

H B

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COMMITTEE REPORT

HOUSE

4/17

*(Handwritten signature)*

(7)

FURTHER:

3/22/85

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

The Committee on JUDICIARY 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 (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
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*(Handwritten signatures)*

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*(Handwritten signature)* no rec

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CHAIRMAN

POSITION PAPER

CS HB 172

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

EFFECT OF CS HB 172:

This bill seeks to expand the rights of physically and mentally disabled persons in three 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. A.S. 18.06 would be amended to expand protection currently offered to blind persons using guide dogs to "physically and mentally disabled" users of "service animals".
3. Under A.S. 18.80, all areas of the Human Rights Law would be expanded to provide equal protection to "physically and mentally disabled persons" as defined.

RECOMMENDATION:

The Department of Health and Social Services supports passage of CS HB 172.

Recommended by:

*Met Henry*  
Met Henry, Ph.D., M.P.A.

Date:

4-1-85

Approved by:

*John Pugh*  
John Pugh, Commissioner

Date:

3/31/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: CS HB 172  
 Title: "An Act relating to the rights of physically & mentally disabled persons"  
 Sponsor: HFESS  
 Requestor: \_\_\_\_\_  
 Date of Request: 3-22-85

**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: 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	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME N/A						
TEMPORARY						

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

Prepared By: Mei Henry, Ph.D., M.P.A. Phone: 465-3370

Division: Mental Health & Developmental Disabilities Date: 3-28-85

Approved by Commissioner: *John R. Poy* Date: 3/31/85 *JCC*

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CSHB 172  
 Title: An Act Relating to Rights of Deaf, Blind, and Disabled  
 Sponsor: Duncan/Collins/Gruenberg  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

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
<b>OPERATING</b>						
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		212.3				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		226.3	14.8	15.7	16.7	17.7
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	226.3	14.8	15.7	16.7	17.7
FEDERAL FUNDS					
OTHER					
<b>TOTAL</b>	226.3	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 Phone: 264-0561  
 Division: Alaska Court System Date: 3/20/85  
 Approved by Commissioner: [Signature] Date: 3/20/85  
 Agency: Alaska Court System

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  
CSHB 172 - 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.

Providing access to court facilities and restrooms for disabled individuals will require remodeling of certain courts. The remodeling will provide barrier-free access routes to court buildings, expansion of jury boxes, and enlarged toilet facilities for individuals in wheelchairs. For those locations where remodeling is feasible, the cost is estimated at \$212,300. In a few locations, such as Nome, modifications cannot be made, except at a substantial cost. Many urban courts are already equipped to handle disabled persons.

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

SECTIONAL ANALYSIS FOR CS FOR HB 172 (HESS) - 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 accomodations.
- 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"

# MEMORANDUM

## State of Alaska

TO: Representative Jim Duncan  
House of Representatives

FROM: P. 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

DATE: February 12, 1985

FILE NO:

TELEPHONE NO: (907) 465-2814

FROM: F. Pat Young <sup>3</sup>  
Deputy Director  
Vocational Rehabilitation

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

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:

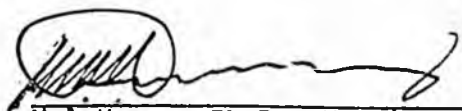
House Bill 172 extends A.S. 18.06 by allowing persons with impaired hearing, and otherwise disabled persons to be assisted by "service animals" in the same manner and with the same rights as visually impaired persons currently have in the use of guide dogs.

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

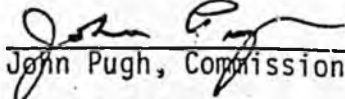
House Bill 172 also expands description of illegal practices in the sale or rental of real property to include illegal practices to a person because of physical handicaps, use of a prosthesis or service animal.

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 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)

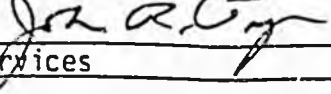
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert P. Gregovich, P.I.D.  Phone: 465-3370  
 Division: Mental Health & Developmental Disabilities Date: 2-13-85

Approved by Commissioner:  Date: 2/15/85 JCC  
 Agency: Health & Social Services

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



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

MAIN OFFICE  
325 East 3rd, 2nd Floor  
Anchorage, AK 99501  
(907) 274-3658

SOUTHEAST  
REGIONAL OFFICE  
127 S. Franklin, Suite 2  
Juneau, AK 99801  
(907) 586-1627

NORTHERN  
REGIONAL OFFICE  
763 7th Ave.  
Fairbanks, AK 99701  
(907) 456-1070

March 28, 1985

Ms. Nancy Bennett  
Office of Rep. Max Gruenberg  
Pouch V  
Juneau, Alaska 99811

RE: HB 172

Dear Nancy:

As per our phone call of March 28, 1985, I am expressing in writing P.A.D.D.'s position on HB172.

First, I am disappointed that the committee chose to delete SB168's amendment to 18.06.015 requiring interpreters for the deaf seeking access to funds, services, goods, facilities, advantages or privileges from state or local governments. The deaf cannot meaningfully participate as citizens without the use of an interpreter. Interpreters are necessary in order for the deaf to have access to their government. I am aware that this provision would have some fiscal impact. However, in my opinion, this does not justify denying these basic opportunities to deaf people.

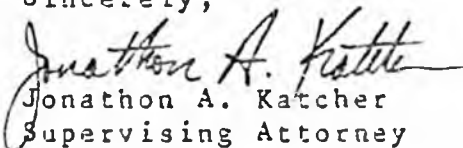
Second, HB172 changes SB 168's "Deafness, blindness, or disability" to "physical or mental disability." I agree that "physical or mental disability" has the same meaning as disability. However, in my opinion, "disability" is a cleaner, more generic word, that avoids the problem of every disabled group wanting their condition mentioned in the bill. I have no objections to "physical or mental disability", I just think "disability" is simpler. Please be forewarned that advocates for the deaf and blind community are likely to be disappointed that their particular conditions were deleted from the bill. In any event, the rights are much more important than the label. HB172 continues to vindicate those rights in much the same way as SB168.

There is however, one exception to how well the rights of the mentally disabled are protected. Subsection 18.80.255 (17)(b) of HB172 (Pg. 11 of the workdraft) deletes "emotional or mental illness" from the definition of "physical or mental impairment". I strongly disagree with this deletion of the emotionally or mentally ill from the protection of the statute. Please consider that this deletion would justify discrimination against a person who has any kind of emotional or mental illness. Consequently, if a person is seeing a psychotherapist or counselor to deal with an emotional problem, under the bill an employer could fire them, a landlord could evict them, or a bank could deny them financial services without any recourse to the Human Rights Commission. There is more to mental illness than <sup>that</sup> which is found at API. The bill's deletion of emotional and mental illness would affect middle American's as well. I feel that the biases against the mentally ill are based upon inappropriate stereotypes. The purpose of Civil Rights legislation is to force people to surrender their prejudices and to work together to come to know one another as people, rather than as labels. At the time of the Civil Rights legislation on behalf of blacks, numerous stereotypes circulated about the danger of the blacks as a race. After the passage of the legislation and the prohibition of discrimination, all races were compelled to come together. It was through this interaction that the stereotypes were proven falacious and the biases were destroyed. At present, numerous stereotypes exist about the danger of the mentally ill. These are as unjustified as those based on race. Only through prohibiting discrimination against all people can we as a society grow.

Thank you for this opportunity to give input to this very important piece of legislation. I would appreciate being informed in the future about any hearings or actions in relation to this bill.

Please feel free to contact me if you have any other questions or comments.

Sincerely,

  
Jonathon A. Katcher  
Supervising Attorney

JAK:bk

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

AGENCY HEADQUARTERS  
431 W. 7th AVENUE, SUITE 105  
ANCHORAGE, ALASKA 99501  
(907) 276-7474

NORTHERN REGION  
675 SEVENTH AVENUE, STA H  
FAIRBANKS, ALASKA 99701  
(907) 452-1561

SOUTHCENTRAL REGION  
431 W. 7th AVENUE, SUITE 101  
ANCHORAGE, ALASKA 99501  
(907) 274-4692

SOUTHEASTERN REGION  
POUCH AH  
314 GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811  
(907) 465-3560

April 15, 1985

The Honorable M. Mike Miller  
Chair  
House Judiciary Committee  
Juneau, AK 99811

Dear Representative Miller:

At its annual meeting on February 28 - March 1 in Juneau the Human Rights Commissioners reviewed HB 172 and SB 168 and took the following positions:

HB 172 - The Commissioners supported this bill and agreed "the more comprehensive coverage of SB 168 is preferable in terms of our statute."

SB 168 - "To support that part of the legislation which applies to our agency and the state law and express a concern that the portion which deals with jury duty be permissive but not mandatory."

More recently, we have reviewed CSHB 172 which passed out of House Health Education, and Social Services Committee with significant changes which affect the Commission's position on this bill.

The Commission now offers the following comments on CSHB 172:

1. The Commission does not support the extension of its jurisdiction in Section 18.06.202(a)-(c) and Section 18.06.030 to include streets, highways, sidewalks, walkways and the rights of the disabled as pedestrians. These areas fall outside the parameters of the agency's expertise and are not compatible with our program.

2. The Commission continues to support the extension of its jurisdiction on the basis of disability to include sale or rental of real property, places of public accommodation, financial practices, and practices by the state or its political subdivisions. The Commission presently investigates complaints filed by other protected classes alleging violations of these sections. Based on our experience in investigations of physical handicap discrimination in employment, we are prepared to offer our services giving broader protections for the disabled under the proposed legislation.

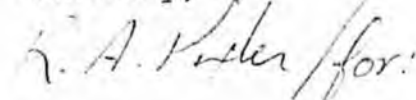
Miller  
Page 2  
April 15, 1985

3. The Commission supports the definition of disability as proposed in SB 168, Section 11, AS 18.80.300. The Commission recommends the substitution of SB 168's definition of disability in CSHB 172.

4. The Commission requests that the fiscal note prepared by the Office of the Governor dated 3/20/85 be reattached to this legislation. The Commission supports added protections from discrimination for the disabled in Alaska; however, the Commission's FY 85 staff is already stretched to the limits as more persons continue to file complaints of discrimination under the present statute. To extend the Commission's jurisdiction without additional resources to enforce those jurisdictions would result in larger caseloads for investigators and delays in processing cases. In 1984, the agency increased case production by 17% despite a 29% increase in the number of new filings. This increase in case resolutions was especially significant in light of the reduction of 2.5 staff investigators since FY 83; the Commission has, in fact, met the challenge to do more with less. Unfortunately, the Commission's increased productivity has now reached its maximum. Adding new protections as the filing rate continues to climb will result in decreased case production. We, therefore urge you to adopt the Office of the Governor's fiscal note dated 3/20/85.

Please do not hesitate to contact me if you or members of your Committee have questions about our position on this bill.

Sincerely,



Janet L. Bradley  
Executive Director

JLB/b

# Alaska Association of the Deaf

4241 B Street, Suite 201  
Anchorage, Alaska 99503  
907-563-4713 (V/TTY)

April 5, 1985

Representative Max Gruenberg  
Pouch V  
Juneau, AK 99811

RE: HB172/SB168

Dear Max:

This letter is in response to your letter dated March 15, 1985.

Thank you for this opportunity to comment on these very important pieces of legislation. I am very pleased that the House P & S Committee chose to consolidate these bills in order to expedite their passage. Both bills would afford handicapped people legal protections that have been long awaited.

However, in the process of combining these two bills, certain elements of SB168 which are very important to the deaf community have been watered down or deleted. I am disappointed that this has occurred and I hope that through my input you will be able to rectify the situation.

SB168 provided that whenever a deaf person seeks access to funds, services, goods, facilities, advantages or privileges from the state or local government, including the University of Alaska, that governmental entity must pay for and provide the deaf person with an interpreter. HB172 has eliminated this very important provision. You must try to understand what a terrible disadvantage we deaf people are at whenever we try to deal with the government. Without an interpreter any attempts on our part to receive the benefits of basic citizenship are completely frustrated. I feel it is the responsibility of the government to provide us with interpreters in order for us to have the same rights as all speaking and hearing persons. I recognize that this will end up costing the state some money. However, this expense does not justify denying deaf people access to their government. I hope you and the other members of the House will reconsider this deletion. We, in the deaf community, consider this section to be essential and we will be very disappointed if it does not become part of the law.

Both SB168 and HB172 deal with the Alaska Human Rights Commission. Both bills add the disabled to race, religion, etc. in the Human Rights Commission Statute. SB168 protects the "deaf, blind, and disabled". HB172 protects the "physically and mentally disabled". I am unhappy with the deletion of deafness and blindness from the specific wording of HB172. I feel it is very important that the deaf and the blind be specifically mentioned in the Human Rights Commission Statute. I believe that the law should make it absolutely certain that these protections apply to the deaf and blind. I do not want to leave it up to some lawyer or judge down the road to determine that the statute does not apply to the deaf or the blind. Therefore, I disagree with HB172's elimination of the

words deafness and blindness.

Finally, I am dissatisfied with the exclusion of the emotionally and mentally ill from the protection of the Human Rights Commission Statute as found in HB172. SB168 includes the emotionally and mentally ill as persons who are protected under the Human Rights Commission. I believe that these laws should apply to all disabled people, including the emotionally and mentally ill.

I was very disappointed that I was not given the opportunity to give input to your committee at the time that it was deliberating over these bills. As you know I have been very actively involved in the drafting of SB168. As a primary advocate for the deaf community, I feel that I had the right to present my position to the committee at the time it was considering the action and not subsequent to that time. Therefore, I would greatly appreciate being notified of any subsequent hearings or actions by your committee or any other House Committee as it may relate to these bills.

Thank you again for this opportunity to comment. Please feel free to contact me if you have any questions.

Sincerely,



Albert Berke,  
Executive Secretary

AB:ss

## Who We Are . . .

Protection and Advocacy (P.A.D.D.) is a private not-for-profit corporation that exists to protect and advocate for persons with developmental disabilities. This agency was created by a federal law 98-527 and authorized under state law AS 47.80.020 which requires the state of Alaska to have an agency for protection and advocacy purposes.

Since it is a private agency, we are not administered by federal or state government, although funding for P.A.D.D. does come through the Federal Department of Health and Human Services and the Alaska Department of Health and Social Services.

Our purpose is to see to it that governmental units at all levels respect and comply with the legal and human rights of persons with a developmental disability. We monitor activities in the private sector as well as the public.

Above all our goal is to help persons with a development disability to know their rights and to assist them in pursuing remedies on their own. Legal action may be a final recourse but we believe many other steps can and should be taken before legal remedies are sought.

## The People We Serve . . .

P.A.D.D. works on behalf of any person, regardless of age, who has a developmental disability. The disability must be attributable to a mental or physical impairment or combination of mental and physical impairments, and it must be manifested before the age of twenty-two and be likely to continue indefinitely.

The disability must result in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capability for independent living and economic self-sufficiency.

Finally, we serve those with a disability which reflects the need for a combination and sequence of special, inter-disciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.

We spend our greatest amount of energy on cases in which the problem is clearly attributable to a development disability. We do serve other handicapped persons as time and resources allow.

We provide information and **ADVOCACY** in the following areas:

**SPECIAL EDUCATION / EMPLOYMENT /  
VOCATIONAL REHABILITATION /  
FINANCIAL ASSISTANCE / HOUSING /  
GUARDIANSHIP / GENERAL LEGAL  
RIGHTS / ARCHITECTURAL BARRIERS /  
RIGHTS OF INSTITUTIONALIZED  
DEVELOPMENTALLY DISABLED**

## How We Can Help . . .

We can provide the tools needed to advocate for persons with a **DEVELOPMENTAL DISABILITY**. These tools include information, legal guidance or referral to a more appropriate agency. Armed with correct information and our back-up support, we feel people can better speak for themselves.

When direct action is called for, we may intervene on the behalf of a client to resolve a complaint. In many cases, we have acted as a liaison between service providers, governmental agencies, and a concerned parent.

We may provide legal support to lawyers working on behalf of a P.A.D.D. client, refer clients to attorneys familiar with Developmental Disabilities law and in cases affecting large numbers of our clients, provide direct representation.

P.A.D.D.'s staff can provide in-service training, workshops and presentations regarding our services, due process or legal rights of persons with a developmental disability.

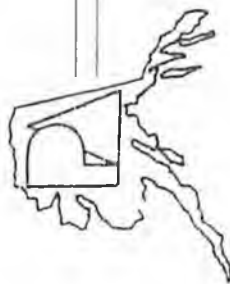
P.A.D.D. adheres to the principles enacted by the Alaska legislature Alaska Law AS 47.80.110. The law requires that the system of services and facilities shall accord with the principle that treatment, services and habilitation shall be designed to maximize individual potential, minimize institutionalization, and shall be provided in the least restrictive setting, enabling a person to live as normally as possible within the limitations of their disability.

# Advocacy Demonstrated

K.D. is a 39 year old mildly mentally retarded woman from one of Alaska's small communities. She is ambulatory and possesses many self-help skills; she is a sociable, friendly woman who laughs easily and makes her needs known to others. K. had lived with her family as a child, but as the parents' circumstances changed, they were no longer able to care for her, and she entered a group home for disabled adults.

K. had progressed in her independent living and self-help skills to the point that she no longer fit into the group home, functioning at a much higher level than the other residents. This began to elicit inappropriate manipulative and dominant behaviors on K.'s part and the facility's administration made plans to discharge the client from the program. Three weeks' notice was given the client and her family, with no alternatives in view. Responsibility for placement and the kind of program that K. needs to live in the least restrictive manner possible for her, were areas of dispute between the facility and state authorities. If no other resources could be found, K. would be transferred to the state's institution for severely and profoundly retarded children and adults in Valdez. The family was at a loss for what to do and in desperation considered court action against the facility.

P.A.D.D. staff secured the services of the state's Adult Protection unit, expediting the application process for these services, as well as the application to an independent resident program in another city. K. was accepted into the independent living program and now resides in a boarding home, receiving habilitation services, the needed medical and dental attention, and is employed at a sheltered workshop. She receives mental health services to provide socialization training, and has become involved in a recreation program, where she interacts with her peers in the community. P.A.D.D. staff continue to monitor services and needs.



**PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED**

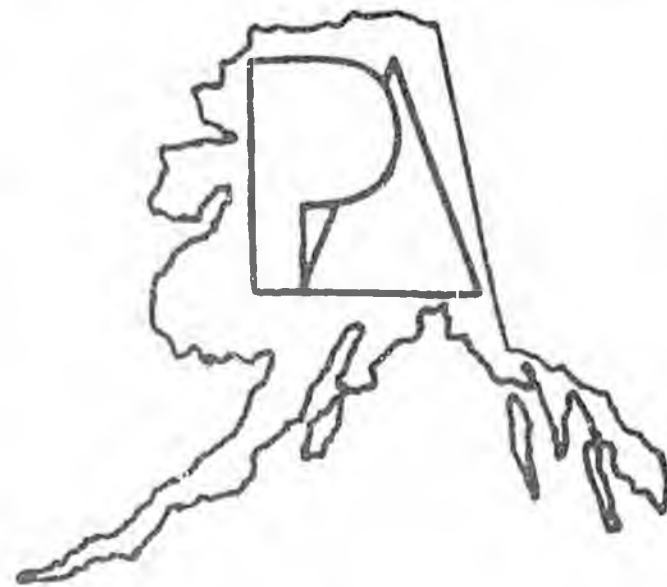
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*Protecting the Legal and Human Rights of Persons With A Developmental Disability*



**PROTECTION AND ADVOCACY  
FOR THE  
DEVELOPMENTALLY DISABLED**

*Protecting the  
Legal and Human Rights  
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A Developmental Disability*

STATE OF ALASKA  
THE LEGISLATURE

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary, 4/15/85 1:30 pm

Original sponsors: Duncan, Collins  
and Gruenberg

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 172 (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 18.06.020 is amended to read:

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

15 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]  
16 physically or mentally disabled are entitled to full and equal accom-  
17 modations, advantages, facilities, and privileges of all common  
18 carriers, airplanes, motor vehicles, railroad trains, motor buses,  
19 street cars, boats or any other public conveyances or modes of trans-  
20 portation, hotels, lodging places, places of public accommodation,  
21 amusement or resort, and other places to which the general public is  
22 invited, subject only to the conditions and limitations established by  
23 law and applicable alike to all persons.

24 (c) Persons who are physically or mentally disabled [TOTALLY OR  
25 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted  
26 by a service animal that is certified by a training facility for  
27 service animals as being able to function in a public setting [GUIDE  
28 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed  
29 in (b) of this section without being required to pay an extra charge

1 for the service animal [GUIDE DOG]; however, the person with the  
2 animal [GUIDE DOG] is liable for any damage done to the premises or  
3 facilities by the animal [DOG].

4 \* Sec. 2. AS 18.06.030 is amended to read:

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

22 \* Sec. 3. AS 18.06.040 is amended to read:

23 Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who denies  
24 or interferes with admittance to or enjoyment of the public facilities  
25 set out in AS 18.06.020 or otherwise interferes with the rights of a  
26 physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE]  
27 disabled person is guilty of a Class B misdemeanor [AND UPON  
28 CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY  
29 IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BY BOTH].

1 \* Sec. 4. AS 18.06.050 is amended to read:

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

8 \* Sec. 5. AS 18.80.060(a) is amended to read:

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

11 (1) appoint an executive director approved by the governor;

12 (2) hire other administrative staff as may be necessary to  
13 the commission's function;

14 (3) exercise general supervision and direct the activities  
15 of the executive director and other administrative staff;

16 (4) accept complaints under AS 18.80.100;

17 (5) study the problems of discrimination in all or specific  
18 fields of human relationships, and foster through community effort or  
19 goodwill, cooperation and conciliation among the groups and elements  
20 of the population of the state, and publish results of investigations  
21 and research as in its judgment will tend to eliminate discrimination  
22 because of race, religion, color, national ancestry, physical or  
23 mental disability [HANDICAP], age, sex, marital status, changes in  
24 marital status, pregnancy or parenthood;

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

29 (7) enforce AS 18.06.

1 \* Sec. 6. AS 18.80.200 is amended to read:

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

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

20 \* Sec. 7. AS 18.80.210 is amended to read:

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

27 \* Sec. 8. AS 18.80.220(a) is amended to read:

28 (a) It is unlawful for

29 (1) an employer to refuse employment to a person, or to bar

1 the person [HIM] from employment, or to discriminate against the  
2 person [HIM] in compensation or in a term, condition, or privilege of  
3 employment because of [HIS] race, religion, color or national origin,  
4 or because of [HIS] age, physical or mental disability [HANDICAP],  
5 sex, marital status, changes in marital status, pregnancy or parent-  
6 hood when the reasonable demands of the position do not require dis-  
7 tinction on the basis of age, physical or mental disability [HANDI-  
8 CAP], sex, marital status, changes in marital status, pregnancy or  
9 parenthood;

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

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

24 (4) an employer, labor organization or employment agency to  
25 discharge, expel or otherwise discriminate against a person because  
26 the person [HE] has opposed any practices forbidden under AS 18.80.-  
27 200 - 18.80.280 or because the person [HE] has filed a complaint,  
28 testified or assisted in a proceeding under this chapter;

29 (5) an employer to discriminate in the payment of wages as

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

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

12 \* Sec. 9. AS 18.80.230 is amended to read:

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

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

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

24 (A) that any of the services, goods, facilities,  
25 advantages or privileges of the public accommodation will be  
26 refused, withheld from or denied to a person of a certain race,  
27 religion, sex, physical or mental disability, marital status,  
28 color or national origin or because of pregnancy, parenthood, or  
29 a change in marital status, or

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

6 \* Sec. 10. AS 18.80.240 is amended to read:

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

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

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

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

27 (4) to offer, solicit, accept, use or retain a listing of  
28 real property with the understanding that a person may be discrimin-  
29 ated against in a real estate transaction or in the furnishing of

1 facilities or sources in connection therewith because of a person's  
2 sex, marital status, changes in marital status, pregnancy, race,  
3 religion, physical or mental disability, color, national origin or  
4 age;

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

11 (6) to engage in blockbusting;

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

18 \* Sec. 11. AS 18.80.250(a) is amended to read:

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

28 (1) to discriminate against the applicant because of sex,  
29 physical or mental disability, marital status, changes in marital

1 status, pregnancy, parenthood, race, religion, color or national  
2 origin in a term, condition or privilege relating to the obtainment or  
3 use of the institution's financial assistance or credit, except to the  
4 extent of a federal statute or regulation applicable to a transaction  
5 of the same character;

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

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

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

21 \* Sec. 12. AS 18.80.300 is amended by adding new paragraphs to read:

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

25 (16) "physical or mental disability" means

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

28 (B) a history of, or a misclassification as having, a  
29 mental or physical impairment that substantially limits one or

1 more major life activities; or

2 (C) having

3 (i) a physical or mental impairment that does not  
4 substantially limit a person's major life activities but  
5 that is treated by the person as constituting such a limita-  
6 tion;

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

10 (iii) none of the impairments defined in this  
11 paragraph but being treated by others as having such an  
12 impairment;

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

15 (17) "physical or mental impairment" means

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

22 (B) mental or psychological disorder, including mental  
23 retardation, organic brain syndrome, emotional or mental illness,  
24 and specific learning disabilities.

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

14-1105  
Ford  
4/16/85

1  
2 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

3 HOUSE BILL NO. HB 393

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to the rights of physically and  
8 mentally disabled persons."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 09.20.010 is amended by adding new subsections to read:

11 (b) A person is not disqualified to act as a juror solely be-  
12 cause of the loss of hearing or sight in any degree or a disability  
13 that substantially impairs or interferes with the person's mobility.

14 (c) The court shall provide, and pay the cost of services of, an  
15 interpreter or reader when necessary to enable a person with impaired  
16 hearing or sight to act as a juror.

17 \* Sec. 2. AS 18.06 is amended by adding a new section to read:

18 Sec. 18.06.015. INTERPRETERS FOR DEAF PERSONS. A department,  
19 office, agency, or other organizational unit of the state government,  
20 or a political subdivision of the state, including the University of  
21 Alaska, from which a deaf person seeks access to funds, services,  
22 goods, facilities, advantages, or privileges shall pay the costs of  
23 and provide an interpreter for the person.

24 \* Sec. 3. AS 18.80.255 is amended to read:

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

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

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 physically or mentally disabled  
7 person or a person of a certain race, religion, sex, color or national  
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  
2 paragraph but being treated by others as having such an  
3 impairment;

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

6 (17) "physical or mental impairment" means

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

13 (B) mental or psychological disorder, including mental  
14 retardation, organic brain syndrome, and specific learning dis-  
15 abilities.  
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