

COMMITTEE REPORT
SENATE

FURTHER:

3/19/86

Date 5/7/86

Mr. President

The Committee on FINANCE considered CSHB 172 (Jud) am
rights of physically and mentally disabled persons.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 172 (Hess)
- new title
- same title and recommends DO PASS
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
2 & SFC (Gov. & CA)
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
Rich Halford
Paul Fitch
McLear
Jerguson

MEMBERS HAVING
OTHER RECOMMENDATIONS

a - [Signature]
Chairman
do pass
Chairman recommendation

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS CSHB 172 (Hess)
 Title : An Act Relating to Rights of Deaf, Blind, Disabled Persons
 Sponsor : HESS
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This fiscal note zeroes previous fiscal note funding for the Alaska Court System.

Prepared by : _____ Phone : 465-4523
 Division : Senator Jan Faiks, Co-chairman Date : 5/7/86
Senate Finance Committee
 Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS CSHB 172 (HESS)
 Title : Rights of physically and
 mentally disabled persons

Sponsor : Duncan, Collins, Gruenburg
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Office of the Governor
 BRU : Commissions/Special Offices

Components : Human Rights Commission

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : _____ Phone : 465-4523
 Division : Senator Jan Faiks, Co-chairman Date : 5/7/86
Senate Finance Committee

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

Offered: 3/19/86
Referred: Finance

Original sponsors: Duncan, Collins
and Gruenberg

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 172 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

16 * Sec. 2. AS 12.55.155(c)(22) is amended to read:

17 (22) the defendant knowingly directed the conduct consti-
18 tuting the offense at a victim because of that person's race, sex,
19 color, creed, physical or mental disability, ancestry, or national
20 origin;

21 * Sec. 3. AS 18.06.010 is amended to read:

22 Sec. 18.06.010. STATE POLICY. It is the policy of this state to
23 encourage and enable the [BLIND, THE VISUALLY HANDICAPPED, AND THE
24 OTHERWISE] physically or mentally disabled to participate fully in the
25 social and economic life of the state and to engage in remunerative
26 employment.

27 * Sec. 4. AS 18.06.020 is amended to read:

28 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-
29 CAPPED, AND THE OTHERWISE] physically or mentally disabled have the

1 same right as the able-bodied to the full and free pedestrian use of
2 the streets, highways, sidewalks, walkways, public buildings, public
3 facilities, and other public places.

4 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]
5 physically or mentally disabled are entitled to full and equal accom-
6 modations, advantages, facilities, and privileges of all common carri-
7 ers, airplanes, motor vehicles, railroad trains, motor buses, street
8 cars, boats or any other public conveyances or modes of transporta-
9 tion, hotels, lodging places, places of public accommodation, amuse-
10 ment or resort, and other places to which the general public is invit-
11 ed, subject only to the conditions and limitations established by law
12 and applicable alike to all persons.

13 (c) Persons who are physically or mentally disabled [TOTALLY OR
14 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted
15 by a service animal that is certified by a training facility for
16 service animals as being able to function in a public setting [GUIDE
17 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed
18 in (b) of this section without being required to pay an extra charge
19 for the service animal [GUIDE DOG]; however, the person with the
20 animal [GUIDE DOG] is liable for any damage done to the premises or
21 facilities by the animal [DOG].

22 * Sec. 5. AS 18.06.030 is amended to read:

23 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor
24 vehicle approaching a physically or mentally disabled [TOTALLY OR
25 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white
26 or metallic in color, with or without a red tip, using special equip-
27 ment for mobility, or using a service animal [GUIDE DOG] shall take
28 all necessary precautions to avoid injury to the pedestrian, and a
29 driver who fails to take all necessary precautions and causes injury

1 to the pedestrian is liable in damages for the injury caused. A
2 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]
3 pedestrian not carrying a cane as described in this section or using a
4 service animal [GUIDE DOG] in any of the places, accommodations or
5 conveyances set out under AS 18.06.020 has all of the rights and
6 privileges conferred by law upon other persons, and the failure of a
7 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-
8 an to carry a cane as described in this section or to use a service
9 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-
10 gence.

11 * Sec. 6. AS 18.06.040 is amended to read:

12 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
13 Enforcement of this chapter shall be by the state Human Rights Commis-
14 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-
15 feres with admittance to or enjoyment of the public facilities set out
16 in AS 18.06.020 or otherwise interferes with the rights of a physical-
17 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled
18 person is guilty of a class B misdemeanor [AND UPON CONVICTION IS
19 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR
20 NOT MORE THAN 60 DAYS, OR BY BOTH].

21 * Sec. 7. AS 18.06.050 is amended to read:

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

28 * Sec. 8. AS 18.80.050 is amended by adding a new subsection to read:

29 (b) The commission shall adopt regulations relating to

1 discrimination because of physical and mental disability. The regula-
2 tions shall furnish guidance concerning the circumstances under which
3 it is permissible, appropriate, and relevant to consider a person's
4 physical or mental disability in deciding whether to provide the
5 person with employment, credit, financing, public accommodations,
6 housing accommodations, or other goods or services under this chapter.

7 * Sec. 9. AS 18.80.060(a) is amended to read:

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

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

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

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

15 (4) accept complaints under AS 18.80.100;

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

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

28 (7) enforce AS 18.06.

29 * Sec. 10. AS 18.80.200 is amended to read:

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

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

22 * Sec. 11. AS 18.80.210 is amended to read:

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

29 * Sec. 12. AS 18.80.220(a) is amended to read:

1 (a) It is unlawful for

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

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

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

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

1 AS 18.80.200 - 18.80.280 or because the person [HE] has filed a com-
2 plaint, testified or assisted in a proceeding under this chapter;

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

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

15 * Sec. 13. AS 18.80.230 is amended to read:

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

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

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

27 (A) that any of the services, goods, facilities,
28 advantages or privileges of the public accommodation will be
29 refused, withheld from or denied to a person of a certain race,

1 religion, sex, physical or mental disability, marital status,
2 color or national origin or because of pregnancy, parenthood, or
3 a change in marital status, or

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

9 * Sec. 14. AS 18.80.240 is amended to read:

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

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

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

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

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

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

14 (6) to engage in blockbusting;

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

21 * Sec. 15. AS 18.80.250(a) is amended to read:

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

1 [HIS] duties

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

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

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

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

25 * Sec. 16. AS 18.80.255 is amended to read:

26 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
27 SUBDIVISIONS. It is unlawful for the state or any of its political
28 subdivisions

29 (1) to refuse, withhold from or deny to a person any local,

1 state or federal funds, services, goods, facilities, advantages or
2 privileges because of race, religion, sex, color or national origin;

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

14 (3) to refuse or deny to a person any local, state, or
15 federal funds, services, goods, facilities, advantages or privileges
16 because of physical or mental disability.

17 * Sec. 17. AS 18.80 is amended by adding a new section to read:

18 Sec. 18.80.256. ALTERATIONS NOT REQUIRED. This chapter may not
19 be construed to require, or affect other laws that require or provide
20 for, the alteration or remodeling of buildings, facilities, or vehi-
21 cles in order to provide access to or accommodate the needs of a
22 person with a physical disability.

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

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

27 (16) "physical or mental disability" means

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

1 (B) a history of, or a misclassification as having, a
2 mental or physical impairment that substantially limits one or
3 more major life activities; or

4 (C) having

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

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

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

15 (D) a condition that may require the use of a prosthe-
16 sis, special equipment for mobility or service animal;

17 (17) "physical or mental impairment" means

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

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

27 * Sec. 19. AS 18.80.300(13) is repealed.

SECTIONAL ANALYSIS FOR SCS CSHB 172 (HESS)

Section 1 Provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. Also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

Section 2 Includes as an aggravating factor under presumptive sentencing, offenses against a person because of that person's physical or mental disability.

Section 3 Includes mentally disabled persons under the state policy of encouraging and enabling disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

Section 4 Replaces the phrase "blind, visually handicapped and otherwise disabled" with a broader term "physically and mentally disabled", which is defined in section 18. Protects the rights of these persons to use public streets, sidewalks, transportation and public accommodations. Also substitutes the term "service animal" in place of "guide dog" and requires that the animal be certified as able to function in a public setting.

Section 5 Extends the rights of pedestrians to include the "physically and mentally disabled" and allows the use of "service animals" and "special equipment for mobility". Deletes the reference to "contributory" negligence in conformity with existing negligence law.

Section 6 Establishes that enforcement of physically and mentally disabled persons' rights is by the state Human Rights Commission. Provides that persons interfering with the rights of disabled persons are guilty of a class B misdemeanor.

Section 7 Deletes the existing definition of "totally blind" or "partially blind" and references the definition in Section 18 for "physically or mentally disabled."

Section 8 Requires that the State Human Rights Commission adopt regulations that would prohibit unjustified discrimination against a physically or mentally handicapped person in employment, credit, financing, public accommodations, housing accommodations, etc.

Section 9 Provides that the state Human Rights Commission has the duty to eliminate discrimination based on "physical or mental disability" and has the duty to enforce the rights of disabled persons.

Section 10 Includes "physical or mental disability" among those types of discrimination that are a matter of public concern and should be eliminated from the areas of employment, financing, public accommodations, and transfers of real property.

Section 11 Includes "physical or mental disability" among those things for which a person has a civil right to certain opportunities without discrimination.

Section 12 Prohibits discrimination in employment matters as to those individuals with a "physical or mental disability."

Section 13 Prohibits discrimination in places of public accommodation as to those individuals with a "physical or mental disability."

Section 14 Prohibits discrimination in the sale or rental of real property to those individuals with a "physical or mental disability."

Section 15 Prohibits discrimination in credit and financing matters against those with a "physical or mental disability."

Section 16 Prohibits discrimination by the state or its political subdivisions in providing federal funds, services, goods, facilities, advantages, or privileges, because of a "physical or mental disability".

Section 17 Clarifies that alteration or remodeling of buildings, facilities or vehicles is not required unless required by other law.

Section 18 Defines "physical or mental disability" as a physical or mental impairment that limits or is perceived as limiting a major life activity.

Section 19 Repeals the existing definition of "physical handicap." This term is no longer used in these statutes.

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" and Developmental Disabilities

Sponsor: Ducan

Requestor:

Date of Request: 4-18-85

FISCAL DETAIL

Department of Health

Agency Affected: and Social Services

Program Category Affected: Division of Mental Health

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
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Mel Henry

Prepared By: Mel Henry, Ph.D., M.A.

Phone: 465-3370

Division: Mental Health and Developmental Disabilities

Date: 4-23-85

Approved by Commissioner: *John R. Poy*
Agency: Health & Social Services

Date: 4-25-85 JCC

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: March 20, 1985

REQUEST

Bill/Resolution No. CSHB 172 (HESS)
Title: Rights of physically and
mentally disabled persons
Sponsor: Duncan
Requestor: House HESS
Date of Request: March 20, 1985

FISCAL DETAIL

Agency Affected: Court System
Program Category Affected:
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		2.700	2.835	2.970	3.100	
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		2.700	2.835	2.970	3.100	

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		2.700	2.835	2.970	3.100	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The funds are to provide interpreters for the deaf to the court system so that these people can serve on juries. There are 450 deaf adults in Alaska who use sign language, the assumption being that 300 are physically capable of serving, and 5% of those might serve in any given year. The cost is \$20.00/hour for interpreter fees figured on a 9 hour per juror factor and a 5% increase per year in the number of deaf jurors.

Prepared By: Representative Max Gruenberg
Division: House of Representatives

Phone: 465-4986
Date: 3/20/85

Approved by Commissioner: _____
Agency: _____

Distribution (by Agency preparing fiscal note):

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

11/5

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/10/86

REQUEST

Bill/Resolution No. : SCSCSHB 172
 Title : Rights of the Physically and
Mentally Disabled
 Sponsor : Rene Duncan Collins Gruenberg
 Requestor : Senator Fahrenkamp
 Date of Request : 2/6/86

FISCAL DETAIL

Agency Affected : Office of the Governor
 BRU : Commissions/Special Offices
 Components : Human Rights Commission

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		48.6				
TRAVEL		7.5				
CONTRACTUAL						
SUPPLIES						
EQUIPMENT		5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		56.6				

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		56.6				
FEDERAL FUNDS						
OTHER						
TOTAL		56.6				

POSITIONS :

FULL-TIME		1.0				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

One PFT Human Rights Field Representative III, Range 18, plus attendant travel and supplies.

Prepared by : Michael A. Nizich, Director Phone : 465-3616
 Division : Administrative Services Date : Feb. 10, 1986

Approved by Commissioner : Laura J. Herman Date : Feb. 10, 1986
 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 Rep. III			RANGE/STEP 18A	ORG. UNIT X	PAGE/LINE	COY.	APPROV.	DATE
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	ORG PRIORITY	LOCATION Anch.	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION						
4.	TYPE OF EXPENDITURE		AMOUNT						
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	37.6							
6.	Benefits	11.0							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	48.6						
10.	Travel	02	7.5						
11.	Contractual	03							
12.	Commodities	04	.5						
13.	Equipment	05							
14.	Other								
15.	TOTAL COST		56.6						
RECEIPT CODE FUNDING SOURCE									
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.		General Funds	1004	56.6					
19.		I-A Receipts	1005						
20.		Program Receipts	1028						
21.		Other							
FOR BSH USE ONLY									
KEY NUMBER _____									

This position will handle increased caseload (intake and processing) of complaints anticipated to be filed by disabled persons due to CSHB 172 (HESS).

**REQUEST FOR
NEW POSITION**

AGENCY Office of the Governor
PROGRAM Commissions/Special Offices
BRU Human Rights Commission
COMPONENT _____

Page 2 of 2
Revised Date 2/10/86

FY 86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

A/B

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS CSHB 172 (HESS)
 Title : An act Relating To Rights of Deaf, Blind, Disabled Persons
 Sponsor : HESS
 Requestor : _____
 Date of Request : 2/5/86

FISCAL DETAIL

Agency Affected : ALASKA COURT SYSTEM
 BRU : Trial Courts
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		5.1	5.4	5.7	6.0	6.4
SUPPLIES		9.5	10.1	10.7	11.3	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		14.6	15.5	16.4	17.3	18.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		14.6	15.5	16.4	17.3	18.4
FEDERAL FUNDS						
OTHER						
TOTAL		14.6	15.5	16.4	17.3	18.4

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared by : Robert G. Fisher Phone : 264-8215
 Division : Fiscal Officer Date : 2/6/86

Approved by Commissioner : J. Cole for Art Stewardson Date : 2/6/86
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note) :

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

ALASKA COURT SYSTEM
SCS CSHB 172 (HESS) - 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. Providing interpreters for deaf persons will impact the Court's travel and contractual budget categories. The other aspects of the legislation should not impact the Court.

Historically, seven to eight percent of all eligible persons are required to perform jury duty. Jury service typically averages slightly more than 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, it is estimated that 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.

The geographical distribution of the adult deaf population is not known. To estimate the cost of providing interpreters, the court used 1984 jury statistics to estimate the probability of serving in each of the court locations statewide. These probabilities were applied to the estimated costs of providing an interpreter for the average length of jury service in each location. For locations other than Anchorage, one day of travel time was added to the average length of service. It was assumed that all interpreters are based in Anchorage. The summation of the costs for each court provided an estimate of the total cost of providing interpreters.

Interpreter fees are calculated to cost \$9,500 per year. Interpreter travel is estimated to cost \$5,100.

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

POSITION PAPER

CS HB 172

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

EFFECT OF CS HB 172:

A.S. 18.06 entitles a physically or mentally 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 accommodations, amusement, or resort and other places to which the general public is invited.

A.S. 18.06 also establishes physically or mentally disabled persons have the right to be accompanied by service animals in the above locations and describes rights of physically and mentally disabled persons (and their service animals) as pedestrians.

Under A.S. 18.80, all areas of the Human Right 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: Thomas R. Braxton for
 Mel Henry, Ph.D., M.P.A.

Date: 4-23-85

Approved by: John Pugh
 John Pugh, Commissioner

Date: 4-25-85

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
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Senate Committee on Health, Education and Social Services

Letter of Intent for SCS CSHB 172 (HESS)

The Alaska State Commission for Human Rights is currently charged with eliminating and preventing unlawful discrimination in Alaska. SCS CSHB 172 (HESS) extends this civil rights protection to mentally and physically disabled persons. Sections 4 and 5 protect the rights of physically and mentally disabled persons to use public streets, buildings and accommodations. It is the intent of the Senate Committee on Health, Education and Social Services that the Commission's enforcement responsibility of these rights extend only to accepting complaints and not to conducting criminal investigations or prosecutions.

Offered: 4/17/85
Referred: Rules

Original sponsors: Duncan, Collins
and Gruenberg

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 172 (Judiciary) am
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, physical or mental disability, color or national
13 origin, to exclude or to expel the person [HIM] from its membership,
14 or to discriminate in any way against one of its members or an
15 employer or an employee;

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

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

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

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

13 * Sec. 9. AS 18.80.230 is amended to read:

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

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

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

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

1 a change in marital status, or

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

7 * Sec. 10. AS 18.80.240 is amended to read:

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

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

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

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

28 (4) to offer, solicit, accept, use or retain a listing of
29 real property with the understanding that a person may be

1 discriminated against in a real estate transaction or in the furnish-
2 ing of facilities or sources in connection therewith because of a
3 person's sex, marital status, changes in marital status, pregnancy,
4 race, religion, physical or mental disability, color, national origin
5 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 a person to inspect real property because of
9 the race, religion, physical or mental disability, color, national
10 origin, age, sex, marital status, change in marital status or preg-
11 nancy of that person or of any person associated with that person;

12 (6) to engage in blockbusting;

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

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

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

29 (1) to discriminate against the applicant because of sex,

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

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

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

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

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

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

26 (16) "physical or mental disability" means

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

29 (B) a history of, or a misclassification as having, a

1 mental or physical impairment that substantially limits one or
2 more major life activities; or

3 (C) having

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

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

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

14 (D) a condition that may require the use of a prosthe-
15 sis, special equipment for mobility or service animal;

16 (17) "physical or mental impairment" means

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

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

26 * Sec. 13. AS 18.80.300(13) is repealed.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/10/85

Date 3-18-86

Mr. President

The Committee on HESS considered CSHB 172 (Jud) am

rights of physically and mentally disabled persons.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 172 ~~(Hess)~~ ^(Hess)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation 2
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Josephson

Edna McWine R.R.

Debra Schenkamp
Chairman

Chairman recommendation _____