabled", HB 172 uses the term "hearing impaired and otherwise disabled" and includes in the protection of rights section "the use of a prosthesis or service animal".

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 172  
 Title: Rights of Blind, Hearing Impaired, Disabled & Physically Handicapped  
 Sponsor: Reps. Duncan & Collins  
 Requestor: Rep. Gruenberg  
 Date of Request: 3/8/85

**FISCAL DETAIL**

Agency Affected: Office of the Governor  
 Program Category Affected: Due Process  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
 Human Rights Commission

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		15.5	16.3	17.1	17.9	18.8
200 TRAVEL		2.5	2.6	2.8	2.9	3.0
300 CONTRACTUAL						
400 SUPPLIES		.2	.2	.2	.3	.3
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		18.2	19.1	20.1	21.1	22.1

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND		18.2	19.1	20.1	21.1	22.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

Twenty-six complaints were filed with the Human Rights Commission by disabled persons last year. It is expected that cases filed as a result of the passage of HB 172 will increase by approximately 1/3, as this bill addresses mainly housing issues. The Human Rights Commission feels that this impact will require the addition of 1/3 of an HRFR III position, Range 18, with attendant travel and supplies costs. It is estimated that the number of cases will increase by approximately 5%/yr.

Prepared By: Michael A. Nizich, Director Phone: 465-3544  
 Division: Administrative Services Date: 3/8/85

Approved by Commissioner: Laura J. Hummer Date: 3-11-85  
 Agency: Office of the Governor

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

1.	POSITION TITLE Human Rights Field Representative III				RANGE/STEP 18A	BARG. UNIT X	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 4	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	11,920								
6.	Benefits	3,541								
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01	15,461						
10.	Travel			2,500						
11.	Contractual		03							
12.	Commodities		04	250						
13.	Equipment		05							
14.	Other									
15.	TOTAL COST			18,211						
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004		18,211			
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR BSM USE ONLY										
KEY NUMBER _____										

This position is necessary to handle intake and case processing for the anticipated increase in housing cases filed by disabled persons as a result of HB 172.

AGENCY Office of the Governor

PROGRAM Due Process

BRU Human Rights Commission

COMPONENT \_\_\_\_\_

**FY 86**

REQUEST FOR  
NEW POSITION

Page 2 of 2

Retiree Date \_\_\_\_\_

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

RECEIVED  
FEB 11 1985

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

MEMORANDUM

February 11, 1985

SUBJECT: Sectional analysis of HB 172  
TO: Representative Jim Duncan  
FROM: Mike F. Ford *M.F.*  
Legislative Counsel

The following is a sectional analysis of the above referenced bill:

Section 1 Broadens the scope of the term "disabled" by deleting the word "physically" in describing disabled persons. Includes the hearing impaired among those with the right to be accompanied by a service animal in a public setting, also removes the term "guide dog" and substitutes "service animal" which again broadens the scope of the bill to cover all animals used to assist the disabled so long as the animal is properly trained.

Section 2 Amends the special pedestrian rights of certain persons by including the disabled as well as the blind, substitutes "service animal" for the term "guide dog."

Section 3 Includes those individuals with a physical handicap, prosthesis, or service animal among those which the law protects from discrimination in the sale or rental of real property. The same prohibition against discrimination because of sex, race, or religion is extended to these individuals.

MFF:csh  
c2/215

POSITION PAPER

HOUSE BILL 172

"An Act relating to the rights of blind, hearing impaired, disabled, and physically handicapped persons."

SUMMARY OF CURRENT LAW:

AS 18.06 entitles a visually and otherwise physically disabled person full and equal accommodations, advantages, facilities and privileges on all common carriers, airplanes, motor vehicles, trains, buses, street cars, boats or other public conveyance, hotels lodging, places of public accommodation, amusement, or resort and other places to which the general public is invited.

A.S. 18.06 also establishes that blind persons have the right to be accompanied by guide dogs in the above locations and describes rights of blind people (and their guide dogs) as pedestrians.

In addition A.S. 18.06 defines unlawful practices in the sale or rental of real property on the basis of sex, marital status, pregnancy, race, religion, color or national origin.

EFFECT OF HOUSE BILL 172:

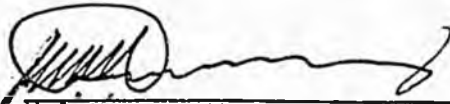
House Bill 172 extends A.S. 18.06 by allowing persons with impaired hearing, and otherwise disabled persons to be assisted by "service animals" in the same manner and with the same rights as visually impaired persons currently have in the use of guide dogs.

House Bill 172 also extends the rights of visually impaired pedestrians to include "otherwise disabled" pedestrians.

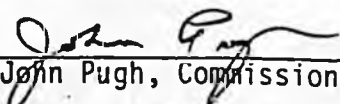
House Bill 172 also expands description of illegal practices in the sale or rental of real property to include illegal practices to a person because of physical handicaps, use of a prosthesis or service animal.

RECOMMENDATION:

The Department of Health and Social Services supports the passage of of House Bill 172.

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

Date: 2-15-85

Approved by:   
John Pugh, Commissioner

Date: 2/15/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 172  
 Title: An Act relating to the rights of blind, hearing impaired, disabled  
 Sponsor: Duncan  
 Requestor: \_\_\_\_\_  
 Date of Request: 2-07-85

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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


**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

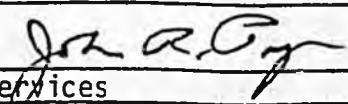
**POSITIONS:**

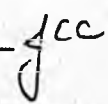
FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

Prepared By: Robert P. Gregovich, Ph.D.   
 Division: Mental Health & Developmental Disabilities

Phone: 465-3370  
 Date: 2-13-85

Approved by Commissioner:   
 Agency: Health & Social Services

Date: 2/15/85 

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

**Sec. 18.05.060. Penalty for violation.** A person who violates a provision of this chapter or a regulation adopted under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$500, or by imprisonment for not more than one year. Each day that a person continues a violation is a separate offense. (§ 40-1-6(c) ACLA 1949)

**Revisor's notes.** — The words "rule or" were deleted preceding "regulation" and the word "adopted" was substituted for "promulgated" following "regulation" by the revisor of statutes pursuant to AS 01.05.031.

**Sec. 18.05.070. Definitions generally.** In this chapter

(1) "department" means the Department of Health and Social Services;

(2) "commissioner" means the commissioner of health and social services. (§ 40-1-1 ACLA 1949; am § 2 ch 149 SLA 1968; am § 6 ch 104 SLA 1971)

**Revisor's notes.** — The text of a former subsection (b), defining "impairment" as used in AS 18.05.044 and 18.05.046, was relocated to those sections by the revisor of

statutes under authority of AS 01.05.031.

**Legislative history reports.** — For report on ch. 149 SLA 168 (CSHB 368 am S), see 1968 House Journal, p. 475.

## Chapter 06. Rights of Blind and Otherwise Physically Disabled Persons.

### Section

10. State policy

20. Rights

30. Rights as pedestrians

### Section

40. Penalty for denying rights

50. Definitions

---

**Collateral references.** — 15 Am. Jur. 2d, Civil Rights, §§ 1-4.

14 C.J.S., Civil Rights Supplement, §§ 1-18.

Exclusion of person (for reason other than color or race) from place of public entertainment or amusement. 1 ALR2d 1165.

Businesses or establishments falling within state civil rights statute provisions prohibiting discrimination. 87 ALR2d 120.

Municipal corporation's power to enact civil rights ordinance. 93 ALR2d 1028.

Recovery of damages as remedy for wrongful discrimination under state or local civil rights provisions. 85 ALR3d 351.

Construction and effect of state legislation forbidding job discrimination on account of physical handicap. 90 ALR3d 393.

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**Sec. 18.06.010. State policy.** It is the policy of this state to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment. (§ 2 ch 19 SLA 1972)

**Sec. 18.06.020. Rights.** (a) The blind, the visually handicapped, and the otherwise physically disabled have the same right as the able-bodied to the full and free pedestrian use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

(b) The blind, the visually handicapped, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(c) Totally or partially blind persons have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed in (b) of this section without being required to pay an extra charge for the guide dog; however, the person with the guide dog is liable for any damage done to the premises or facilities by the dog. (§ 2 ch 19 SLA 1972)

**Sec. 18.06.030. Rights as pedestrians.** The driver of a motor vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to the pedestrian, and a driver who fails to take all necessary precautions and causes injury to the pedestrian is liable in damages for the injury caused. A totally blind or partially blind pedestrian not carrying a cane as described in this section or using a guide dog in any of the places, accommodations or conveyances set out under AS 18.06.020 has all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry a cane as described in this section or to use a guide dog is not by itself evidence of contributory negligence. (§ 2 ch 19 SLA 1972)

**Sec. 18.06.040. Penalty for denying rights.** A person who denies or interferes with admittance to or enjoyment of the public facilities set out in AS 18.06.020 or otherwise interferes with the rights of a totally or partially blind or otherwise disabled person is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than 60 days, or by both. (§ 2 ch 19 SLA 1972)

**Collateral references.** — Applicability of civil rights acts to restaurant. 31 ALR 339.

Exclusion of person for reason other than color or race from place of public entertainment or amusement. 1 ALR2d 1165.

Businesses or establishments falling within state civil rights statute provisions

prohibiting discrimination. 87 ALR2d 120.

Trailer park as place of public accommodation within meaning of state civil rights statutes. 70 ALR3d 1142.

State law prohibiting sex discrimination violated by dress or grooming requirements for customers of establishments serving food or beverages. 89 ALR3d 7.

**Sec. 18.80.240. Unlawful practices in the sale or rental of real property.** It is unlawful for the owner, lessee, manager or other person having the right to sell, lease or rent real property

(1) to refuse to sell, lease or rent the real property to a person because of sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin; however, nothing in this paragraph prohibits the sale, lease or rental of classes of real property commonly known as housing for "singles" or "married couples" only;

(2) to discriminate against a person because of sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin in a term, condition or privilege relating to the use, sale, lease or rental of real property; however, nothing in this paragraph prohibits the sale, lease or rental of classes of real property commonly known as housing for "singles" or "married couples" only;

(3) to make a written or oral inquiry or record of the sex, marital status, changes in marital status, race, religion, color or national origin of a person seeking to buy, lease or rent real property;

(4) to offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's sex, marital status, changes in marital status, pregnancy, race, religion, color, national origin or age;

(5) to represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse a person to inspect real property because of the race, religion, color, national origin, age, sex, marital status, change in marital status or pregnancy of that person or of any person associated with that person;

(6) to engage in blockbusting;

(7) to make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of real property that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make the preference, limitation or discrimination. (§ 6 ch 117 SLA 1965; am § 8 ch 42 SLA 1972; am § 11 ch 104 SLA 1975)

**Collateral references.** — Validity of limitation which is not confined to that matter

Race or religious belief as permissible consideration in choosing tenants or purchaser of real estate. 14 ALR2d 153.

Provision in deed or contract for sale of real property or agreement between property owners discriminating against persons on account of race, color, or religion. 3 ALR3d 466.

Validity and construction of anti-blockbusting regulations designed to prevent brokers from inducing sales of

realty because of actual or rumored entry of racial group into neighborhood. 34 ALR3d 1432.

Prohibition, under state civil rights laws, of racial discrimination in rental of privately owned residential property. 96 ALR3d 497.

Enforceability of bylaw or other rule of condominium or cooperative association restricting occupancy by children. 100 ALR3d 241.

**Sec. 18.80.250. Unlawful financing practice.** (a) It is unlawful for a financial institution or other commercial institution extending secured or unsecured credit, upon receiving an application for financial assistance or credit for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or other property or services, or the acquisition or improvement of unimproved property, or upon receiving an application for any sort of loan of money, to permit one of its officials or employees during the execution of his duties

(1) to discriminate against the applicant because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance or credit, except to the extent of a federal statute or regulation applicable to a transaction of the same character;

(2) to make or cause to be made a written or oral inquiry or record of the sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin of a person seeking the institution's financial assistance or credit, unless the inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and is not made or used in order to discriminate in a determination of creditworthiness;

(3) to refuse to extend credit, issue a credit card or make a loan to a married person, who is otherwise creditworthy, if so requested by the person;

(4) to refuse to issue a credit card to a married person in that person's name, if so requested by the person, provided, however, that the person so requesting a card may be required to open an account in that name.

(b) Notwithstanding the provisions of (a) of this section, any practice permitted by federal statute or regulation applicable to financial or credit transactions of the same character as those covered by this section shall not constitute discrimination under this section.

(c) No action by a financial institution or other commercial institution extending credit taken in compliance with (a) of this section, including the extension of credit or the making of a loan, is a violation of AS 06.20.240, unless done with the intent or purpose of obtaining a higher rate of interest than would otherwise be permitted by AS

# MEMORANDUM

# State of Alaska

TO: Representative Jim Duncan  
House of Representatives

FROM: F. Pat Young *3*  
Deputy Director  
Vocational Rehabilitation

DATE: February 12, 1985

FILE NO:

TELEPHONE NO: (907) 465-2814

SUBJECT: House Bill 172

The Division of Vocational Rehabilitation strongly supports House Bill 172 which safeguards the rights of the disabled to full use of public places, public transportation, accommodations, and the right to be accompanied by a service animal. To date, very few disabled individuals within Alaska use service animals. The division is hopeful that legislation protecting an individual's right to use and house a service animal will enhance the opportunity for individuals who desire a service animal to have one. This law would also allow these animals to be insured which is an added incentive.

We appreciate your concern for the handicapped and your continuing support of them.

RECEIVED  
FEB 14 1985

# MEMORANDUM

# State of Alaska

TO: Jim Duncan  
Representative

FROM: F. Pat Young *3/*  
Deputy Director  
Vocational Rehabilitation

DATE: February 12, 1985

FILE NO:

TELEPHONE NO: (907) 465-2814

SUBJECT: House Bill 172

In addition to the comments made previously concerning House Bill 172, we are sending a copy of the Congressional Record of January 31, 1985. The subject is the right of mentally retarded persons to live in the community. As in the Clayborne case in Texas, many Alaskan communities including Juneau have zoning ordinances which create problems of group homes for the developmentally disabled. I am mentioning this because your bill particularly addresses physically handicapped in terms of rental or purchase of property but it does not address the developmentally disabled or the mentally retarded. This is a whole other area of concern to us and I am sure that other individuals are concerned about it also.

Good luck with House Bill 172.

RECEIVED  
FEB 14 1985

Lowell Weicker, Chairman  
Robert Stafford  
Donald Nickles  
Strom Thurmond



Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped

113 Hart Senate Office Bldg.

Washington, D.C. 20510

FEBRUARY 4, 1985

99-1-1

PRESIDENT'S FY '86 BUDGET REQUEST

The President has sent his FY '86 Budget Request to Congress including recommendations for some reductions in funding for programs serving disabled Americans. The President's request together with present funding levels are listed below:

FEB 11 1985

<u>SPECIAL EDUCATION</u>	<u>1985 Appropriated</u>	<u>1986 President's Request</u>	<u>\$Change</u>
State Grant	*\$1,135.15	\$1,135.15	---
Preschool Incentive Grant	29.00	29.00	---
Deaf-Blind Centers	15.00	12.00	- 3.0
Severely Handicapped Projects	4.30	4.30	---
Early Childhood Education	22.50	22.50	---
Regional, Vocational Adult and Postsecondary Programs	5.30	5.30	---
Innovation and Development	16.00	16.00	---
Media Services and Captioned Films	16.50	16.50	---
Regional Resource Centers	6.00	6.00	---
Recruitment and Information	1.03	1.03	---
Personnel Development	61.00	50.00	-11.0
Special Studies	3.17	2.17	- 1.0
Secondary Education and Transitional Services	6.33	6.33	---
TOTAL	\$1,321.28	\$1,306.28	(-15.0)
<u>VOCATIONAL REHABILITATION</u>			
Basic State Grant	\$1,100.00	\$1,100.00	---
Projects with Industry	14.40	13.00	- 1.4
Severely Disabled	14.64	14.64	---
Migrants/Indians	1.67	1.67	---
Client Assistance	6.30	6.30	---
Recreation	2.10	-0-	- 2.1
Independent Living	27.00	**22.00	- 5.0
Training	22.00	15.00	- 7.0
National Institute of Handicapped Research	39.00	39.00	---
Evaluation	2.00	.60	- 1.4
TOTAL	\$1,229.11	\$1,212.21	(-16.9)

(Over)

<u>DEVELOPMENTAL DISABILITIES</u>	<u>Appropriated</u>	<u>Request</u>	<u>\$Change</u>
State Grant	* \$50.25	\$50.25	---
Protection and Advocacy	13.75	13.75	---
University Affiliated			
Facilities	9.00	9.0	---
Special Projects	<u>2.70</u>	<u>-0-</u>	<u>.2.7</u>
TOTAL	\$75.70	\$73.00	(-2.7)
<u>SPECIAL INSTITUTIONS &amp; RELATED AGENCIES</u>			
Gallaudet College	\$58.70	\$58.70	---
National Technical			
Institute for the Deaf	31.40	30.40	- 1.0
American Printing House			
for the Blind	5.50	5.50	---
Helen Keller Center	4.20	4.20	---
National Council on the			
Handicapped	.75	.69	- .06

\* Dollar amount in millions

\*\* ZERO funding for Part A

\* \* \*

### PRESIDENT CONFIRMS CONTINUATION OF U.S. DEPARTMENT OF EDUCATION

Responding to questions raised by Senator Lowell Weicker, Jr. (R-CT), President Reagan reaffirmed his intention not to dismantle the Department of Education.

Senator Weicker requested the position of the administration on the Department during a confirmation hearing before the Committee on Labor and Human Resources on Dr. William Bennett, nominee for Secretary of Education.

"I have no intention of recommending the abolition of the Department to the Congress at this time," the President wrote on January 29. "(Rather), I have asked Dr. (William) Bennett to advise me on the best way possible for the federal government to assist in improving the quality of American education."

Dr. Bennett was subsequently reported favorably out of the Labor and Human Resources Committee. A full Senate vote on his nomination is expected in early February.

The Department of Education administers both the Special Education and Rehabilitation programs.

\* \* \*

### WEICKER ANNOUNCES STAFF CHANGES

Jane West, a legislative aide with the Subcommittee on the Handicapped since 1983, has been appointed Staff Director of the Subcommittee. West succeeds John A. Doyle who has been named Staff Director of the Appropriations Subcommittee on Labor, HHS and Education which funds programs for the handicapped. Both Subcommittees are chaired by Senator Lowell Weicker, Jr.

\* \* \*

## Senate

### RESOLUTION BY THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

● Mr. WEICKER. Mr. President, I would like to call the attention of my colleagues to an important resolution recently adopted unanimously by the President's Committee on Mental Retardation [PCMR]. This resolution reaffirms the fundamental right of mentally retarded persons to live in the community.

The Supreme Court will shortly consider the Cleburne case where a local zoning ordinance has excluded mentally retarded persons from living in the community, unless a special zoning permit is issued. The Fifth Circuit Court of Appeals has correctly upheld the right of mentally retarded persons to reside in the community. It is incumbent upon the Supreme Court to do the same.

While I commend PCMR for demonstrating the courage of their convictions in working toward securing and maintaining the inalienable rights of mentally retarded persons, I am once again disheartened by the action taken by the U.S. Department of Justice. Rather than leading the march for the rights of America's hand-capped citizens, it has positioned itself as an obstacle in that march. By filing an amicus brief supporting the reversal of the court of appeals decision, the Department of Justice has placed one more hurdle in the road to independence for America's retarded citizens.

I urge my colleagues to carefully review the President's Committee on Mental Retardation resolution, and I ask that this resolution be printed in today's RECORD at the conclusion of these remarks.

The resolution follows:

#### PCMR RESOLUTION CONCERNING THE CLEBURNE CASE

Whereas mentally retarded persons have historically been subjected to State imposed exclusion from education, employment and housing and denied the opportunity to participate fully in American community life; and

Whereas systematic State imposed exclusion and hostile differential treatment continues to prevent mentally retarded persons from full enjoyment of the rights and opportunities guaranteed to other citizens such as the right to associate actively within the social and economic fabric of families, neighborhoods, and communities, unrestricted by prejudice or stereotype; and

Whereas the zoning ordinance passed by the City of Cleburne, Texas, in 1947, excluding except by special use permit from apartment districts and other areas of the city where congregated living is permitted, "feeble minded" persons, is an integral part of this type of systematic State exclusion and hostile treatment towards mentally retarded citizens; and

Whereas the President's Committee on Mental Retardation has consistently supported all efforts to combat and overcome the effects of State imposed exclusion and hostility toward mentally retarded Americans and to establish the right of mentally retarded persons to choose their living arrangements; and

Whereas Group Homes currently are the principal community living alternatives for persons who are mentally retarded and the availability of such a home in communities is an essential ingredient of normal living patterns for mentally retarded persons; and

Whereas the President's Committee on Mental Retardation has long recognized that mentally retarded citizens lack sufficient political power to effectively access or use the political and legislative process to assert and to protect their basic rights; and

Whereas the President's Committee on Mental Retardation has vigorously supported both legislative and judicial action to ensure Equal Protection under the laws of state and localities; and

Whereas the Fifth Circuit Court of Appeals has struck down the Cleburne Ordinance as contrary to the Equal Protection guarantees of the Fourteenth Amendment of the U.S. Constitution; and

Whereas the Supreme Court of the United States now has before it a challenge to the validity of this zoning ordinance under the Equal Protection Clause;

Now therefore be it resolved that: The President's Committee on Mental Retardation express its view that the application of the Cleburne Ordinance to Americans with Mental Retardation represents a type of unlawful invidious discrimination existing across the Nation which is barred by the U.S. Constitution. ●

ALASKA  
STATE LEGISLATURE  
**MEMORANDUM**

February 8, 1985

TO: Representative Niilo Koponen  
Co-Chair House Health & Social Services Comm.

FROM: Representative Jim Duncan

RE: HB 172

HB 172, concerning the Rights of Blind and Disabled Persons has been referred to your committee.

This bill is intended to prevent discrimination against blind, deaf and otherwise disabled people due to their use of service animals including guide dogs, hearing dogs and other animals used by paraplegics, etc. The bill would prohibit discrimination in use of public facilities, public transportation and rental housing.

I urge you to schedule HB 172 for a hearing in your Committee as soon as possible.

SECTIONAL ANALYSIS OF DRAFT CS FOR HB 172 - RIGHTS OF PHYSICALLY AND MENTALLY DISABLED PERSONS

- SECTION 1 Provides that a person cannot be denied the opportunity to serve on a jury because of a disability, and that an interpreter or reader will be provided for a sight or hearing impaired person.
- SECTION 2 Changes wording in the general rights section to read physically and mentally disabled, and changes service dog to services animal, and provides that a certified animal has the right to accompany a disabled person in a public place.
- SECTION 3 Changes language in Rights of a Pedestrian to physically and mentally disabled, and includes use of special equipment for mobility and a service animal.
- SECTION 4 Provides that the provisions in AS 18.06 are to be enforced by the Human Rights Commission.
- SECTION 5 Changes existing definitions by reference to AS 18.80.300.
- SECTION 6 Adds to the general powers section of the Human Rights Commission statute in which the commission studies discrimination, the basis of physical or mental disability.
- SECTION 7 Adds physical or mental disability to the purpose clause of the Human Rights Commission.
- SECTION 8 Adds physical or mental disability to the civil rights section of the Human Rights Commission.
- SECTION 9 Adds physical or mental disability to the section in the Human Rights Commission statute which prohibits discrimination in employment.
- SECTION 10 Adds physical and mental disability to the section in the Human Rights Commission statute which prohibits discrimination in public accommodations.
- SECTION 11 Adds physical or mental disability to the section of the Human Rights Commission statute which prohibits discrimination in the sale or rental of real property.
- SECTION 12 Adds physical and mental disability to the section of the Human Rights Commission statute which prohibits discrimination by financial institutions.
- SECTION 13 Adds physical and mental disability to the section of the Human Rights Commission statute which prohibits discrimination by the state or its political

subdivisions.

SECTION 14      DEFINITIONS

PLEASE NOTE: On Page 11, lines 17-19, the words "emotional and mental illness" which were in SB 168 were deleted from this section because of the committee's reluctance to deal with mental illness.

SECTION 15      Repeals existing definition of "physical handicap"

Ford  
3/19/85 ✓

Original sponsors: Duncan and Collins

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 172 (HESS)

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  
11 because 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 18.06.020 is amended to read:

17 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-  
18 CAPPED, AND THE OTHERWISE] physically and mentally disabled have the  
19 same right as the able-bodied to the full and free pedestrian use of  
20 the streets, highways, sidewalks, walkways, public buildings, public  
21 facilities, and other public places.

22 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]  
23 physically and mentally disabled are entitled to full and equal accom-  
24 modations, advantages, facilities, and privileges of all common  
25 carriers, airplanes, motor vehicles, railroad trains, motor buses,  
26 street cars, boats or any other public conveyances or modes of trans-  
27 portation, hotels, lodging places, places of public accommodation,  
28 amusement or resort, and other places to which the general public is  
29 invited, subject only to the conditions and limitations established by

1 law and applicable alike to all persons.

2 (c) Persons who are physically and mentally disabled [TOTALLY OR  
3 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted  
4 by a service animal that is certified by a training facility for  
5 service animals as being able to function in a public setting [GUIDE  
6 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed  
7 in (b) of this section without being required to pay an extra charge  
8 for the service animal [GUIDE DOG]; however, the person with the  
9 animal [GUIDE DOG] is liable for any damage done to the premises or  
10 facilities by the animal [DOG].

11 \* Sec. 3. AS 18.06.030 is amended to read:

12 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor  
13 vehicle approaching a physically or mentally disabled [TOTALLY OR  
14 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white  
15 or metallic in color, with or without a red tip, using special equip-  
16 ment for mobility, or using a service animal [GUIDE DOG] shall take  
17 all necessary precautions to avoid injury to the pedestrian, and a  
18 driver who fails to take all necessary precautions and causes injury  
19 to the pedestrian is liable in damages for the injury caused. A  
20 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]  
21 pedestrian not carrying a cane as described in this section or using a  
22 service animal [GUIDE DOG] in any of the places, accommodations or  
23 conveyances set out under AS 18.06.020 has all of the rights and  
24 privileges conferred by law upon other persons, and the failure of a  
25 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-  
26 an to carry a cane as described in this section or to use a service  
27 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-  
28 gence.

29 \* Sec. 4. AS 18.06.040 is amended to read:

1           Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].  
2 Enforcement of this chapter shall be by the state Human Rights Commis-  
3 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-  
4 feres with admittance to or enjoyment of the public facilities set out  
5 in AS 18.06.020 or otherwise interferes with the rights of a  
6 physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE]  
7 disabled person is guilty of a misdemeanor and upon conviction is  
8 punishable by a fine of not more than \$1,000, or by imprisonment for  
9 not more than 60 days, or by both.

10 \* Sec. 5. AS 18.06.050 is amended to read:

11           Sec. 18.06.050. DEFINITIONS. In this chapter "physically or  
12 mentally disabled" has the meaning given in AS 18.80.300 [TOTALLY  
13 BLIND" OR "PARTIALLY BLIND" MEANS A PERSON WHOSE VISUAL ACUITY DOES  
14 NOT EXCEED 20/200 IN THE BETTER EYE WITH CORRECTING LENSES OR WHOSE  
15 WIDEST DIAMETER OF VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20  
16 DEGREES].

17 \* Sec. 6. AS 18.80.060(a) is amended to read:

18           (a) In addition to the other powers and duties prescribed by  
19 this chapter the commission shall

- 20                   (1) appoint an executive director approved by the governor;  
21                   (2) hire other administrative staff as may be necessary to  
22 the commission's function;  
23                   (3) exercise general supervision and direct the activities  
24 of the executive director and other administrative staff;  
25                   (4) accept complaints under AS 18.80.100;  
26                   (5) study the problems of discrimination in all or specific  
27 fields of human relationships, and foster through community effort or  
28 goodwill cooperation and conciliation among the groups and elements  
29 of the population of the state, and publish results of investigations

1 and research as in its judgment will tend to eliminate discrimination  
2 because of race, religion, color, national ancestry, physical or  
3 mental disability [HANDICAP], age, sex, marital status, changes in  
4 marital status, pregnancy or parenthood;

5 (6) make an overall assessment, at least once every three  
6 years, of the progress made toward equal employment opportunity by  
7 every department of state government; results of the assessment shall  
8 be included in the annual report made under AS 18.80.150;

9 (7) enforce AS 18.06.

10 \* Sec. 7. AS 18.80.200 is amended to read:

11 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as  
12 a matter of legislative finding that discrimination against an inhabi-  
13 tant of the state because of race, religion, color, national origin,  
14 age sex, physical or mental disability, marital status, changes in  
15 marital status, pregnancy or parenthood is a matter of public concern  
16 and that such discrimination not only threatens the rights and privi-  
17 leges of the inhabitants of the state but also menaces the institu-  
18 tions of the state and threatens peace, order, health, safety and  
19 general welfare of the state and its inhabitants.

20 (b) Therefore. it is the policy of the state and the purpose of  
21 this chapter to eliminate and prevent discrimination in employment, in  
22 credit and financing practices, in places of public accommodation, in  
23 the sale, lease, or rental of real property because of race, religion,  
24 color, national origin, sex, age, physical or mental disability,  
25 marital status, changes in marital status, pregnancy or parenthood.  
26 It is not the purpose of this chapter to supersede laws pertaining to  
27 child labor, the age of majority or other age restrictions or require-  
28 ments.

29 \* Sec. 8. AS 18.80.210 is amended to read:

1           Sec. 18.80.210.    CIVIL RIGHTS.    The opportunity to obtain em-  
2   ployment, credit and financing, public accommodations, housing accom-  
3   modations and other property without discrimination because of sex,  
4   physical or mental disability, marital status, changes in marital  
5   status, pregnancy, parenthood, race, religion, color or national  
6   origin is a civil right.

7   \* Sec. 9. AS 18.80.220(a) is amended to read:

8           (a) It is unlawful for

9                   (1) an employer to refuse employment to a person, or to bar  
10   the person [HIM] from employment, or to discriminate against the  
11   person [HIM] in compensation or in a term, condition, or privilege of  
12   employment because of [HIS] race, religion, color or national origin,  
13   or because of [HIS] age, physical or mental disability [HANDICAP],  
14   sex, marital status, changes in marital status, pregnancy or parent-  
15   hood when the reasonable demands of the position do not require dis-  
16   tinction on the basis of age, physical or mental disability [HANDI-  
17   CAP], sex, marital status, changes in marital status, pregnancy or  
18   parenthood;

19                   (2) a labor organization, because of a person's sex, mari-  
20   tal status, changes in marital status, pregnancy, parenthood, age,  
21   race, religion, color or national origin, to exclude or to expel the  
22   person [HIM] from its membership, or to discriminate in any way  
23   against one of its members or an employer or an employee;

24                   (3) an employer or employment agency to print or circulate  
25   or cause to be printed or circulated a statement, advertisement, or  
26   publication, or to use a form of application for employment or to make  
27   an inquiry in connection with prospective employment, which expresses,  
28   directly or indirectly, a limitation, specification or discrimination  
29   as to sex, physical or mental disability, marital status, changes in

1 marital status, pregnancy, parenthood, age, race, creed, color or  
2 national origin, or an intent to make the limitation, unless based  
3 upon a bona fide occupational qualification;

4 (4) an employer, labor organization or employment agency to  
5 discharge, expel or otherwise discriminate against a person because  
6 the person [HE] has opposed any practices forbidden under AS 18.80.-  
7 200 - 18.80.280 or because the person [HE] has filed a complaint,  
8 testified or assisted in a proceeding under this chapter;

9 (5) an employer to discriminate in the payment of wages as  
10 between the sexes, or to employ a female in an occupation in this  
11 state at a salary or wage rate less than that paid to a male employee  
12 for work of comparable character or work in the same operation, busi-  
13 ness or type of work in the same locality; or

14 (6) a person to print, publish, broadcast or otherwise  
15 circulate a statement, inquiry or advertisement in connection with  
16 prospective employment which expresses directly, a limitation, speci-  
17 fication or discrimination as to sex, physical or mental disability,  
18 marital status, changes in marital status, pregnancy, parenthood, age,  
19 race, religion, color or national origin, unless based upon a bona  
20 fide occupational qualification.

21 \* Sec. 10. AS 18.80.230 is amended to read:

22 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-  
23 DATION. It is unlawful for the owner, lessee, manager, agent or  
24 employee of a public accommodation

25 (1) to refuse, withhold from or deny to a person any of its  
26 services, goods, facilities, advantages or privileges because of sex,  
27 physical or mental disability, marital status, changes in marital  
28 status, pregnancy, parenthood, race, religion, color or national  
29 origin;

1 (2) to publish, circulate, issue, display, post or mail a  
2 written or printed communication, notice or advertisement that [WHICH]  
3 states or implies

4 (A) that any of the services, goods, facilities,  
5 advantages or privileges of the public accommodation will be  
6 refused, withheld from or denied to a person of a certain race,  
7 religion, sex, physical or mental disability, marital status,  
8 color or national origin or because of pregnancy, parenthood, or  
9 a change in marital status, or

10 (B) that the patronage of a person belonging to a  
11 particular race, creed, sex, marital status, color or national  
12 origin or who, because of pregnancy, parenthood, physical or  
13 mental disability, or a change in marital status, is unwelcome,  
14 not desired or solicited.

15 \* Sec. 11. AS 18.80.240 is amended to read:

16 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL  
17 PROPERTY. It is unlawful for the owner, lessee, manager or other  
18 person having the right to sell, lease or rent real property

19 (1) to refuse to sell, lease or rent the real property to a  
20 person because of sex, marital status, changes in marital status,  
21 pregnancy, race, religion, physical or mental disability, color or  
22 national origin; however, nothing in this paragraph prohibits the  
23 sale, lease or rental of classes of real property commonly known as  
24 housing for "singles" or "married couples" only;

25 (2) to discriminate against a person because of sex, mari-  
26 tal status, changes in marital status, pregnancy, race, religion,  
27 physical or mental disability, color or national origin in a term,  
28 condition or privilege relating to the use, sale, lease or rental of  
29 real property; however, nothing in this paragraph prohibits the sale,

1 lease or rental of classes of real property commonly known as housing  
2 for "singles" or "married couples" only;

3 (3) to make a written or oral inquiry or record of the sex,  
4 marital status, changes in marital status, race, religion, physical or  
5 mental disability, color or national origin of a person seeking to  
6 buy, lease or rent real property;

7 (4) to offer, solicit, accept, use or retain a listing of  
8 real property with the understanding that a person may be discrimin-  
9 ated against in a real estate transaction or in the furnishing of  
10 facilities or sources in connection therewith because of a person's  
11 sex, marital status, changes in marital status, pregnancy, race,  
12 religion, physical or mental disability, color, national origin or  
13 age;

14 (5) to represent to a person that real property is not  
15 available for inspection, sale, rental, or lease when in fact it is so  
16 available, or to refuse a person to inspect real property because of  
17 the race, religion, physical or mental disability, color, national  
18 origin, age, sex, marital status, change in marital status or preg-  
19 nancy of that person or of any person associated with that person;

20 (6) to engage in blockbusting;

21 (7) to make, print or publish, or cause to be made, printed  
22 or published, any notice, statement or advertisement, with respect to  
23 the sale or rental of real property that indicates any preference,  
24 limitation, or discrimination based on race, color, religion, physical  
25 or mental disability, sex, or national origin, or an intention to make  
26 the preference. limitation or discrimination.

27 \* Sec. 12. AS 18.80.250(a) is amended to read:

28 (a) It is unlawful for a financial institution or other commer-  
29 cial institution extending secured or unsecured credit, upon receiving

1 an application for financial assistance or credit for the acquisition,  
2 construction, rehabilitation, repair or maintenance of a housing  
3 accommodation or other property or services, or the acquisition or  
4 improvement of unimproved property, or upon receiving an application  
5 for any sort of loan of money, to permit one of its officials or  
6 employees during the execution of the official's or the employee's  
7 [HIS] duties

8 (1) to discriminate against the applicant because of sex,  
9 physical or mental disability, marital status, changes in marital  
10 status, pregnancy, parenthood, race, religion, color or national  
11 origin in a term, condition or privilege relating to the obtainment or  
12 use of the institution's financial assistance or credit, except to the  
13 extent of a federal statute or regulation applicable to a transaction  
14 of the same character;

15 (2) to make or cause to be made a written or oral inquiry  
16 or record of the sex, physical or mental disability, marital status,  
17 changes in marital status, pregnancy, parenthood, race, religion,  
18 color or national origin of a person seeking the institution's finan-  
19 cial assistance or credit, unless the inquiry is for the purpose of  
20 ascertaining the creditor's rights and remedies applicable to the  
21 particular extension of credit and is not made or used in order to  
22 discriminate in a determination of creditworthiness;

23 (3) to refuse to extend credit, issue a credit card or make  
24 a loan to a married person, who is otherwise creditworthy, if so  
25 requested by the person;

26 (4) to refuse to issue a credit card to a married person in  
27 that person's name, if so requested by the person, provided, however,  
28 that the person so requesting a card may be required to open an ac-  
29 count in that name.

1 \* Sec. 13. AS 18.80.255 is amended to read:

2           Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITI-  
3 CAL SUBDIVISIONS. It is unlawful for the state or any of its politi-  
4 cal subdivisions

5           (1) to refuse, withhold from or deny to a person any local,  
6 state or federal funds, services, goods, facilities, advantages or  
7 privileges because of race, religion, sex, physical or mental disabil-  
8 ity, color or national origin;

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

18 \* Sec. 14. AS 18.80.300 is amended by adding new paragraphs to read:

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

22           (16) "physical or mental disability" means

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

25           (B) a history of, or a misclassification as having, a  
26 mental or physical impairment that substantially limits one or  
27 more major life activities; or

28           (C) having

29           (i) a physical or mental impairment that does not

1 substantially limit a person's major life activities but  
2 that is treated by the person as constituting such a limita-  
3 tion;

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

7 (iii) none of the impairments defined in this  
8 paragraph but being treated by others as having such an  
9 impairment;

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

12 (17) "physical or mental impairment" means

13 (A) physiological disorder or condition, cosmetic  
14 disfigurement, or anatomical loss affecting one or more of the  
15 following body systems: neurological, musculoskeletal, special  
16 sense organs, respiratory including speech organs, cardiovascu-  
17 lar, reproductive, digestive, genito-urinary, hemic and lymph-  
18 atic, skin, and endocrine; or

19 (B) mental or psychological disorder, including mental  
20 retardation, organic brain syndrome, and specific learning dis-  
21 abilities.

22 \* Sec. 15. AS 18.80.300(13) is repealed.  
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